

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 December 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1439/10 - THRILOW

**Conversion of House into Four Flats (Retrospective Application) - 19, Whitehall Gardens
for Mrs G Cairns**

Recommendation: Approve Conditionally

Date for Determination: 3 November 2010

Notes:

This application has been reported to the Planning Committee for determination as the recommendation of Thriplow Parish Council conflicts with the officer recommendation

Site and Proposal

1. The site is located within the Heathfield village framework. No. 19 Whitehall Gardens was previously a two-storey, end of terrace, render and slate dwelling with single storey front and rear extensions. It has now been converted to four separate flats. A hard standing and gravel area are situated to the front of the building that provides two on-site parking spaces.
2. The property is located within a residential crescent upon the Heathfield estate, which is a former Ministry of Defence site (MOD). Adjacent to Whitehall Gardens lies the Imperial War Museum site, which lies within the conservation area and contains several listed buildings.
3. This full planning application, received 8th September 2010, seeks retrospective planning permission for the conversion of the single dwelling to four flats. Each flat would have one bedroom. The bin storage area would be within in the communal garden to the rear. Two parking spaces would be provided to the front.

Planning History

4. Planning permission was refused for conversion of the house into four flats (retrospective application) under reference **S/0869/09/F** for the following reasons: -
"The Council accepts that the conversion of 19 Whitehall Gardens into four self-contained flats is not suitable for occupation as affordable housing. The Council is therefore prepared to accept financial contributions towards an element of off-site provision in accordance with Policy HG/3 (criterion 5) of the South Cambridgeshire Local Development Framework Development Control

Policies DPD, adopted July 2007. No such contribution has been offered. Furthermore, it is not possible to identify what level of contribution is required for this proposal until a suitable financial viability appraisal has been submitted for the development as a whole. The absence of affordable housing provision is therefore contrary to Policy HG/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007, which seeks to meet the recognised shortfall in affordable housing in the district.

The proposal fails to provide satisfactory evidence to justify a low threshold of on site car parking for the net increase of 3 self-contained residential flats. The application site is not considered to be within a sustainable location with easy access to local services and facilities. Therefore the lack of controllable on site car parking would result in an increase of vehicles parking within the crescent and on the green causing a hazard to the free flow of traffic to the detriment of highway safety. The proposal would therefore fail to accord to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007, which seeks to ensure that all development proposals provide appropriate car parking.”

5. Planning permission was granted for extensions to the dwelling under references **S/1285/04/F** and **S/1204/93/F**.

Planning Policy

6. **Local Development Plan (LDF) Policies**

South Cambridgeshire LDF Core Strategy Development Plan Document (DPD), 2007:

ST/7 Infill Villages

South Cambridgeshire LDF Development Control Policies Development Plan Document (DPD), 2007:

DP/1 Sustainable Development

DP/2 Design of New development

DP/3 Development Criteria

DP/7 Development Frameworks

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

CH/4 Development Within the Setting of a Listed Building

CH/5 Conservation Areas

SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Development Affecting Conservation Areas SPD - Adopted January 2009

Listed Buildings - Adopted July 2009

Open Space in New Developments SPD - Adopted January 2009

Affordable Housing SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

- 7.

National Planning Guidance

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 5 (Planning for the Historic Environment)

8. Circulars

Circular 05/2005 Planning Obligations
Circular 11/95 The Use of Conditions in Planning Permissions

