

Application Number	09/0595/FUL	Agenda Item	9.2
Date Received	9th July 2009	Officer	Miss Catherine Linford
Target Date	3rd September 2009		
Ward	Coleridge		
Site	Tiverton House Tiverton Way Cambridge Cambridgeshire CB1 3UQ		
Proposal	Division of existing Warden's maisonette into two flats and erection of ancillary bike store.		
Applicant	Mr Dennis Whitfield The Grange Market Street Swavesey CB24 2QG		

A Introduction

- A1 This application was brought to East Area Committee on 03 September 2009. The application was deferred due to the absence of complete floorplans and elevations, and a consequent lack of awareness of the totality of the accommodation proposed, particularly in the roof space.
- A2 Enforcement Officers have inspected the site and following discussion with colleagues in the legal team are satisfied that alterations made to the property (with the exception of the division of the Warden's maisonette into two flats and the cycle parking, which is the subject of this application) do not require planning permission.
- A3 The Enforcement Officers have been advised informally that the applicant no longer wishes to subdivide the Warden's flat, the subject of this application, into two units, but intends leaving it as a larger single residential unit, albeit one not occupied by more than six people living as a household. On that basis, again, planning permission would not be required. It must however be explained that there has been no formal

confirmation of this, so the Local Planning Authority is left in a position of having to determine what it before it.

- A4 It remains the case that the City Council must have complete, accurate plans of the property as existing and as proposed. In the absence of such plans the Council is left in a position where it cannot do other than make a decision on what is before it. As the necessary plans have still not been received, despite several requests, it is recommended that the application is determined as it stands, and refused.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Tiverton House is a 'H' shaped building situated on the eastern side of Tiverton Way, surrounded by residential properties. Tiverton House was originally City Council owned residential accommodation for the elderly, comprising 30 one bedroom flats, a guest flat and 2 warden maisonette flats. The building fills a very substantial proportion of the site, with 11 car parking spaces situated to the north and east of the building, and small garden areas to the south between the two wings and east of the east wing. To the north of the building is Teynham Close and to the south Robert May Close.
- 1.2 The site does not falls within a Conservation Area and is outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 This application seeks planning permission to convert a two-storey maisonette into two flats, along with the erection of a cycle store.
- 2.2 The flat in question is situated in the northeastern corner, at ground and first floor level. This flat would be split horizontally to create two flats, with one flat occupying the ground floor level and the second occupying the first floor level and it is believed, the roof space above it. However, this has not been confirmed by any drawings.
- 2.3 The proposed cycle store would be adjacent to this part of the building, alongside car parking spaces, and would provide 12 cycle parking spaces.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

None relevant.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing :** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market

Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

5.4 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.5 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 **East of England Plan 2008**

SS1 Achieving sustainable development
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV7 Quality in the built environment
WM8 Waste management in development

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision
P9/9 Cambridge Sub-Region Transport Strategy

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places

- 5/2 Conversion of large properties
- 7/10 Speculative student accommodation
- 8/2 Transport impact
- 8/6 Cycle parking
- 8/10 Off-street car parking

Planning Obligation Related Policies

- 3/7 Creating successful places (*public art/public realm*)
- 3/8 Open space and recreation provision through new development
- 5/5 Meeting housing needs (*affordable housing*)
- 5/6 Meeting housing needs from employment development (*affordable housing*)
- 5/14 Provision of community facilities through new development
- 8/3 Mitigating measures (*transport*)
- 10/1 Infrastructure improvements (transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The proposed development would increase the number of households on site and therefore the potential demand for car parking. The area already suffers from a high level of competition for on-street parking spaces and this increased competition will worsen the current situation.

Head of Environmental Services

- 6.2 Recommends a condition restricting contractor working hours.

7.0 REPRESENTATIONS

- 7A *The representations rehearsed below are those received before the deferred consideration of the application in September. Although there has been further comment and a local meeting about the whole site and its usage there have not been further specific comments regarding this planning application.*

- 7.1 Councillor Herbert has commented on this application. The representation is attached to this report.

