

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st November 2006

AUTHOR/S: Executive Director / Head of Planning Services

S/6364/06/F – CAMBOURNE

Change of Use of Dwelling to Offices at 49 Broad Street, Great Cambourne for Kirby Property Management Ltd (Retrospective Application)

Recommendation: Approval

Date for Determination: 13th September 2006

Site and Proposal

1. The site comprises a detached three storey dwelling at the north end of Broad Street, adjacent to the vicarage and with the Wildlife Trust Offices beyond. To the south are terraced three-storey dwellings and to the rear are more dwellings and flats in a high density courtyard arrangement. The property has three parking spaces in the service road at the front. At present the ground floor and part of the first floor are being used for the lettings business, with two first floor rooms occupied by a single tenant who shares the use of the ground floor kitchen (The applicant has supplied a copy of a Notice Requiring Possession by 30th November 2006). The top floor is vacant.
2. The application has been amended from the original proposal which was to change the use to a mixed use, with office at ground level and residential above, as a result of advice that parking would be inadequate and the building would not comply with fire escape regulations. It is now proposed to change the whole building to office use, although the upper floors will mainly be used for ancillary storage, staff room and meeting room rather than regularly occupied office space. The application is retrospective, and involves the business of a local property-letting agency previously established elsewhere in Cambourne.

Planning History

3. Planning permission was granted for this property as part of the development of the residential area CR03 in 2000. The property was used by Bryant homes as a show home and sales offices, before being sold to the applicant. The applicant withdrew an application in December 2005 for the change of use of the premises to Class A2 use with flat above following discussions around what Use Class should be applied for, and that the proposed flat would not comply with Building Regulations and could not therefore be implemented. The business opened at the property in April 2006.

Planning Policy

4. South Cambridgeshire Local Plan 2004, policies **Cambourne 1 and 2** and policy **SE7** require development at Cambourne to take place in accordance with Cambourne Masterplan and Design Guide.

Consultations

5. **Cambourne Parish Council** recommends refusal: loss of residential accommodation; there is sufficient office accommodation locally and there is no

requirement for additional office accommodation through the loss of residential accommodation; insufficient parking provision will result in loss of amenity to adjoining dwellings; question DDA compliance. Concern was raised that the application was retrospective and neighbouring owners had had a loss of amenities over the period pending the consideration of this application.

6. **Amended plans** – the Parish Council has requested an extension of time to the next meeting of the (Parish) Planning Committee on 7th November. “The Committee was unable to consider the application as amended as it arrived after the agenda had been closed and placed on the notice boards. There was an informal discussion and it was felt that we would adhere to our original recommendation.”
7. **Local Highway Authority** – no comment.
8. **Chief Environmental Health Officer** – no significant impacts from the environmental health standpoint in terms of noise and environmental pollution.

Representations

9. Applicant’s case (original plans): “The property was formerly occupied as the Marketing Suite by Bryant Homes for a five year period. Our client uses part of the existing building as offices in connection with a property management company known as “Kirby Property Management” and wishes to regularise the existing use. The ground floor comprises a couple of offices, WC, utility room, and a fitted kitchen area, with first floor used as a fax room / stationary cupboard and associated storage. The second floor is vacant. For the avoidance of doubt, this application seeks to regularise the existing use, and although the plans refer to a possible residential option at first and second floor level, this does not form part of this application. No external alterations to the building are proposed. With regard to the provisions of the development plan, it is important to note that a primary objective as outlined under paragraph 5.8 of the adopted Local Plan 2004 is to support existing businesses by applying positive policies towards the conversion / adaptation of buildings to business use. It is also pertinent to note the development plan is supportive of mixed use development.
10. Policy EM8 of the adopted Local Plan is supportive of small scale development in class B1 provided that there would be no adverse impact of residential amenity, traffic conditions, village character and other environmental factors; and the development would contribute to a greater range of local employment opportunities.
11. The proposed change of use seeks consent for a very low key business use. There are only 2 full-time and one part-time employees who occupy the ground floor and the premises will be occupied during standard office hours 9am to 5.30pm Monday to Friday and 9.30am to 12.30pm Saturdays. The office will be closed on Sundays. The hours will not coincide with the majority of residents who will be at work during the day.
12. The business is very much internet based and as a consequence movements to and from the site will be kept to a minimum. Very few customers will visit the premises, with an average of 2 customer visits a day, but the nature of the business is such that much of the staff’s interaction with customers is largely restricted to the use of the telephone, internet and email, together with site visits to properties. There is no public access other than by appointment and the property very much retains the appearance of a dwelling – no properties are advertised in the windows.

