

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/2455/11/F - MELBOURN

Change of Use of 3 and 4 Falconer Court at rear of site from Offices to Class C3 Residential (2 x 1 bed units) at Falconer Court, rear of 117A High Street Melbourn for Ms Rachel Jones

Recommendation: Delegated Approval

Date for Determination: 02 March 2012

Notes:

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

The site lies in the Conservation Area.

Site and Proposal

1. The application site is located off of Melbourn High Street adjacent listed buildings and located in the designated Conservation Area. It has a shared access with No. 17 High Street and the neighbouring salon via the High Street and sited between both the residential and commercial premises. The application building is set back from the main building line that fronts the High Street. There is manoeuvrable off road parking for up to 3 vehicles, spaces of which are shared with the commercial use sited at 1 and 2 Falconer Court (Hair Salon). The application property comprises a two storey rendered building that has been used as offices. It has recently been refurbished and has an area of undercover storage located at ground floor (shown as bin storage on the site layout plan). To the north/north east is No. 17 High Street and associated garden. This is a listed residential property. To the south/south west is another residential property and ancillary garden space. To the south east (immediately to the rear of the application building) is garden land not owned by the applicant. The site is bound predominately by close boarded fencing.
2. The application dated 8th December 2011 proposes the conversion of the existing building from office use to residential comprising two 1 x bedroom houses. There is no garden land associated with the existing building and none is proposed. Off road parking is to remain unchanged and 2 spaces are proposed, 1 for each unit. No changes are proposed to the external appearance of the property and no new openings are proposed. The application, since its registration, has had marketing evidence submitted to show that the property has been marketed under its current use prior to seeking a formal change of use via this application.

Planning History

3.
 - S/0350/77/A – Advert - approved
 - S/0225/79 – Addition of a consultation room – Approved
 - S/0913/76 – Use of building as office – Approved

- S/0804/81 – Change of use from Barn to office – Approved
- S/0276/08 – Change of Use to 2 residential units – Withdrawn.
This application was withdrawn as the scheme was being recommended for refusal due to lack of marketing information and parking layout.

Planning Policy

4. Local Development Plan Policies

South Cambridgeshire LDF Core Strategy DPD, 2007:

ST/5 – Minor Rural Centre

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

CH/4 Development within the Curtilage or Setting of a Listed Building

CH/5 Conservation Areas

ET/6 Loss of Rural Employment to Non Employment Uses

HG/3 Affordable Housing

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):

Open Space in New Developments SPD - Adopted January 2009

District Design Guide SPD - Adopted March 2010

5. National Planning Guidance

National Planning Policy Framework

6. Circulars

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

- Melbourn Parish Council** –Recommend refusal – Unacceptable vehicular exit/entrance already, these changes will make matters worse. (Opposite bus stop in the High Street and parking allowed on either side of the entrance etc.) Unrealistic parking allocation. Adjacent dwellings have objected because of traffic problems. This change will deplete a viable office type activity in the village.
- Local Highways Authority** –The LHA objected to the originally submitted parking layout as it was impractical. It considered it possible to park two vehicles safely within the required dimensions with adequate reversing space. The revised parking layout is considered to be acceptable.
- Economic Development Panel** – The applicants need to be aware of the relevant policies in place to protect commercial premises within villages. Appropriate marketing evidence will be required to prove that this site has endured the correct processes that are required by policy ET/6.

Representations

10. Three representations have been made with regard to this application. Two of these come from the occupiers of No. 117 High Street. Other representations are from the occupiers of 82 High Street, located opposite the entrance of the application site. Concern has been raised with regard to the following points:-
- The address of the application site is inaccurate and should be referred to as No. 3 Falconer Court rather than 117a High Street.
 - The application information is incorrect as internal works were carried out to the building prior to this application being submitted.
 - As a resident of the neighbouring property it is stated that this property has never been or intended to be used as residential from its conception.
 - Increased traffic movement in the existing access that is used by 117 High Street, 1 and 2 Falconer Court (the salon) and 3 Falconer Court (which currently has an office use class).
 - The current parking arrangement for altered images comprises two car spaces and one motor cycle space. Not as shown on the plans submitted.
 - The space does not allow for safe vehicle movement
 - With the unacceptable off road provision it would create an increase of on road parking on an already busy High Street
 - The salon customers already park on the High Street
 - The Post office located on the High Street generates significant on road parking levels
 - The entrance to the site is opposite a busy bus stop.
 - Intensification of the access onto the busy High Street due to inadequate parking provision. None received.

