

Application Number	17/0963/S73	Agenda Item	
Date Received	1st June 2017	Officer	Lorna Gilbert
Target Date	27th July 2017		
Ward	Coleridge		
Site	Land Rear Of 183 - 187 Cherry Hinton Road Cambridge Cambridgeshire CB1 7BX		
Proposal	Section 73 application to vary planning permission reference 08/0125/FUL (as amended by 08/0125/NMA1 to add approved plans condition) for demolition of 187 Cherry Hinton Road and erection of three storey building consisting of 5 flats together with the erection of 4 semi-detached three storey town houses to allow the addition of dormers to the rear houses.		
Applicant	Mr & Mrs Verrecchia 69 Cavendish Avenue Cambridge CB1 7UR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed dormers are considered acceptable in terms of their design and scale and would harmonise with the surrounding area. <input type="checkbox"/> It is considered the dormers would not adversely harm residential amenities.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the northern side of Cherry Hinton Road. The front of the site contains a block of flats, which have been completed. There are two access routes to the rear part of the site from Cherry Hinton Road.

- 1.2 The four houses approved under previous permission reference 08/0125/FUL at the rear of the site are currently under construction. This application relates to these houses.
- 1.3 The site borders No. 181, 183, 185 and 189 Cherry Hinton Road to the south. To the east lies properties No.14 to 17 Coniston Road. To the north-east beyond the rear site boundary lies the garden for No.193 Coleridge Road. The western site boundary borders No.195 to 201(odd) Coleridge Road and No.181 Cherry Hinton Road. The rear part of the site is surrounded by houses that are associated with Coleridge Road and Coniston Road and a substantial number of trees and mature vegetation.
- 1.4 No.193 Cherry Hinton Road, the neighbouring property to the east is a three storey property in residential occupation as student flats. This building has been extended to the rear at considerable depth.
- 1.5 The site is located within the Cambridge Airport Safeguarding Zone for referral of structures over 15m.

2.0 THE PROPOSAL

- 2.1 The current application seeks to vary the approved drawings condition added under the non-material amendment application reference 08/0125/NMA1, which relates to the original permission reference 08/0125/FUL.
- 2.2 It seeks to substitute approved drawings reference 1188.P.112 Rev.A and 1188.P.200 Rev.A with the following drawings 1188.P.112 Rev.C and 1188.P.200 Rev.C.
- 2.3 The proposal is to add rear dormers on the north elevation at second floor level to each of the four approved dwellings. These dormers each measure 3.85m wide (4.45m including the roof projection), and extends 2.95m in depth (3m including the roof projection) and 2m high.
- 2.4 They will be clad in timber effect cladding.
- 2.5 The application is accompanied by the following supporting information:

1. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
08/0125/NMA1	Non-material amendment application to 08/0125/FUL for an additional condition listing the approved drawings.	PERM dated 30.05.2017
16/0809/NMA	Non material amendment on application 08/0125/FUL for: a) Changes to the external materials of the dwellings b) Retention of an existing brick wall c) Partial demolition of an existing building to provide a garage for the existing dwelling on site,	PERM dated 01.06.2016
13/0657/S73	Section 73 application for the variation of Condition 5 of Planning Permission 08/0125/FUL to allow phasing of the approval	Approved
11/0664/EXP	The development proposed is the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of 4 semi-detached houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided).	WDN
08/0125/FUL	Demolition of 187 Cherry Hinton Road and the erection of a three storey building consisting of 5 flats, together with the erection of 4 semi-detached, three storey town houses at the northern end of the site in place of the	Refused, Allowed at appeal

	garages. An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided.	
07/1397/REM	Replacement of existing house (187 Cherry Hinton Road), with a three storey building consisting of 5 flats; demolition of garages to the rear to be replaced with 4 semi-detached three storey town houses and off-road parking.	Withdrawn
C/04/0438	Outline application for residential development in place of existing garages.	Approved
C/98/0211	Change of use from residential dwellinghouse (class C3) to a mixed use comprising residential dwellinghouse and guest house; and two storey side extension.	Refused, Dismissed at appeal
C/93/0316	Outline planning permission for two bungalows.	Refused
C/86/0273	Change of use from private dwelling house to guest house and erection of two storey extension.	Refused
C/78/0509	Erection of car port	Approved
C/77/0541	Retention of general storage building	Approved
C/75/0729	Change of use of light industrial building(Class III) to storage building(Class X)	Approved

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies:

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/4 4/13 4/14 8/2 8/6 8/10 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.
- 6.2 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:

- 193 Coleridge Road
- 10, 11, 15 Coniston Road

- 7.2 The representations can be summarised as follows:

- The houses were approved at appeal with the current balance of our amenity with the developer's profits. The appeal enforced this condition in order to protect our privacy, which this change now proposes to sacrifice.
- Reference is made to the original proposal 08/0125/FUL – the developer made it very clear that: "..the mass of the building is reduced to a single storey at the rear." (Section 3 "Proposals" Paragraph 5) and "There are no windows to the north except for on the ground floor and skylights in the pitched roofs.
- Reference to the Council Planning Officer's Report for 08/0125/FUL - "The asymmetrical design of the roof to the four houses will reduce overshadowing of the garden of 193 Coleridge Road". (Section 8.17), [points out that there are no significant windows on the high north face of the blocks] (Section 8.16), "..The Asymmetrical roof design of the proposed houses will keep the bulk of the development and highest part of the houses away from the north boundary. For these reasons I consider the close siting of the development to the north boundary and its impact on the neighbour to be reasonable." (Section 8.28, and also section

8.17), replacement of the high-level roof lights with dormer windows offer no advantage to the internal amenities of the houses and for this reason I see little prospect of future occupiers wishing to remove the roof lights and install dormer windows. (Section 8.29, in full).

- The Appeal decision points out that the buildings "have been designed to avoid overlooking..." If these things are no longer the case, we question if the Appeal would have been passed at all.
- Reference conditions on the original consent relating to obscure glazing and that planning permission is required for dormers.

Other comments raised:

- Cars – there are 9 new households and 14 new spaces. This is too few. Parking pressures.
- Traffic – Concerned with access arrangement and potential increase in accidents.
- Noise pollution – 9 households represents about 20+ new residents. It will have a huge impact on the quiet neighbourhood.
- Light and sunshine – all neighbours will have their light reduced – 3 storey town houses will restrict light.
- Rubbish – It represents 27 new bins. What is the bin arrangement? To put bins onto this street will be a hazard to an already busy street/cycleway/pedestrian route.
- Oppose the 3 storey height of the buildings and proximity to boundaries as it will have a severe impact on all the neighbours.
- There is little attempt to keep the design and character of the surrounding properties. New houses out of character.
- Three storey development is visually intrusive. Concerned with the visual impact.
- Privacy.

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

Context of site, design and external spaces

- 8.1 The proposal seeks permission to install a rear roof dormer on each of the approved four semi-detached properties to the rear of the site. The houses are currently under construction.
- 8.2 The dormers proposed would be set in at least 0.5m from the sides and 2.4m down from the roof ridge and 2m up from the eaves. In my opinion, this helps them to appear subservient. They would be constructed from timber effect cladding. They would not be easily seen from nearby streets as the site is bounded by rear gardens of properties. There are a number of trees located close to the rear site boundary which adds some screening at the rear from the proposed dormers. I consider the proposed scale and position of the dormers is acceptable in terms of their design and appearance and they would harmonise with the site and surrounding area.
- 8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.4 No.193 Coleridge Road has a long rear garden which is around 50m in length beyond the rear of the dwelling. The rear of this neighbouring property is located 20m from the application site boundary. This neighbour's garden is located north of the application site. I do not consider the proposal would adversely harm the residential amenity of the dwelling of No.193 Coleridge because of the separation distance between the proposal and dwelling, combined with the orientation of the proposal. The properties are at right angles to one another. The proposed windows would not directly face this neighbour's house. The proposal does however face towards the rear part of this neighbour's garden. This neighbour has raised an objection to the proposal. They are concerned the dormers would harm their privacy and have made reference to the original planning permission 08/0125/FUL.

- 8.5 The original planning permission the current application seeks to amend went to East Area Committee for decision. The Committee Report reference 08/125/FUL explains under paragraph 8.16 that *'the flats and the houses have been designed with principal windows facing to the front and rear with only a few small secondary windows in flank walls.'* It recommends a condition for the side facing windows to be obscure glazed to protect the privacy of neighbours. The report does not raise concerns with the original rear rooflights and ground floor windows proposed. Paragraph 8.28 refers to the four houses location in relation to the northern boundary. It concludes *'I consider the close siting of the development to the north boundary and its impact on the neighbour to be reasonable'*. Paragraph 8.29 does mention that *'replacement of high level rooflights with dormer windows offer no advantage to the internal amenities of the houses and for this reason I see little prospect of future occupiers wishing to remove the roof lights and install dormer windows'*. The application was refused at East Area Committee for the following reasons: *'it would introduce two pairs of substantial semi-detached houses into this relatively small backland area, in such proximity to the northern site boundary will provide inadequate amenity space for the proposed family dwellinghouses. Development of the scale proposed, together with the associated servicing: the bicycle and bin storage and space for car parking and maneuvering would result in a cramped form of development. The proposal is not considered to be well connected to and integrated with the immediate locality, to constitute good design that would contribute positively to making this place better for people, or to have responded to context'*. The second reason for refusal was concerned with the S106 provisions. The reasons for refusal did not directly specify residential amenity.
- 8.6 An appeal was lodged against the refusal of the planning application (08/0125/FUL) and it was allowed on appeal. Paragraph 8 the appeal decision touched on residential amenity. In reference to the semi-detached houses it says they will *'be of a distinctive design incorporating an asymmetrical roof form with roof lights to the north elevation and a flat roof three storey section on the south facing elevation. While slightly higher than the existing dwelling in the area they have been designed to avoid overlooking and potential overshadowing of the nearest properties in Coleridge Road and Coniston Road. Any side facing windows to stair wells would be*

