

Application Number	11/0055/FUL	Agenda Item	
Date Received	20th January 2011	Officer	Mr John Evans
Target Date	17th March 2011		
Ward	Market		
Site	1 And 2 Wellington Court Wellington Street Cambridge Cambridgeshire CB1 1HZ		
Proposal	Change of use of 2 three storey office buildings to form 6 x 1bed flats, together with the erection of a bin and bike store and insertion of a rooflight and the provision of replacement hard and soft landscaping.		
Applicant	Mr. G. Lockhart And Mrs. B. Moore C/o Mr. Paul Belton Januarys Consultant Surveyors York House 7 Dukes Court 54-62 Newmarket Road Cambridge CB5 8DZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to two existing B1 (a) office premises situated on the eastern side of Wellington Street, at the entrance to Wellington Court.
- 1.2 The two existing premises are part of a cluster of 9 office units which surround the hard landscaped car parking area of Wellington Court. The building contains 3 levels of accommodation and is domestic in scale and character, constructed in a red brick with a tiled pitched roof.
- 1.3 To the east, beyond Wellington Court, are two new buildings that are currently under construction for residential accommodation, providing a total of 25 apartments. To the north are office premises within Dukes Court. To the south is the rear frontage and car parking ramp of the Grafton shopping centre.

1.4 The site falls within the controlled parking zone. There is designated office car parking within Wellington Court. The site is not within a Conservation Area.

2.0 THE PROPOSAL

2.1 The application seeks consent for the conversion of the existing two office units into residential accommodation. Each new apartment will occupy a single level of the existing building.

2.2 The physical changes to the building consist of two new velux rooflights, and two flank Juliet balconies to the north and south elevations to serve flats 5 and 6.

2.3 Both numbers 1 and 2 Wellington Court are accessed from the west elevation via Wellington Street. Refuse and bicycle storage would be provided within a new walled courtyard area to the north of the building.

2.4 The application is accompanied by the following supporting information:

1. Planning, Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
09/0819/FUL <i>Land Adj Wellington Street</i>	Erection of 14 residential flats and associated infrastructure.	Approved, (currently under construction)
09/0292/FUL <i>Severn Place</i>	Erection of 11 one bedroom flats	Approved (currently under construction)

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/2005 - Planning Obligations:

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.2 East of England Plan 2008

ENV7: Quality in the Built Environment

5.3 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.4 Cambridge Local Plan 2006

- 3/4 Responding to context
- 3/7 Creating successful places
- 4/13 Pollution and amenity
- 5/1 Housing provision
- 5/2 Conversion of large properties
- 8/2 Transport impact
- 8/6 Cycle parking

Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 3/12 The Design of New Buildings (*waste and recycling*)
- 5/14 Provision of community facilities through new development
- 10/1 Infrastructure improvements (*public open space, recreational and community facilities, waste recycling*)

5.5 Supplementary Planning Documents

Cambridge City Council (March 2010) – Planning Obligation Strategy

5.6 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

City Wide Guidance

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

6.1 Awaiting comments.

Head of Environmental Services

6.2 No objections subject to construction hours conditions.

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

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations: 3 and 7 Wellington Court.

7.2 The representations can be summarised as follows:

1. The location is completely inappropriate for flats
2. There is no amenity value for residential whatsoever.
3. This is an ideal location for office accommodation in the City.
4. The testimony from Januarys claiming the unit has been difficult to let is misleading.
5. The conversion would be an overdevelopment.
6. The living space is cramped.
7. Car parking is inadequate and the development would lead to fly parking in Wellington Court.

7.3 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

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. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 Office use falls within use class B1a of the Use Classes Order 1987. Local Plan policy 7/3 seeks to protect industrial (B2 and B1c) and storage uses, but offices are not included within the scope of the policy. There is no in principle policy objection to the proposed change of use.
- 8.3 The conversion of large properties is permitted by Local Plan policy 5/2 except where; the likely impact upon on-street car parking would be unacceptable; the living accommodation would be unsatisfactory; the proposal would fail to provide for satisfactory refuse storage or cycle provision or the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity. An analysis of these issues is provided in the relevant subsections below.
- 8.4 In my opinion, while I recognise that the proposal will represent a change in the character of what is currently a cluster of office units, the broad principle of the development is acceptable and in accordance with policy 5/2. The proposal is however subject to the consideration of matters of detail.

