

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

5 October 2016

**AUTHOR/S:** Head of Development Management

---

**Application Number:** S/1482/16/FL

**Parish(es):** Girton

**Proposal:** Conversion of three bed semi-detached house into two flats (part retrospective)

**Site address:** 69 St Vincent's Close, Girton

**Applicant(s):** Mr David Goddard-Gill, South Cambridgeshire District Council (SCDC)

**Recommendation:** Approval

**Key material considerations:** Housing Land Supply, Principle of Development, Housing Density, Housing Mix, Affordable Housing, Impact on the Character and Appearance of the Area and adjoining Green Belt, Car Parking and Highway Safety, Neighbour Amenity and Other Matters

**Committee Site Visit:** 4 October 2016

**Departure Application:** No

**Presenting Officer:** Lydia Pravin, Senior Planning Officer

**Application brought to Committee because:** The officer recommendation conflicts with the recommendation of Girton Parish Council and the application is submitted on behalf of the District Council

**Date by which decision due:** 5 October 2016 (Extension of Time)

### Planning History

1. None

### National Guidance

2. National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### Development Plan Policies

3. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 - Housing Provision  
ST/6 – Group Villages

4. **South Cambridgeshire Local Development Framework 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  
HG/1 – Housing Density  
HG/2 – Housing Mix  
HG/3 – Affordable Housing  
GB/3 – Mitigating the Impact of Development Adjoining the Green Belt  
SF/10 – Outdoor Playspace, Informal Open Space and New Developments  
SF/11 – Open Space Standards  
NE/1 – Energy Efficiency  
NE/9 – Water and Drainage Infrastructure  
NE/10 – Foul Drainage – Alternative Drainage Systems  
NE/15 – Noise Pollution  
TR/2 – Car and Cycle Parking Standards

5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
District Design Guide SPD - Adopted March 2010

6. **South Cambridgeshire Local Plan Submission - March 2014**

S/3 - Presumption in Favour of Sustainable Development  
S/4 – Cambridge Green Belt  
S/5 - Provision of New Jobs and Homes  
S/6 - The Development Strategy to 2031  
S/7 - Development Frameworks  
S/9 – Minor Rural Centres  
HQ/1 - Design Principles  
H/7 - Housing Density  
H/8 - Housing Mix  
H/9 - Affordable Housing  
NH/8 – Mitigating the Impact of Development in and adjoining the Green Belt  
CC/4 - Sustainable Design and Construction  
CC/6 - Construction Methods  
CC/8 – Sustainable Drainage Systems  
SC/6 - Indoor Community Facilities  
SC/7 - Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 - Open Space Standards  
SC/11 – Noise Pollution  
TI/3 - Parking Provision  
TI/8 - Infrastructure and New Developments

**Consultation**

7. **Girton Parish Council – commented:**

The Parish Council support the neighbours' concerns raised in correspondence with SCDC, although a note made about the type of person is not a fair point. The conjoined property has suffered structural problems and the Council ask for a full survey of both properties, and any cracks in either property should be monitored. The Council is shocked that the plans have one door between bathroom and kitchen, and queries whether 6 bins are to be stored in the bin store. The plans are not adequate as they stand to allow the Council to confidently approve the application. The

application was rejected. Because the applicant is a member of SCDC, the application should go to the SCDC Planning Committee.

8. **Environmental Health – commented:**

No objection. I would suggest the Building Control department is consulted on fire safety standards within the flats. A condition was requested to any consent granted regarding no construction site machinery or plant shall be operated and no construction related deliveries between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

9. **Local Highways Authority – commented:**

- Two 2.0 x 2.0 metres pedestrian visibility splays be provided.
- Drive way is constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- Drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.
- Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. As at present the access is not in the correct position or wide enough to facilitate the proposed two car parking spaces.
- The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m.
- Informative to the effect that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

10. **Building Control – commented:**

We have had 2 applications for this property, one the under pinning and the other conversion to 2 flats. Both were submitted as Building Notices which means we do not have detailed plans or specifications. We have visited the underpinning and ground floor repairs which were satisfactory but have not been out to the conversion work as yet.

**Representations**

11. **No. 71 St Vincent's Close, Girton – commented:**

In view of the full survey done on 69 St Vincent's Close we are objecting to the retrospective planning application. This is contrary to what was explained to us. The Council was aware of these recommendations and would have known the work would likely lead to damage to the adjacent property and 69 St Vincent's Close.