Consultations

9. **Thriplow Parish Council** – Recommends refusal and makes the following comments: -
- (a) The property is subject to a covenant clause 5 of the 6th Schedule attached to the transfer of the property registered at HM Land Registry of which the owner is aware. That prescribed the property is to be used as one dwelling only, any alteration requires consent from the residents association. There are only two parking spaces allocated to the property.
 - (b) There appears to be no difference between this application and the first retrospective application. The first application was rejected for the same reasons.
 - (c) It is felt that SCDC are trying to force an unwanted development on to the other owners of properties on the estate.
 - (d) There is a shortage of parking spaces. To say that 5 or more cars can be accommodated is preposterous. The photographs have been taken showing nearly empty car parking spaces and are deliberately misleading. Photographs should have been taken when other owners have returned to work.
 - (e) The developments adds to the expenses of the other owners who pay to maintain the roads and drains without assistance from SCDC. Unwanted planning application merely add to these expenses.
 - (f) SCDC has no input into the maintenance of the infrastructure of the estate and the cost of maintaining it. It is unfair that extra development should be foisted on to the owners without heir consent.
 - (g) This is an overdevelopment with inadequate parking spaces. The site is overcrowded and provides small inadequate accommodation.
10. **Whittlesford Parish Council** makes no recommendation but comments that it is concerned and would like SCDC to bear in mind the following: -
- (a) Developments of this type carried out without permission and subsequently given it tend to negate planning policy. In many ways, such breaches are just as serious as unauthorised travellers sites.
 - (b) Now that every household in the district has 3 bins for rubbish disposal, will the above property require 12 bins if the development is authorised? If so, where will the bins be kept?
 - (c) Car parking could be an issue in the future if further development is carried out in the immediate vicinity.
 - (d) Finally the question which should be asked is if the proposals had gone through the correct planning procedure, would SCDC have given permission for the development?

11. **Conservation Officer** – Has no objections and comments that there have been no external alterations and there will be no impact upon the setting of the adjacent conservation area.
12. **Housing Strategy and Development Manager** – Confirms that the units are not suitable for affordable housing and as such a commuted sum should be considered in lieu of affordable provision. An external consultant has been instructed to undertake a commuted sum valuation.
13. **External Consultant** – It is extremely difficult to try and assess an appropriate figure in this instance, as the conversion has probably provided little or no financial gain to the applicant. Taking into account the market value of the four small flat units and the hypothetical value of a large extended house together with the likely cost of conversion, it is difficult to see how the applicant could make a profit. If there are now four separate units replacing one unit, and one affordable dwelling could be provided, then a figure of £15,000 might be appropriate.
14. **Environmental Health Officer** – Comments that the sound insulation and fire safety provision between the flats and between the flats and the adjacent dwelling should be to current building regulations standards.
15. **Local Highways Authority** – Considers that no significant adverse affect upon the public highway should result from this proposal, as Heathfield is not a public maintainable highway. However, it may lead to nuisance parking in the vicinity of the site.

Representations

16. The **Heathfield Residents Association Limited** strongly objects to the application on the grounds that nothing has been done to address the previous reasons for refusal, the conversion is in breach of planning regulations, the value of the property would greatly increase, there are concerns regarding the validity of a commuted sum, lack of parking, and the strain on facilities in the estate.

Planning Comments – Key Issues

17. The key issues to consider in the determination of this application are the principle of four dwellings on the site, the density and housing mix of the development, affordable housing provision, developer contributions, and the impacts of the development upon the character and appearance of the area, highway safety, and car parking. Although it is noted that the development has already been carried out without planning permission, the case needs to be considered on its planning merits.

Principle of Development

18. Heathfield is identified as an infill village under Policy ST/7 of the South Cambridgeshire LDF Core Strategy DPD 2007 as a result of its separation from the main village of Thriplow and lack of services and facilities that would increase the need to travel outside the village. Residential developments of up to two dwellings (indicative size) are considered acceptable in principle within the village frameworks of such settlements providing it would comprise the subdivision of an existing dwelling. In exceptional circumstances, the

policy states that up to eight dwellings may be permitted where it would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village.

19. Whilst it is acknowledged that the conversion of the existing dwelling to four self contained residential units results in a net increase of three units that would exceed the limit for the level of dwellings considered appropriate in infill villages, the indicative size phase allows some flexibility. In addition, one extra dwelling would make the best use of previously developed land and provide a contribution towards affordable housing provision within the village to address local need. Such a development in this location would also not lead to a disproportionate number of additional journeys from the area and would offer two small low cost units of accommodation on the open market in a poor economic climate. It should be noted that the revised PPS3 is not relevant in this instance as removes gardens from the definition of previously developed land but not existing buildings.