Context of site, design and external spaces

- 8.5 The key design issue is the detailed design and appearance of the proposed alterations to the building, to facilitate the conversion.
- 8.6 The change of use of the building will involve only very minor alterations to the existing office building. The style of buildings in Wellington Court is residential and domestic in character, therefore despite their use as offices, the conversion of units 1 and 2 can be achieved with minimal external alterations. The two new rooflights and two flank Juliet balconies will not be harmful to the character and appearance of the building.
- 8.7 Externally, the development provides a more formalised defensible space for the front of the building with a 400mm front

wall with landscaped area. To the immediate north a new 2m high wall will enclose a secluded courtyard area providing a bicycle store to serve the new dwellings. I do not consider these changes to detract from the character or appearance of this section of Wellington Street.

- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 5/2.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 There are no other residential properties in close proximity to the site. I do not consider the proposed residential use of the building will detract from the amenities of the adjacent office units. There will be no overlooking issues from the new velux rooflights or Juliet balconies.

Amenity for future occupiers of the site

- 8.10 Local Plan policy 5/2 states that conversions of non-residential buildings will be permitted except where the living accommodation provided will be unsatisfactory. I recognise that the proposed dwellings are relatively small in size, but I feel that they provide a satisfactory level of amenity for future occupiers. The ground and first floor flats benefit from a separate bedroom and living area; an outlook from 3 sides of the building; and natural light from the projecting central bay feature to the front west elevation. The projecting glazed bay feature will provide an entrance porch to flats 1 and 2 and amenity space for flats 3 and 4.
- 8.11 The roof level studio apartments will gain light and outlook from the proposed Juliet balconies to the north and south elevations of the building, to the overall benefit of the living conditions for future occupants. Although the area is characterised by commercial/office uses, I do not think that a residential use would be incompatible here. Wellington Court does not suffer from excessive traffic movements or other disturbance, which might otherwise conflict with a residential use.
- 8.12 In addition to the above, all of the 6 apartments benefit from a formalised, secluded courtyard area, which successfully

accommodates refuse and bicycles in a secure manner. This space has been designed to give future occupants their own communal private space. Soft landscaping, including an evergreen hedge, a new tree and climbers will add visual interest to the external areas. This will create an attractive frontage, which is consistent with the objectives of Local Plan policy 3/7 creating successful places.

Refuse Arrangements

- 8.13 Refuse provision is provided off the new courtyard area, away from the public domain. The area is secure and adequate in size to serve the 6 apartments. In my opinion this aspect of the proposal is compliant with Cambridge Local Plan (2006) policy 5/2.

Car and Cycle Parking

- 8.14 The proposed development does not provide any car parking provision. While I note concerns from the adjacent office users regarding potential fly parking in Wellington Court, this could be controlled by the barrier at the entrance to the court. In my view this is a management issue, which would not be made any worse through the introduction of the proposed residential accommodation.
- 8.15 Bicycle parking is provided behind the proposed wall within the new courtyard area and is sufficient in number. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.16 The majority of the representations received have been considered in the above report. The following additional comments have also been made:

This is an ideal location for office accommodation in the City.

I note concerns regarding the loss of office space in the City, but as rehearsed in the 'principle of development' subsection, the current Development Plan does not contain any policy which seeks to protect and retain office space.

The testimony from Januarys claiming the unit has been difficult to let is misleading.

Januarys have stated in their planning statement that the premises was marketed at a reduced rent. Whether or not this was agreeable for interested parties is, in my view, not relevant to the determination of the planning application. This Council does not require the undertaking of such a marketing exercise in order for the proposal to be acceptable. The background statement provided by Januarys provides a useful context for the application, but it is not a material consideration, as set out in Local Plan policy 5/2, conversion of large properties.

Planning Obligation Strategy

8.17 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.18 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial

contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

- 8.19 The application proposes the conversion of the building to provide 6 one bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	6	2,142
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					2,142

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	6	2,421
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					2,421

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	6	2,178
2-bed	2	242	484		

3-bed	3	242	726		
4-bed	4	242	968		
Total					2,178

8.20 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

8.21 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 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	1256	6	7,536
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			7,536

8.22 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Waste

8.23 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats,

this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	6	900
Total			900

8.24 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

Education

8.25 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an appendix to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.26 In this case, 6 residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education/primary education/secondary education/lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £

1 bed	1.5		160	6	960
2+- beds	2		160		
Total					960

8.27 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Monitoring

8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Conclusion

8.29 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

9.1 The existing office building could be successfully converted into the proposed 6 apartments, and would provide good quality living accommodation for future occupants. The scheme successfully integrates essential refuse and bicycle provision, and a car free development in this location is considered appropriate. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. Prior to the occupation of the building, the proposed refuse enclosure and covered bicycle shelter shall be provided and permanently retained.