12. The collapse of the chimney and destabilisation of the stairwell and floor and cracking to our property could have been anticipated. Instead the Council acted contrary to the surveys recommendations and also showed a negligent disregard to government planning policy in relation to land stability. Much of the work done was under the false pretext of stabilising the property.

13. Clearly the intent was to create two flats whilst avoiding the relevant planning law. This total disregard for both guidelines and professional advice has led to considerable

damage to our property and next door.

14. Additionally we also have concerns about the proposed use of the property as interim long term accommodation for individual/families with serious social issues. The additional noise, traffic and parking will change the character of a quiet residential cul-de-sac composed of family homes in terraced houses and bungalows.
15. Shared sewage is also under considerable strain. The proposed plans for more people at this property will compound this. We formally request for a full survey be done to our property at the council's expense. In line with government guidance we would also request for the council to undertake a land stability assessment prior to embarking on any further work.
16. **No. 67 St Vincent's Close, Girton - commented:**  
Concerned that the application is for retrospective planning permission for work that has been ongoing for a long period of time. Witnessed O`Dells putting in an entirely new heating system only for it to be ripped out soon after. The new team of builders undertook weeks of major demolition and restructuring only for a large crack to emerge. Concerned the work has weakened the houses and that there has been no consultation with them or Girton Parish Council about who will be housed here.

### **Site and Surroundings**

17. No.69 St Vincent's Close is the end property of a row of four dwellings located at the southern end of St Vincent's Close. It comprises cream rendered external wall insulation, tiled roof with pv panels and white upvc windows and doors. The existing drive at the front has concrete slab and shingle standing which has been removed and will be replaced with concrete standing.
18. To the north the site is bordered by 71 St Vincent's Close and the side boundary with this property consists of 1m high fencing with 2-3m high trees. To the west the site is bordered by a property known as Bridle Way.

### **Proposal**

19. The full application proposes the conversion of the three bed semi-detached house into two flats (part retrospective). There will be a one bedroom flat on the ground floor and a two bedroom flat on the first floor with associated parking. The existing dwelling was in need of refurbishment internally and unanticipated emergency works were required to stabilise the dwelling. Due to the cost involved the Council looked at the most viable way to proceed and consideration of conversion to flats was decided as the best way forward with the stabilisation of the dwelling the first priority.

### **Planning Assessment**

20. The key issues to consider in the determination of this application relate to housing land supply, principle of the development, housing density, housing mix, affordable housing, impact on the character and appearance of the area and adjoining Green Belt, car parking and highway safety, neighbour amenity and other matters.

### ***Housing Land Supply***

21. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing, including by meeting their objectively assessed need for housing and by identifying and maintaining a five-year housing land supply

with an additional buffer as set out in paragraph 47.

22. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having regard to appeal decisions in Waterbeach in 2014, and as confirmed by more recent appeal decisions. The five-year supply as identified in the latest Annual Monitoring Report (February 2016) for South Cambridgeshire is 3.9 years on the basis of the most onerous method of calculation, which is the method identified by the Waterbeach Inspector. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031. This is identified in the Strategic Housing Market Assessment 2013 together with the latest updated undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions. It uses the latest assessment of housing delivery contained in the housing trajectory November 2015. The appropriate method of calculation is a matter for the Local Plan Inspectors and in the interim the Council is following the method preferred by the Waterbeach appeal Inspector.
23. Paragraph 49 of the NPPF states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. This included the rural settlement policies and village framework policy.
24. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court defined 'relevant policies for the supply of housing' widely so not to be restricted 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
25. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/6 of the adopted Core Strategy and adopted policies DP/1 and DP/7 of the adopted Development Control Policies. Policies S/7, S/9 and HQ/1 of the draft local plan are also material considerations and considered to be relevant (draft) policies for the supply of housing.
26. However, the Court also made clear that even where policies are considered 'out of date' for the purposes of the NPPF paragraph 49, a decision maker is required to consider what (if any) weight should be attached to such relevant policies having regard to the compatibility with the NPPF.
27. The rural settlement classification in the adopted and emerging development plans identifies the sustainability of villages in South Cambridgeshire, having regard to the level of services and facilities within a village and the availability and frequency of public transport to access higher order services in Cambridge and elsewhere. They are a key factor in applying paragraph 14 of the NPPF which says that where a five-year supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The NPPF also includes as a core principle that planning should "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".
28. In light of the lack of five-year housing land supply and having regard to recent local appeal decisions, the rural settlement policies are considered to continue to have

significant weight in the determination of planning applications adjacent to or within close proximity to village frameworks. This will help ensure that development proposals outside and in close proximity to village frameworks have due regard to the availability of an appropriate level of services, facilities, employment and sustainable transport options.

