

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

---

**REPORT TO:** Development and Conservation Control Committee 6 April 2005

**AUTHOR:** Director of Development Services

---

### **S/6283/05/F - Cambourne**

#### **Change of Use of Flat to Offices (Use Class B1)**

**Recommendation: Approval**

**Date for Determination: 23 March 2005**

#### **Site and Proposal**

1. This is a retrospective application relating to the change of use an existing residential unit at Number 17, The Maltings, Cambourne to offices in accordance with Use Class B1.
2. The unit, as constructed, comprises a first floor flat incorporating a combined reception room / dining room / kitchen, one bedroom and a bathroom together with a hallway and stairway leading down to entrance door at ground floor level. Apart from this door and stairway, the entire ground floor of the building is occupied by three car ports. Overall, the building is of a scale and form akin to that of a modest dwellinghouse with a ridged roof parallel to the highway and a Gross External Area of approximately 45 square metres. To the rear of the building lies a parking courtyard. It is understood that the applicant owns the freehold interest in the three car ports, an area to the front of one of the car ports and one parking space within the rear courtyard but that the other two car ports are let to the occupiers of the adjoining dwellings. Either two or three car parking spaces would therefore be available for use of employees and visitors to the offices. The property lies in a primarily residential area within Great Cambourne.
3. The application, received on the 26<sup>th</sup> January 2005, seeks retrospective consent for the change of use of the property to use as an office. The two principal rooms of the flat have been observed to be in use as offices although no internal alterations to the building are apparent. Externally, an intercom has been affixed to the wall alongside the doorway together with a discreet illuminated panel, measuring approximately 200 mm by 200 mm, which identifies the property as "Madeira House" but offers no further indication of any commercial use.
4. Supporting information submitted by the applicant states that the property is occupied by a business known as KIRBY Property Management Limited which started trading in 2001 and which manages residential property in Cambourne for private landlords. He states that the offices are open from 8.30 am to 5.30 pm, Monday to Friday and from 10.00 am to 2.00 pm on Saturdays. There are only a limited number of visitors to the office, approximately three per week, and practically no unannounced visitors as the address is not advertised to the general public.
5. The applicant states that, should the business outgrow the premises, or a suitable freehold property become available, it would be the intention to re-house the business at this alternative location in the medium term, i.e. 12-36 months.

The applicant also requests a “twin residential and office use permission” in order to be able to convert the property back to a flat at short notice.

### **Planning History**

6. No relevant planning history has been identified since the grant of consent for the residential development as a whole. The current application has been submitted following an enforcement investigation.

### **Planning Policy**

7. **Policy EM3** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) seeks to restrict changes of use to B1 within the Cambridge Area, including South Cambridgeshire, subject to various provisions including limitations on offices over 300 square metres to the provision of a local or subregional service or administrative facility principally for persons resident or organisations situated in the Cambridge Area.
8. **Policy EM6** of the Local Plan states that within village frameworks planning permission will be granted for smallscale development in classes B1 - B8 provided that:
  - (a) There would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors, and
  - (b) The development would contribute to a greater range of local employment opportunities, especially for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.

### **Consultations**

9. **Cambourne Parish Council:** Resolved that this application be recommended for refusal on the grounds that the principle of such a change of use would be contrary to the original design concepts of the area, and would be detrimental to the amenities of neighbouring properties because of car parking, signage and general business usage etc.
10. **The Chief Environmental Health Officer:** The property is new and, as such, the noise insulation between the properties will be robust if built to the (Building Regulations) standards. I would therefore have no objection to the use of the building as an office. However, there may be some nuisance from people entering and leaving the property and I would recommend conditions limiting the hours of opening and restricting the consent to a temporary period of two years.

### **Representations:**

11. E-mails have been received from four households in The Maltings variously objecting to the application for the following reasons:
  - This is a residential area as well as a no through road.
  - We do not believe there is adequate parking provision for the flat to be changed to an office.

- There is a small area of paved public open space in front of our property which does attract children.
- This could create additional traffic where children play.
- There is a noticeable increase in traffic making it dangerous for residents and their children.
- Traffic has already increased due to deliveries and using the address as a meeting place.
- The increase in level of traffic causes concern.
- The Maltings has been designed as a quiet “cul-de-sac” style of development.
- My wife and I moved from London to be in a quiet and safe environment, one where we could start a family.
- We chose our property because of the layout of the cul-de-sac as it would be a safe area where children can play.
- We wanted a community environment and our house offered all of this.
- The Maltings is a residential street and the houses should be used for residential purposes only.
- To date we have noticed an increase in strangers visiting the flat, some asking if Madeira House is a lettings agency where they should drop off keys.
- Business and offices should not be operating from a residential street.
- There are security issues related to an increase in people who have no personal interest in the area.
- The employees of Madeira House will not be contributing to the community spirit, including neighbourhood watch etc.
- We suspect that the premises are already being used as an office and hence we are already suffering some disruption due to the building use.
- There are no physical barriers dividing the car park and we fear that the right to park in our spaces and to access our back garden will be infringed by employees and visitors parking inconsiderately.
- We fear that access to our car port and parking space would be infringed by visitors and employees.
- There is already plenty of office space within existing office developments within Cambourne and more office space is currently under development.
- As it is operating as a business the company should be operating in the High Street or in Cambourne Business Park.