Reason: In order that the development provides adequate refuse and bicycle storage provision, Cambridge Local Plan 2006 policy 5/2.

4. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8

Cambridge Local Plan (2006): 3/4, 3/7, 3/8, 4/13, 5/1, 5/2, 8/2, 8/6, 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

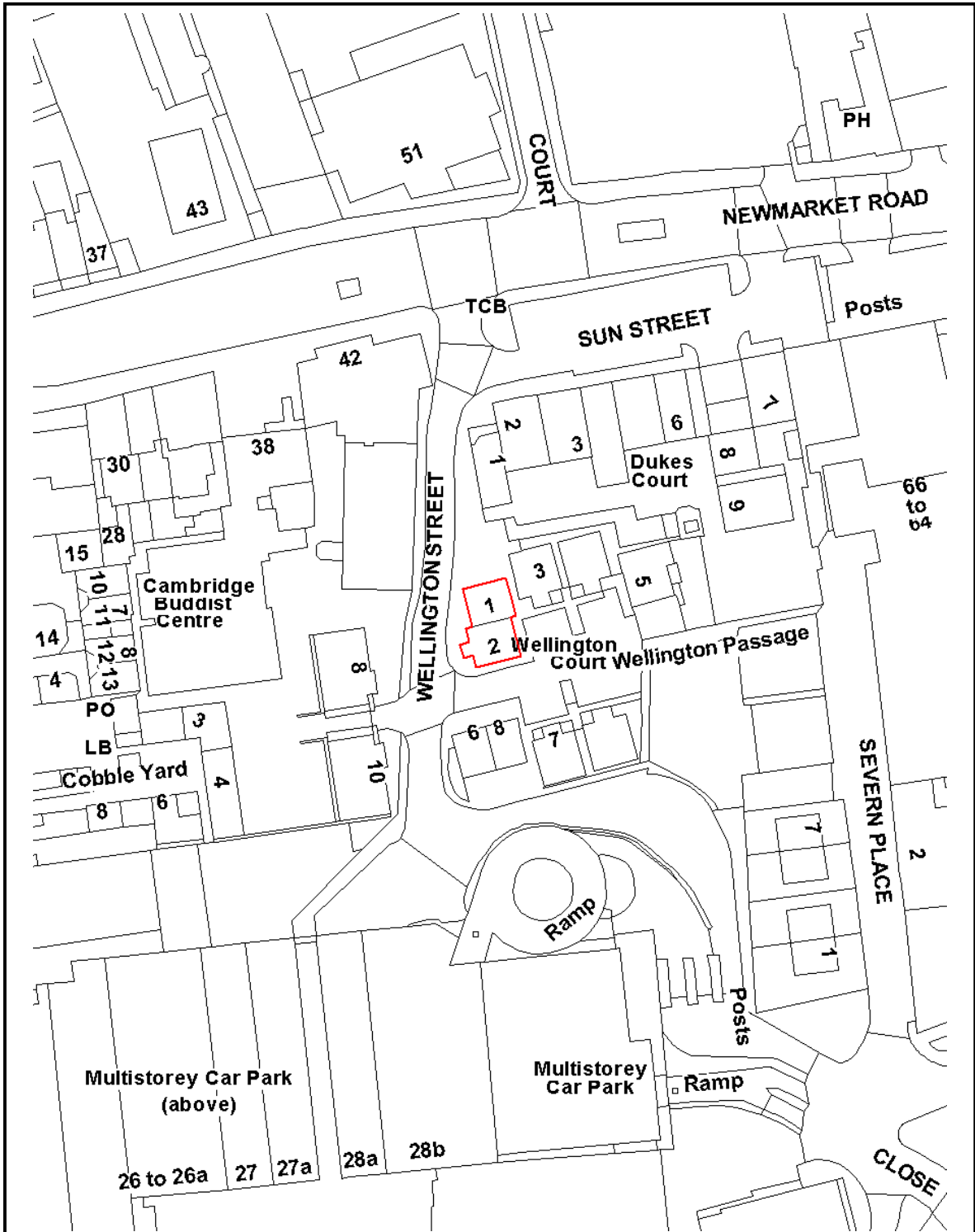
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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 on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.



11/0055/FUL
1 And 2 Wellington Court Wellington Street Cambridge
Cambridgeshire