29. As a general principle, the larger, better served villages categorised as Rural Centres and Minor Rural Centres are likely to be more able to support unplanned housing growth than the smaller, less well served Group and Infill Villages, without fundamentally undermining the development strategy for South Cambridgeshire. This has some commonality with the approach taken in the submitted Local Plan where a limited number of housing allocations in the rural area were included for Rural Centres and Minor Rural Centres, including for larger sites that the windfall threshold in Minor Rural Centres, but no allocations for Group and Infill Villages other than a very limited number where they were put forward by Parish Councils under the Localism agenda.
30. As such, in Rural Centre and Minor Rural Centres, subject to all other relevant material considerations, it is considered that there is a case to be made that conflict with relevant settlement hierarchy policies should not be given significant weight, under the circumstances of a lack of five-year housing supply and in light of paragraph 14 of the NPPF and the test of significant demonstrable harm. This is consistent with the recent appeal decision in Melbourn where the Inspector said that as the rural settlement policies are out of date due to a lack of five-year supply, but that the conflict with those policies “carried limited weight”. However, given the limited sustainability of Group and Infill villages, there is a case to continue to resist proposals that would conflict with the rural settlement policies which would allow for unsustainable forms of development, unless there are particular site specific considerations that indicate that there would not be significant demonstrable harm.
31. Notwithstanding the above, each planning application must be considered on its own merits taking account of local circumstances and all other relevant material considerations.

### ***Principle of Development***

32. The site is located within Girton Development Framework. Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
33. In accordance with the Core Strategy policy ST/6, Girton is a Group Village which has services and facilities that support local village requirements. Residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages. The principle of conversion of x1 three bedroom dwelling into two flats is therefore considered acceptable in relation to this policy subject to all other material considerations.

### ***Housing Density***

34. The proposed development will involve converting the existing dwelling which comprises three bedrooms to two flats. There will be a one bedroom flat on the ground floor and two bedroom flat on the first floor. The proposed development will make the best use of the site and is not considered to cause significant harm in accordance with policy HG/1 of the adopted LDF.

### ***Housing Mix***

35. The existing dwelling comprises three bedrooms and the proposed development would provide x1, one bedroom flat and x1 two bedroom flat. In accordance with policy H/8 of the emerging Local Plan (of which officers are giving some weight to) this is considered to be an acceptable provision given the size/nature of the scheme.

### ***Affordable Housing***

36. As the scheme only provides one additional dwelling to the Councils Housing stock no affordable housing contributions can be sought in accordance with policy DP/3 and policy HG/3 of the Local Development Framework.

### ***Impact on the Character and Appearance of the Area and adjoining Green Belt***

37. Policies DP/2 and DP/3 are not considered to be housing supply policies and are not therefore considered to be out of date. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area and be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportions and materials.
38. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character.
39. The only changes proposed externally to the building are alterations to the rear elevation at ground floor level by removing the dining room double doors and creating a single window for the bathroom. At first floor level on the rear elevation the bathroom window will become a bedroom window and on the south side elevation the bedroom window will become a bathroom window which has moved over slightly. Fundamentally the size and style of these windows have not been altered.
40. The rear ground floor window will not be visible from the street scene or adjoining Green Belt due to the boundary treatment on the southern boundary. The minor change to the position of the window at first floor level on the southern side elevation is not considered to cause significant harm to the character and appearance of the area or adjoining Green Belt in accordance with policies DP/2, DP/3 and GB/3 of the adopted LDF.

### ***Car Parking and Highway Safety***

41. In terms of highway safety the Local Highways Authority raise no objections to the scheme subject to a set of conditions. It would not be reasonable to condition pedestrian visibility splays as there is already suitable visibility from the site onto the adopted public highway.
42. Policy TR/2 of the adopted LDF states that car parking should be provided in accordance with the maximum standards set out in Appendix 1 Standards for Car Parking Provision. This states an average of 1.5 spaces per dwelling. Each flat will have one car parking space which is clearly shown on the site plan and measure 2.5m wide and 5m in length each in accordance with the District Design Guide SPD adopted March 2010 and would meet the requirements of policy TR/2 of the adopted Local Development Framework.