7.2 The owners/occupiers of the following addresses have made representations:

- 34 Tiverton Way
- 42 Tiverton Way
- 54 Tiverton Way

7.3 The representations can be summarised as follows:

Residential amenity

- Noise from building work
- Loss of privacy from rooflights

Car and cycle parking

- Lack of car parking spaces
- Inadequate cycle parking

The site as a whole

- Planning permission should be required for the whole development
- Student accommodation is inappropriate in this location
- Overdevelopment of the site

Other

- Work has begun before permission has been granted
- The plans submitted are inaccurate
- The developer's vehicles block the road
- What provision is there for fire escapes from the accommodation in the roof

7.4 A petition has also been received in opposition to the application, which contains 38 signatures. The grounds for objection detailed here are:

'The application as presented is intended by the applicant to constitute all the permission required for the developments at Tiverton House. As such, if this application allowed it will facilitate a significant over-intensification of use of the site, that the site cannot support in terms of transport, car parking, cycle parking and refuse collection, and change of use from sheltered accommodation for the elderly to student accommodation, that

would be inappropriate for a quiet residential area.’

A Development Control Forum was requested, but a Development Control Forum cannot be held for an application of this type (an additional residential unit) and the petition was received after the 21 day deadline. A Development Control Forum cannot be held to discuss sites but only ongoing applications.

7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8A *The assessment set out below is that prepared for the 03 September meeting. There has however been a re-examination of the issues raised by the lack of plans demonstrating precisely what is proposed and the final paragraph addressing that matter is set out below in italics at paragraph 8B, at the end of this section.*

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Car and cycle parking
5. The site as a whole
6. Third party representations
7. Planning Obligation Strategy

8.2 This application is for planning permission to split a 2-storey Warden’s flat horizontally into 2 self contained units. For clarity, this report will first focus on the application itself and will then move on to other issues raised concerning the site as a whole.

Principle of Development

8.3 Policy 5/2 (Conversion of Large Properties) of the Cambridge Local Plan (2006) states that *‘the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:*

- a) *The residential property has a floorspace of less than*

110m²;

- b) The likely impact upon on-street parking would be acceptable;*
- c) The living accommodation provided would be unsatisfactory;*
- d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and*
- e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.*

8.4 In my opinion, the part of this policy that is relevant in this section of the report is part a). The other sections will be covered later on in the report. The building has a floorspace much greater than 110m² and therefore the proposal complies with part a) of policy 5/2.

8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/2 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.6 Externally, the only change, which forms part of this application is the provision of a cycle store. This is to be situated on the eastern side of the site, adjacent to car parking spaces. In my opinion, this would have no detrimental impact on the appearance of the site, and is in the most appropriate position on site, within the parking area and close to an entrance to the building. In accepting the principle of a cycle store here, I consider it reasonable to request details of the cycle store by condition.

Residential Amenity

8.7 In the main, the concerns raised relate to the impact of the site as a whole and not to the application for one extra residential unit as is proposed. In my opinion, the additional residential unit proposed by this application would not have any significant detrimental impact on neighbouring residents in terms of noise and disturbance.

8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Car and Cycle Parking

- 8.9 Concern has been raised regarding the lack of off-street car parking spaces, and cycle parking spaces. The Local Highway Authority has commented that the additional residential unit would increase the demand for on-street parking spaces and has raised concerns about this. However, this application is proposing only one additional Class C3 (dwellinghouse) residential unit where there are already in excess of 30 and I do not consider that the one additional unit will add such a burden as to justify refusal.
- 8.10 The proposal includes a covered cycle store, with 12 cycle parking spaces. The existing accommodation is seriously underprovided for in terms of cycle parking provision. While this proposal does not meet the needs for all the accommodation on the site, it unquestionably does meet the requirements for the additional unit and also goes some way to redressing the balance for the wider site.
- 8.11 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

The site as a whole

- 8.12 Concern has been raised that planning permission should be required for the conversion of the building to student accommodation. Tiverton House was originally built as residential accommodation for elderly City Council tenants. This was not sheltered accommodation, but operated as a block of flats with wardens, who by all accounts did not provide levels of care that would be expected were the proposal to fall within a Class C2 (residential institution). The legislation suggests that 'care' should mean, "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment." The definition therefore goes beyond the mere provision of services, or the provision of a concierge for a block of flats, which is I have been advised how Tiverton House operated. The building therefore falls within the Class C3 (Dwellinghouses) use as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. The building is being

retained as flats, with some service provision, although it is understood that the most likely occupants, at least initially, will be less than 6 students in each flat, “..living together as a single household”. This use also falls within Use Class C3, and therefore the changes to the rest of the building do not require planning permission, if they are for the, “maintenance, improvement or other alteration of any building or works which –