13. Occasionally, in order to complete a transaction, customers will need to visit the premises. This will be by appointment only. Callers to the property are the occasional landlords and tenants to sign documents or collect keys, etc. This enables customers to be managed to ensure that there is no overlap between visitors arriving and leaving the site.
14. With regard to parking provision, the premises benefits from 3 parking spaces. The location of these spaces are identified on the attached site plan. With regard to the staff parking, it is anticipated that the existing staff will car share 2-3 times a week, in which case only one parking space will be used. Inevitably there will be occasions when this will not be possible but again this can be managed with the customer space, which will remain vacant for much of the week.
15. With regard to the site's context it is important to note that Broad Street accommodates a mix of uses and is sited in close proximity to St Neots Road, as opposed to a small cu-de-sac dominated by houses. Opposite the site on the other side of Broad Street is a development comprising a mix of residential and live/work units, and immediately to the north is a vicarage with sizeable car park. Morrisons supermarket is only 30m to the south east. In this context it is considered that the proposed office, which will generate few movements, will not impact on residential amenity in any material way."
16. The applicant has also submitted a letter and notes of cars parked at 2 hourly intervals over a 2 week period showing a maximum of 2 cars present at any one time and an average of less than 1.
17. Amended Plans – please amend the description to "change of use from residential to office (Class B1(a))". I attach a set of amended plans which clarify the use of the second floor as ancillary accommodation in association with the office use. I am also pleased to attach a Green Travel Plan for your consideration.
18. **A Petition** signed by 19 local residents objecting to the application states:

"We the undersigned wish to express our objection to the establishment of a property letting business at number 49 Broad Street and change of use of this property from residential to commercial use. The original plan for Cambourne was to designate different land areas for residential, recreation and commercial use. This area of Broad Street was designated for residential use only - there are enough commercial areas on this street and it is essential that this area remains residential as designated to avoid a detrimental change of character of this street. The owner is in clear breach of his transferee's Covenant restricting all residents of Broad Street from "creating a nuisance and carrying on a business from the property".
19. Since the premises became an Office we have noticed an increase in traffic using the service road, with clients often parking inconsiderably and ignoring private parking notices - some even ignoring the one way system on the service road. There are insufficient parking spaces for this premises to run as a business.
20. We urge the Council to reject the application to change the use of this property from residential to commercial."

3 letters from local residents object to the application:

1. We object to the above planning application for the following reasons:

- 1) The original plan for Cambourne was to designate different land areas for residential, recreation, commercial and business use. This part of Broad Street was designated for residential use only. We bought our home in Broad Street considering this to be the case. As part of a managed community (Peverel OM are the managers) we all signed land deeds with the Third Schedule Part A (Restrictions) Item 12.1 which clearly stated: 'Not to use the property or any building erected thereon for any purpose other than as a private dwelling house and not create a nuisance nor carry on upon the same any business or trade'.
- 2) There are currently many unoccupied commercial premises available in Cambourne for this business (Kirby Property Management) to operate from.
- 3) **There are only 3 parking spaces** allocated with this property. The business already requires (4) parking spaces to accommodate their own vehicles alone, namely: Mr Proctor's, the two employees and the company's courtesy car.
- 4) **There is no customer parking space** due to 3) above.
- 5) **There is no parking space for their (large blue) maintenance vehicle** which arrives most days due to 3) above.
- 6) **Parking problems will no doubt lead to confrontation** in the road with the misuse of other people designated (owned) parking spaces or with parking of vehicles in front of other people's properties.
- 7) **Increased traffic movement and congestion over and above residential use**, will no doubt give concern for children playing and also access for the emergency services
- 8) **Change of character of the street** will occur especially if further advertising signs above or in front of this business are erected.
- 9) **Further growth of the business is a possibility.**
- 10) **Extended future opening hours are a possibility.**
- 11) **The application appears to now omit the possibility of tenants occupying the upper floors of the property** (as was the case with the previous application S/6318/05/F withdrawn 12 December 2005). Albeit there is currently a full time tenant residing in the property with the car belonging to them parked outside the property most nights.

Finally

Observation to date, whilst the business has been in operation (without planning permission) for the last 4 months.

Most days there is no customer parking space available with the (3) allocated parking spaces fully occupied with staff cars, and the company's courtesy car and large blue maintenance van being parking in the road in front of the property.

There is no daytime parking space available for tenants who rent accommodation in the property. (Mentioned in 11 above).

Unauthorised customer and business vehicles are being parked in the road or in other residents (owned) parking spaces (several photos can be provided.)

Customers of the business are choosing to enter and exit the Broad Street slip road in the wrong direction as the business is quickly reached at the exit end of the road.

The business now advertises itself as operating from 49 Broad Street. The property has now been named 'Kirby House'.

We ask the District Council to refuse planning permission to change use of a (5) bedroom residential property in a residential area into business premises on the grounds given above.

2. We write in our capacity as managers of the St James Mews, Broad Street development (comprising 13 freehold houses and 22 leasehold apartments).

No 49 Broad Street forms part of the above mentioned development and as such, the legal owner of the property is under covenant via the freehold transfer, to ensure no business or trade is operated from it.

Peverel OM Ltd formerly objects to the proposed change of use at the above property as follows:

We are aware that a letting agency already operates from the property and are greatly concerned by the negative impact this is having on vehicle parking at the development. Each property is allocated one parking space and we therefore fail to see how a customer oriented business such as letting and management agency can operate with only one space. Clearly, without adequate parking facilities, we fail to see how the operation of this business will not impinge on other residents.

3.
 - a. This would be in breach of the head lease via Perverel OM.
 - b. There would be parking issues on our private road as spaces are already limited for each property so residents find it necessary to park at the side of this road in front of their houses. The limited parking for number 49 would mean clients using the office would need to park in either our spaces or in front of our houses leaving us with no where to park as we are on a main road.
 - c. This private service road is already busy with residents using it. If clients of the business at 49 are to use this too it will become even more dangerous. We have to walk across it to access our parking spaces so do not need further traffic. I work in the same industry as Kirby Property Management so I can guarantee that there will be a number of clients requiring access to their office.
 - d. We have two houses between us and no 49 making it very close. We believe that having a business running this close would devalue our house

and at least put potential purchasers off buying it. There would be the unattractive signage and the cars/ parking issues which would cause people concern.

- e. From a personal point of view one of the reasons we purchase our house was because the row of town houses has character and is attractive. Signage / a shop or office front and sing written vehicles will destroy the character and make the row look a mess.

21. **A petition** of 20 signatures, (including the applicant, the supermarket manager and occupiers of 6 neighbouring properties as well as other properties in Cambourne) has been submitted by the applicant, under the statement:

22. "We collectively support Kirby property planning application; from observation and our belief we consider Broad Street is a mixed use road; there is always parking available at 49 Broad Street with at least 1 of the 3 spaces always available for any visiting customers; the live/work units opposite have 2 or less parking spaces; the Kirby business has no obvious on-property commercial signage; the property is maintained to a very high show house standard with show gardens adding value to other property; the business does not inconvenience neighbours by noise or any other nuisance; the application does not seek to change the appearance of the property; the success of the application has a wider importance to the residents of Cambourne in that Kirby Property indirectly provides over 125 houses in the locality for people to live; all signatories to this petition have been made aware of Mr Skinner's (47 Broad Street) attempts to interfere with the consultation process by misinterpreting and unduly influencing the views of other less-informed Broad Street residents."