Planning Comments – Key Issues

11. The main areas of concern with regard to this application are the principle of the development, impact on Conservation Area and the neighbouring listed buildings wider setting, impact on neighbour amenity and highway safety.

Principle of development

12. The proposed loss of an existing business use in a village is not normally considered acceptable. Once lost it is very unlikely that the use will return in years to come and therefore the loss of a commercial/employment use must be examined carefully. As part of the determination process this application was discussed at the officers Economic Development Panel, the comments of which are noted above. The applicant was referred to the relevant policy (ET/6) and has since submitted marketing evidence to show that the premises have been marketed as office space for some time. The evidence submitted shows copies of 18 of the 19 adverts that were placed in the Cambridge Evening News and Business Weekly during the period April 2010 and April 2011. Advertising is said to have stopped after April 2011 because of the cost and lack of enquiries but the property remains on the books (and website) and has been effectively and publically marketed for two years with no serious interest being shown.
13. In light of the above it is considered by officers that the application site has been adequately marketed for a considerable time period and at a reasonable price.

Impact on Conservation Area

14. There are no changes to the external appearance of the building in the proposed scheme. As indicated by one of the neighbours, the refurbishment of the building was carried out sometime ago. It was raised as an Enforcement request and officers visited the site to assess the changes. These consisted of predominately internal works and changes to the fenestration (removal of a garage door to a door and a window). It was considered that the retrospective changes did not require specific planning permission in this instance as the property was not listed and the changes matched the existing property well. It was considered an improvement to the external appearance of the property and no change of use was proposed at that time.
15. The change of use to the application building is not considered to have an adverse impact on the setting of the neighbouring listed building or the wider Conservation Area. The external appearance will remain unchanged and the overall use reflective of other neighbouring properties which is a mixture of both residential and commercial premises. The appearance of the yard is considered to have been improved visually; however, the premises as a commercial unit did not look particularly different to that of a residential property in the first instance.
16. With the revised parking layout having been submitted and in line with the parking standards as set out in the Local Development Framework Policies adopted 2007 the visual impact of cars on the site within the conservation area and listed building are not considered to materially harm the heritage assets and vehicle parking may even be reduced in the long term. In light of the above it is not considered reasonable for officers to recommend refusal based on impact of the proposal on the conservation area, setting of the neighbouring listed building or street scene.

Impact on Neighbour Amenity

17. The change of use does not propose any external changes. The openings in the building already exist and the internal arrangement appears to best reflect a scheme that respects the neighbouring units. The openings on the rear for the bathrooms and light over the bedrooms can be appropriately conditioned to be obscure glazed and/or high level where considered necessary. As the openings look over existing garden space that is not in the applicants' ownership this would help address any potential overlooking. However, as an office use this arrangement was already in place and overlooking has never been raised as issue in the past. As an existing building it is not considered to present any new problems with regard to being overbearing or overlooking.
18. The biggest concern with regard to impact on neighbour amenity that has been raised by the Parish and neighbours is the proposed provision of off road parking and the potential increase in traffic movement. It is considered by some neighbouring occupiers that the proposed change of use will have a knock on effect on highway safety off site.
19. The applicant has revised the scheme to show that there is one space to be made available to each property. This is in line with the parking standards adopted in the local plan and detailed further below under Highway Safety. Melbourn is considered as a Minor Rural Centre and as such is considered to have good transport links. A bus stop is located directly outside the application site and a train station is located in the neighbouring village. The properties are very small units comprising only one bedroom each, shared living/dining space with limited storage space (for bins and bikes) and 1 car parking space each.