- i) affect only the interior of the building, or
- ii) do not materially affect the external appearance of the building”

8.13 That said, a change of use can take place when an existing use has been intensified. When Tiverton House was built it was used as 33 flats (30 residential flats, 2 warden flats, and 1 guest flat), and the intention of this application is to use the building in the same way (albeit with different residents), with the exception of the creation of one additional flat by subdividing one of the warden flats, which is the subject of this planning application. The issue therefore is whether what is proposed will have an affect that is not limited only to the interior of the building, and instead be one which would have to be a very different impact upon the character of the immediate area; that might be in terms of how it affects others and could intensification impacting upon parking, noise and disturbance. In my view, in a practical sense, it is difficult to assess impact in advance of the changes that appear to be taking place being implemented.

8.14 Accommodation has been introduced in the roofspace of the building. These works have increased the number of bedrooms substantially, but not the number of flats, and have not resulted in any change to the shape or height of the roof.

8.15 Rooflights have been added to the roofs; although added to several roof slopes, they are most apparent in the roof facing Tiverton Way, the west face of the H-shaped building. Considering the expanse of roof involved and the angles at which much of the roof is seen, I am of the opinion that the rooflights do not materially alter the external appearance of the building when taken as a whole, and therefore do not require planning permission.

Third Party Representations

8.16 Most of the issues raised in the representations received have been addressed under the headings above. Those not yet addressed are fire escapes, the inaccuracy of plans, works

beginning before permission has been granted and the developer's vehicles blocking the road.

- 8.17 Fire escape provision from the rooms situated in the roof is a matter for Building Control to consider, and cannot form part of the assessment of a planning application.
- 8.18 Works have already begun on the building, including work on the elements of the overall work encompassed by this application. Any works already undertaken that do require planning permission have been carried out at the developer's own risk, and would be investigated by the City Council's Enforcement Officers if planning permission is refused.
- 8.19 Tiverton Way is outside the application site, and therefore the Local Planning Authority has no control over vehicles parking on Tiverton Way. If the road is being blocked this is a matter for the Local Highway Authority to resolve.
- 8.20 The application does not include a floorplan of the second floor (ie the accommodation in the roof) and the rooflights are not shown on the proposed elevations submitted. Therefore, it has been stated in the representations received that the plans are inaccurate. The application does not relate to the accommodation in the roofspace and therefore I do not consider it unreasonable that floorplans of this have not been provided as part of this application.

Planning Obligation Strategy

- 8.21 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedrooms and £1625 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1085	1	1085
2-bed	1085		
3-bed	1625		
4-bed	1625		
Total			1085

8B *The assessment made above has been overtaken by events and the accommodation provided within the building that was Tiverton House is understood to have been substantially if not completely let. The position on this application remains one where plans of the proposed subdivision of one flat to provide two are inadequate, and preclude the City Council from making an informed decision. It is likely that there is no longer any intension to implement what was originally proposed, though that cannot be demonstrated. In the absence of adequate information to determine the application, the Local Planning Authority, in my opinion, has no option but to refuse the application on the basis of inadequate information as there has been no response to requests for the contributions required by the planning obligations strategy supplementary planning guidance, the failure to agree such provision also constitutes a reason for refusal.*

9.0 CONCLUSION

9.1 In the light of what is set out in paragraph 8B, immediately above, the application for one additional residential unit cannot be supported. The provision made for cycle parking does not accord with the approved plans, and I am not therefore prepared to support that at this stage either. The application is therefore recommended for approval.

10.0 RECOMMENDATION

1. REFUSE FOR THE FOLLOWING REASONS

1. In the absence of complete, detailed plans of the development proposed, it is not possible for the Local Authority to be confident that the application has demonstrated that what is proposed will provide an attractive, high quality, accessible, and safe living and working environment, or that the development will demonstrate that it is in context. For these reasons the proposed development is unacceptable and in conflict with policies 3/4 and 3/7 of the Cambridge Local Plan (2006).

2. The proposed development does not make appropriate provision for community development facilities, in accordance with policies 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004.

2. In the event that an appeal is lodged against a decision to refuse this application, DELEGATED AUTHORITY is given to Officers to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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Tiverton House Tiverton Way Cambridge Cambridgeshire