### ***Neighbour Amenity***

43. A building notice was included as part of the application which was submitted to SCDC Building Control and shows the work requested is for whole house refurbishment including replacement of all ground floor, block work dividing walls removed from first floor rooms and replaced with stud walls.
44. A Technical Design Report was provided as additional information conducted by Sound Solution consultants dated 21 April 2016 to provide acoustic design advice. It shows three insulation options to add sound proofing between the ground floor and first floor flats. The stairs will be treated on the ground floor and mats added to all stairs treads to reduce the noise impact from people walking up the stairs. This is to fulfil Building Regulations requirements.
45. As a result of the current dwelling becoming two flats there will be an increase in activity and more noise created than the previous three bedroom dwelling. Therefore it would be reasonable to condition details of noise mitigation between 69 St Vincent's Close and 71 St Vincent's Close as well as between the two flats in the interest of neighbouring amenity in accordance with policy DP/3 and NE/15 of the adopted LDF.
46. The existing bin store will provide space for the bin provision in connection with the ground floor flat and there is ample space at the side of the dwelling for the storage of the more bins in connection with the second floor flat which will not cause significant neighbour amenity concerns.
47. In terms of any overlooking impact the first floor bathroom window will become a bedroom window. The rear gardens measure approximately 22m in length and due to the position of the bedroom window it is not considered to overlook the direct private amenity space of number 71 St Vincent's Close. As the proposed development involves converting the existing dwelling there is not considered to be a significant overshadowing and overbearing impact in accordance with policy DP/3 of the adopted LDF.

### ***Other Matters:***

48. With regard to the comments raised by the neighbour about sewerage capacity the development will involve change of use of the existing dwelling which currently contains three bedrooms. The two flats will not increase the number of bedrooms, however, it will potentially increase the number of people living at the site. As the development is small in scale and will connect to the existing mains sewer this is not considered to be significant to sustain a refusal of the application in accordance with policy NE/10 of the adopted LDF.
49. A Structural movement survey carried out by John Setchell dated 31 August 2015 was provided with the application which covers the external ground floor element and internal ground and first floor storey areas. This showed subsidence movement in the property through sloping floors towards north. On the front elevation slight masonry cracking was visible to the adjoining property near the party wall line. Internally the property was considered to be in a reasonable structural repair.
50. It was noted that subsidence movement has affected the property and in all probability the neighbouring dwelling and possibly the whole terrace. From the inspection it was not possible to say if the movement had ceased or the extent. However, the movement had not progressed to a stage where the structural integrity of the dwelling is affected and if no movement is taking place then no action would be required to improve the foundations and affect neighbouring properties. It was noted that some



work has been carried out to stabilise ground supporting foundations, including repair or renewal of drains and pollarding of vegetation. A number of recommendations were set out to ensure the structure of the building is maintained.

51. These aspects relate to the structure of the building and are regulated under separate Building Regulations legislation. The underpinning and ground floor repairs have been considered satisfactory by Building Control and the conversion work will be inspected in due course. The structure of the dwelling and land stability is not a material planning consideration and cannot be considered as a reason to refuse the application. The effect the work has had on the neighbouring properties is a civil matter and cannot be dealt with under planning legislation. A letter was written by the applicant to the neighbours of 71 St Vincent's Close responding to their concerns which is attached as Appendix 1.
52. The type of people who will occupy the flats cannot be controlled by Planning Legislation and is not a material planning consideration sufficient to sustain a refusal of the application.

### **Conclusion**

53. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that any harm arising from the development does not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the development plan so far as it remains relevant to this application.

### **Recommendation**

54. Officers recommend that the Committee approves the application, subject to the following:

### **Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 2926/1A  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (b) Prior to the first occupation of the two flats, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority in order to minimise the level of noise emanating from the development. Any noise insulation scheme as approved shall be fully implemented before the use, hereby permitted, is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy DP/3 and NE/15 of the adopted Local Development Framework 2007.)
- (c) Prior to first occupation of the two flats the proposed drive shall be constructed using a bound material to prevent debris spreading onto the adopted public highway and shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.  
(Reason: In the interests of highway safety and for the safe and effective

operation of the highway in accordance with policy DP/3 of the adopted Local Development Framework 2007.)

- (d) Prior to the first occupation of the two flats the vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

(Reason: In the interests of highway safety and to ensure satisfactory access to the site in accordance with policy DP/3 of the adopted LDF.)

- (e) Any works hereby approved from the date of the decision notice shall not allow power operated machinery on the site, and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 08:00 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

### **Informatives**

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/1482/16/FL

### **Report Author:**

Lydia Pravin

Senior Planning Officer

Telephone Number:

01954 713020