Density and Housing Mix

20. The site measures approximately 0.022 of a hectare in area. The provision of four dwellings on the site equates to a density of 181 dwellings per hectare. This clearly exceeds the minimum density requirement of 30 dwellings per hectare as outlined under Policy HG/1 of the LDF.
21. Whilst it is acknowledged that the development does not provide a mix of ranges, types and sizes of dwellings to accord with Policy HG/2 of the LDF, 100% of the units are small and this is identified as the greater need across the district rather than family sized dwellings.

Affordable Housing Provision

22. Policy HG/3 of the LDF requires 40% of residential developments to consist of affordable housing. The development represents a net increase of three dwellings and as a consequence, one of the units would be required to be affordable. The Council's Housing Strategy and Development Manager has stated that a Registered Social Landlord would take on such a unit on-site and as a result a contribution towards affordable housing provision off-site is required. The applicants have committed towards the payment of a commuted sum valuation and the resultant contribution required.

Character and Appearance of the Area

23. The development has not resulted in any alterations to the external appearance of the building. The proposal does not therefore harm the character and appearance of the area particularly with respect to the setting of the conservation area and the adjacent listed buildings.

Highway Safety/ Parking

24. The Council's parking standards under Policy TR/2 of the LDF require an average of 1.5 spaces per dwelling with a maximum of two spaces per dwelling with three or more bedrooms in poorly accessible areas. Officers consider that a total of four parking spaces is an appropriate of provision in relation to the scale of the development and the size of the units.

25. Two parking spaces are currently provided to the front of the building. On the opposite side of the road and within the crescent, approximately 49 communal parking spaces are provided for a total of 22 dwellings including those proposed. Based on a calculation of 1.5 spaces per dwelling and 0.25 visitor spaces per dwelling as per the Council's standards, 38.5 spaces are required. This is below the level of communal parking currently provided within the crescent and corresponds with the applicant's assessment of provision. The proposal is not therefore likely to result in on-street parking that would cause a nuisance, harm the character and appearance of the area, and be detrimental to highway safety.

Developer Contributions

26. Policy SF/10 of the LDF The South Cambridgeshire Recreation Study 2005 identified Thriplow and Heathfield as having a shortfall of play space. The conversion of one 4 bedroom dwelling into four x 1 bedroom flats is likely to have resulted in an increase of occupants. 8 square metres of informal open space on-site or a contribution towards off-site provision of such space is required. However, given that the size of the dwellings would not result in any contributions towards play space and sport space and this is more expensive to provide and maintain, this overrules the need for any open space contributions.
27. Policy DP/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. A new charge has been introduced in relation to the Community Facilities Assessment 2009 that seeks a financial contribution of £441. towards indoor community facilities. This is index-linked and would be secured through the signing of a section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has been received.
28. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide developers are required to provide for household waste receptacles as part of a scheme. The current fee for the provision of appropriate waste containers is £69.50 per dwelling. The costs will be secured via a section 106 agreement and would be required to be paid upon completion of the agreement. Confirmation that the applicant would be willing to make such a contribution has been received.

Other Matters

29. The bin storage area is within the rear communal garden area of the dwellings. The number of bins is appropriate and they are easily accessible from the front of the dwelling.
30. The concerns raised by various parties in relation to legal covenants on the property, costs of maintenance of the private roads and infrastructure such as drainage, the size of the accommodation, property values, and compliance with building regulations are not planning considerations that can be taken into account during the determination of this application.

Conclusion

31. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

32. Approval subject to the following conditions: -
 1. **The permanent space to be reserved on the site for the parking of two cars as shown on drawing number SF 09 011.1 shall be thereafter retained for that purpose.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 2. **Within one month of the date of this decision, details of a scheme for the provision of community facilities and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**
(Reason - To ensure that the development contributes towards community facilities and waste receptacles in accordance with Policy DP/4 of the adopted Local Development Framework 2007.)

Informatives

1. Sound insulation and fire safety provision between the flats and between the flats and the adjacent dwelling should be to current building regulations standards.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Development Affecting Conservation Areas; Listed Buildings; Open Space in New Developments, Affordable Housing, District Design Guide
- Planning Policy Statements 1, 3 and 5
- Planning File References:

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