- If this application is allowed, how will you stop other “houses” becoming businesses?
- We were not aware of this fact when we purchased our property and are very annoyed that we were not consulted before.

### **Planning Comments - Key Issues**

12. The application falls to be determined by reference to the relevant policies of the Development Plan together with any other material considerations.
13. No policies have been identified that offer any objection to the principle of the change of use of dwellings in general, or within the new settlement of Cambourne in particular. Rather, the application falls to be determined by reference to Policies EM3 and EM6 as outlined above.
14. Policy EM3 seeks to plan for the selective growth of jobs in the Cambridge Area and to control the growth of B1 uses, including offices, within the Cambridge Area. At 45 square metres, however, the property falls below the 300 square metre threshold for offices in Policy EM3.
15. With regard to Policy EM6, the proposal clearly falls within the definition of small scale development in Classes B1 - B8 within village frameworks for which planning permission will be granted subject to particular criteria.
16. As a small scale office use providing a professional service, the development could be said to contribute to a greater range of local employment opportunities, although presumably not for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.
17. The key issues in this case are therefore, as clearly identified in Policy EM6, whether there would be any adverse impact on residential amenity, traffic conditions, village character or other environmental factors.
18. With regard to the impact on the village character there would, of course, be virtually no direct impact upon the built form of the area. The development would not therefore have any impact upon design or townscape issues.
19. The application premises have been visited on various occasions during the course of the enforcement investigation and the processing of the current planning application. At no time was the level of traffic movements or car parking observed to be a problem. The applicant has indicated the current opening hours of the offices. Should the Committee be minded to approve the application a condition could be attached to that effect to any grant of consent. The scale of the property should also effectively restrict the number of employees and visitors likely to be at the property at any point in time. Moreover, such a restriction upon the hours of opening should mean that employees and visitors would only be at the premises during the working day, at a time when many residents and their cars were not present.
20. The nature of the use now applied for (Use Class B1) is such that, by virtue of the definition in the Town and Country Planning (Use Classes) Order 1987, it is one which “can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

21. The standards of noise insulations in modern construction are likely to limit any potential noise nuisance arising from the offices. Indeed, combined with a restriction upon the hours of opening, potential noise problems may well be less than those arising from many residential properties.
22. The above policy considerations largely address the objections highlighted by local residents. Amongst other matters raised, the availability or otherwise of alternative premises is not material to the current application which falls to be determined by reference to its own merits. The feared obstruction of private accesses or car parking spaces is a private matter between the parties concerned. In response to the concern regarding precedents it is suggested that planning controls exist over the feared change of use of any other residential units and each would have to be considered on its individual merits. The Local Planning Authority cannot accept responsibility for purchasers not being aware of an unauthorised change of use. There is statutory provision for retrospective applications, however, and local residents were notified accordingly when the application was submitted.
23. Having regard to the policies of the Development Plan, the above comments and all other material considerations, it is concluded that consent should be granted for the change of use of the premises for a temporary period of two years. The grant of a temporary consent should accord with the stated wishes of the applicant in relation to the anticipated growth and relocation of the business. Alternatively, such an approach would enable the Local Planning Authority to monitor the impact of the development and to reconsider the situation should an application be made to extend the life of any temporary consent.

### **Recommendation**

#### **Approval**

1. SC4 Temporary Consent (delete "land" insert "building" - 30 April 2007). RC 3/4 (b) (use first option "the amenities enjoyed by neighbouring residents")
2. SC40 Restrict to Use (insert at first \* "office purposes only" and at second \* insert "B1"), RC 40 (a).
3. The use of the premises hereby permitted, shall be restricted to 8.30 am to 5.30 pm Mondays to Fridays and 10.00 am to 2.00 pm on Saturdays only. The premises shall not be used on Sundays or Bank Holidays.

Reason: In order to protect the standards of amenity that might reasonably be expected to be enjoyed by the occupiers of the nearby residential properties and in accordance with Policy EM6 of the adopted South Cambridgeshire Local Plan 2004.

#### **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: EM3** (Limitations on the occupancy of new premises in South Cambridgeshire) and **EM6** (Employment in Villages).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Impact upon a residential area.
  - Amenity including noise.
  - Traffic generation and car parking.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/6283/05/F

**Contact Officer:** Steve Anderson - Area Planning Officer  
Telephone: (01954) 713165