20. The worst case scenario is that at most two people are likely to reside in each property and there is the potential for each person to own a car; the comings and goings of which are expected to coincide with the neighbouring units and increase on road parking. The Councils standards are to promote sustainable transport and the aim of the 'maximum' figure is to aid reduction in car use. Properties with 3 bedrooms in a similar location are requested to provide up to 1.5/2 off road spaces, yet the occupancy could be as high as 6 residents with 6 separate cars. The particulars of properties are made available to the occupiers when rented or sold and parking is a key factor for those who own vehicles. In this case if the occupants own 2 cars each, one that always remains on the drive and the other in the road because they only drive at weekends the aim of the policy has worked and more sustainable transport methods used. In addition the movements are decreased to and from the site. If the occupiers require more parking spaces they are likely to choose to reside elsewhere. In short it is difficult to predict how the occupiers may choose to travel but the parking standards have been met and the provision relative to the house size and location. It is an added advantage that each unit has one space available, in some instances parking for this size unit in similar locations is not required at all.
21. It is likely that these units will attract young couples, individuals, potentially even single parents with a young child but it is not likely that it will generate a significant level of noise and disturbance over and above what is already permitted as an office use and nor is it considered that the proposed use will result in an unacceptable increase in vehicular movements. There will be people resident for a longer period over certain times of the day, but on balance this is not considered to be harmful to neighbour amenity. It may even result in less vehicular movement as residents may not have a car, may use the public transport or work locally in the village where more sustainable methods may be utilised such as walking or cycling. This may/may not have been the case whilst the building was used as an office, but with limited interest and predominately empty premises over the last two years, any movement here will be more than what has recently been experienced and this also has to be taken into account.
22. It is considered that the impact the proposed parking and vehicular movement will have on neighbouring properties is minimal and therefore a recommendation of refusal based on neighbour amenity is not considered reasonable or justified.

Impact on Highway Safety

23. A proposal for 2 x 1 bed units in an area with good transport links would require no more than 1 space per unit as a maximum. The application proposes 2 spaces and therefore is considered to have adequately addressed off road parking provision for the proposed change of use. The originally submitted scheme proposed an over provision that was not workable and the Local Highway Authority raised an objection to the scheme. Further discussion with the applicant has enabled a revision to the scheme that reflects policy but at the same time takes on board the comments made by the LHA. These changes are considered to address the highway safety concerns previously raised.
24. It is reasonable to say that at times, when occupiers of the proposed or surrounding units have visitors or the High Street is particularly busy parking on and off site may be difficult not just for users of the said buildings but other High Street users also. However, it is not considered that the proposed change of use will adversely impact highway safety over and above the existing office use that these buildings already have. With regard to the above officers do not consider it reasonable to warrant a recommendation of refusal based on Highway Safety.

Developer Contributions

25. The applicant is aware of the required contributions and has accepted the calculations. A Council Heads of Terms document has been submitted as part of this application.

Affordable Housing

26. Notwithstanding the proposed change of use the site sees the development of two new dwellings. In line with policy requirements one of the properties should be made available as an affordable unit. The provision of two units such as these positively adds to the much needed smaller housing stock that is likely to be at the bottom of the housing market in terms of price; however this is not considered enough to meet the requirements of the policy HG/3. Based on the small size of the units (115m² in total) it is unlikely that an RSL would want to take an individual unit on. However, the applicant is aware that a contribution is required and happy to proceed with the application on these grounds. Discussions have taken place with regard to figures based on further viability assessments and it is hoped an agreement can be made by the Committee date. Members will be updated accordingly.

Conclusion

27. It is not considered to be good practice to allow buildings to remain unused or redundant when there is an increasing need for uses such as housing. The evidence has been produced to show that this site has been marketed within the specified timescales and longer. It is surrounded by residential properties in a busy and clearly thriving High Street where the impact is considered to be minimal on the Conservation Area. Parking on this site appears to have always been constrained, yet an office use has existed in the past without major problem. Space has been provided on site for storage and parking that meets the requirements of the Councils standards. The proposed use will create two new small residential units with off road parking in one of the District's Minor Rural Centres where space for residential development in the framework is limited. It is not considered an ideal situation to lose commercial premises, however, if the need is not there and it has been clearly demonstrated it is difficult for officers to insist that such uses are retained for the benefit of the local economy. In light of the above officers are of the view that the scheme is recommended for approval subject to conditions and an agreed scheme for affordable housing provision.

Recommendation

27. Approve. The following conditions are suggested: -

Conditions

- i) Time Limit
- ii) Approved Plans
- iii) Removal of Permitted Development Rights for Extensions
- iv) Windows on the rear to be fixed obscured
- v) No further openings in any of the elevations or roof slopes
- vi) Parking spaces to be retained for parking only
- vii) Developer Contributions including affordable housing if required.

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: Open Space in New Developments and District Design Guide
- National Planning Policy Framework
- Planning File References: S/2455/11

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