5 letters from local residents / property owners in support of the application:

- a. The property in question has always been commercial and I would argue that Broad Street is a mixed use road - and this is likely to increase over time in line with other towns. So I have no issues and would suggest other neighbours are blowing the issue out of all proportion.

I can see no problem with this low footfall business being allowed to operate here.

I do not also agree with some of the other neighbours regarding parking - as it would seem to me there is always generally space to park in the provided three spaces at 49 Broad Street.

- b. Since planning applications very often only attract letters from individuals who are not happy with this or that. To offer my support is I feel important to bring a balanced sensible perspective

The Kirby business was one of the first established businesses in Cambourne and now occupies a property that been in continuous commercial use since first built.

49 Broad Street was formally Bryants new homes show centre for Cambourne

Kirby's intended use is not obstructive. The business does not rely, nor encourage passing trade. There is no shop frontage or over blown commercial signage. I can see no justifiable reason why this application should not be offered the Councils support.

I would also like to point out the wider picture that Kirby provides many Cambourne residents with houses to live in with a maintenance service. In my view this consideration should be paramount in relation to any neighbours who may object with hysterical claims, that bare no resemblance to the Kirby Property Management that I know.

- c. We would like to show our full support on the application. The outside of the building has not been changed to look like a business premises. In fact the only change to the building is that it has been called Kirby House, which again does not suggest it is actually a business premises. We feel it is a vast improvement on the Bryant sales office that was on the site previously. There is not even noticeably a large amount of clients visiting the premises as I understand that most of the clients are actually met in their own homes or future rental homes.
- d. We support this application and reject the attempts of one campaigning resident to skew the local consensus of opinion.
49 Broad Street has previously been Bryant's offices - since Cambourne first evolved. So we can see no reason why this low impact business should not be granted planning consent for change of use.

We would argue that with a high proportion of rental homes located in Cambourne it is important to support Kirby Property Management in its established direction of providing a much needed service to residents.

Any person who believes Broad Street to be a purely residential road is not facing up to the reality of what the situation actually is. The Broad Street that we live on is the main road into Cambourne is top and tailed by large commercial offices over the Wild Life Trust; and dominated by Morrison's Supermarket at the bottom. There is also a selection of similar live work units set in between.

We are not talking about a cul-de-sac in lower Cambourne here!

- e. Although I am now resident overseas I still own a property in Cambourne viz 83 Broad Street, that I currently rent out. However, as you will appreciate this property is a significant asset to me and I therefore have a vested interest in developments in Cambourne.

I know 49 Board Street, Cambourne well from the days when it was a Bryant Show Centre. I was also in Cambourne recently checking up on my property and saw that Kirby's offices were in a very good decorative order and a definite attribute to the neighbourhood particularly with their attractive garden.

From my visit it is apparent that there is more than adequate parking particularly as most of the residents of this part of Cambourne are out at work during the day. Having an office based business complements the fact that there are not many residents in the vicinity during the day adding to the general security of the area. I cannot envisage any way that the business run by Kirby Property Management can be detrimental to the neighbourhood or the neighbours. I would certainly far rather have them next door to me than somebody who is noisy or inconsiderate or who does not maintain his/her property.

I have had nothing but top class service from Kirby Property Management and I believe that they provide a very valuable service to the Cambourne community in their management of a number of properties

As a result I fully support their application to change the use of the building currently occupied by them as I feel that they do nothing but add value to the area because of their commitment to Cambourne, its up keeping and the services that they provide.

Planning Comments – Key Issues

31. The use of the property is, as applied for, B1(a). The letting agency activity is different from an estate agent (Class A2), not least because the quicker turnaround of properties means that potential lessees simply check for availability online, view properties by meeting a staff member at the property, and visit the offices simply to sign documents, collect keys, etc. People do not browse as they do when buying a property. Other visitors to the application property are landlords setting up agency agreements with the company. At present it would seem a fairly low-key operation, with no visual change to the character of the property from residential.
32. The main issue, therefore, is parking. The property benefits from 3 parking spaces, all at the front, (a result of a previous swap of the garage at the rear with a neighbour's parking space on the service road). As a five bedroom dwelling it could be expected that these spaces would be well used by residents and visitors, especially at evenings and weekends, as would be expected of the neighbouring residential properties. In the current use the spaces would be occupied mostly during the day when a significant proportion of neighbours would be out. It is not considered that at present there is a parking problem associated with the use, and conversely, some residents and visitors to the vicarage, have occasionally been seen to park on the service road. However, officers have been made aware by the applicant that he rents space nearby for staff parking, at a property whose residents do not own cars, but this is not sustainable in terms of being able to require this by planning condition / S106 because future occupiers may of course own cars. The applicant has therefore submitted a Travel for Work Plan, which commits to providing support for staff to use means of transport other than the car (one member of staff to become Travel for Work Coordinator, car sharing, cycle storage, drying and showering facilities, etc). The plan does not show any targets for reduced car use, which would be necessary to ensure success, particularly if the business were to expand in terms of staff numbers. It is considered that a condition requiring an amended Travel for Work Plan, and its rigorous monitoring, should ensure that staff parking does not become an issue for neighbours.
33. In order to control visitor parking, it is necessary to ensure that the business remains a letting agency only, and a single planning unit. This can be achieved by planning condition requiring the building to be used for this purpose only within Class B1(a) (automatically preventing significant visiting customer numbers as this would become class A2), and removing permitted development rights for change of use).
34. In terms of the character of the property, its situation on a busy road, the main road into and through Cambourne, means that cars visiting for short periods in the daytime would not be generally noticeable as unusual, whereas they would be if the property was in a residential cul-de-sac for example. The proposed conditions, particularly hours of use, should ensure this use is as neighbourly as possible.
35. Representations have revealed that the property has a covenant in its deeds preventing commercial use. This is not a planning matter: planning permission does not grant consent other any other legislation, and it will be for the management company involved to decide whether to enforce its own rules. The change of use will also require Building Regulations consent.

36. In answer to the Parish Council's comments, the Council does not have a policy preventing the change of use of dwellings to other uses. Whilst there are other offices in Cambourne, the applicant prefers to own rather than rent and it is only for the planning authority to consider the proposed use in the proposed location on its planning merits. The parking issue has been dealt with above. The change of use will also require Building Regulations approval, which will deal with disabled access. It is unfortunate that the application is retrospective but this must not influence the consideration of the application either way but on its merits, and until such practice becomes an offence in law, it is bound to occur on occasion.

Recommendations

37. Delegated powers to approve, as amended by plans stamped 12th October 2006, subject to no additional issues being raised by the Parish Council at its meeting on 7th November and subject to conditions dealing with the following issues:
- a. Submission and compliance with Travel for Work Plan
 - b. Use only for the purpose of a letting agency within class B1(a)
 - c. Removal of Permitted Development rights for change of use
 - d. Removal of deemed consent rights under Advertisement Regulations
 - e. Restriction on hours of use
 - f. No outdoor / window advertising of properties

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Plan 2004:
Cambourne 1 & 2
SE7** (Development in accordance with Cambourne Masterplan and Design Guide)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Highway safety
 - Visual impact on the locality
3. (Reminder about planning permission not granting consent under any other legislation).

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambourne Masterplan and design guide
- Planning file ref: S/6364/06/F

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