obscure glazed to further protect the privacy of the adjacent residents. Having regard to the fact that the site is at the rear of existing development but is in relatively spacious surroundings I consider that the design of the dwellings responds appropriately to the setting'. The appeal decision includes a condition to obscure glaze the side windows of the approved properties but this doesn't refer to the rear windows including upper floor rooflights. Condition 15 removes permitted development rights for windows and dormers. This has resulted in the submission of this application.

- 8.7 For this current planning application for the proposed dormers, the shallowest rear garden measures 2.6m in length and the dormers are set in 2.5m from the rear wall of the houses. This means the dormers are set back a minimum of 5.1m from the boundary with No.193 Coleridge Road. The dormers would serve bedrooms at the properties.
- 8.8 The proposed dormer windows under the current planning application are located between 6.1m and 7.3m above ground level. They face towards the rear garden of No.193 Coleridge Road and are set back at least 5.1m from this neighbour's boundary. There are a number of trees located by this shared boundary which provides screening between both sites, although it is acknowledged there is likely to be less screening provided during the winter months. I recommend a condition for the dormer windows to be obscure glazed up to 1.7m high above final floor level and recommend 45 degree opening restraints are required. These windows are single bedrooms and are not the master bedrooms and therefore it is considered acceptable in this instance. These measures would avoid the neighbour to the north experiencing an unreasonable loss of privacy. I therefore consider the position and scale of the dormers would not be detrimental to the privacy of this neighbouring property.
- 8.9 I do not consider the proposal would lead to overshadowing or harm outlook or create harmful noise disturbance to nearby properties due to the scale and position of the proposed dormers. I also do not consider it would adversely harm the privacy of nearby properties.

- 8.10 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 Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/13.

Highway Safety

- 8.11 The Highways Authority does not object to the proposal and I do not consider the nature of the scheme would harm highway safety.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.13 The proposal creates four x four bedroom properties. It creates an additional bedroom for each of the houses compared with original consent reference 08/0125/FUL. The cycle and car parking provision remains unchanged from the previous approved scheme and this is consistent with the Local Plan 2006. Therefore I consider the current provision is acceptable.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.15 A number of the third party comments relate to the original scheme which has already been approved. The comments relating to the scale, appearance and residential amenity have been answered in the sections above.

Planning Obligations (s106 Agreement)

- 8.16 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is
- (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.

8.17 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

8.18 The Developer Contribution Monitoring team has confirmed that the Unilateral Undertaking (B) for permission 08/0125/FUL, which links to this proposal has all been paid.

9.0 CONCLUSION

9.1 It is considered the proposed roof dormers are acceptable in terms of their scale and appearance and would not adversely harm residential amenities.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. The windows in the dormer windows on the north elevation at second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the houses and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

3. Conditions 2-18 of planning permission 08/0125/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 08/0125/FUL have been discharged, the development of (17/0963/S73) shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application

4. 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.
5. Except with the prior agreement of the local planning authority in writing, there shall be no collection or deliveries to the site during the demolition and construction stages, outside the hours of 0700 hrs and 1900 hrs on Monday to Saturday and there shall be no collections or deliveries on Sundays or Bank and public holidays.
6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction periods has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

7. Prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works shall be submitted to and approved in writing by the Local Planning Authority:

(i) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.

(ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(iii) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(iv) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(v) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

(vi) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the local planning authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

8. The facilities for on-site storage of waste, including waste for recycling, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the planning authority.
9. Prior to occupation of the four dwellings to the rear of the site, the windows in the side walls of each house shall be glazed with obscure glass that prevents overlooking of the rear gardens of the neighbouring properties and shall be permanently retained as such.
10. No dwelling shall be occupied until the proposed vehicular access, parking spaces, driveway and turning spaces have been constructed in accordance with the approved details and finished with surfacing materials that have been approved in writing by the local planning authority. The parking and turning spaces provided shall thereafter be retained and shall not be used for any other purpose.
11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.
13. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.
14. No development shall take place until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby permitted is occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

15. The facilities for cycle storage, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
16. Before the development hereby permitted is commenced, details of the following matters shall be submitted to and approved in writing by the local planning authority:
 - (i) contractors access arrangements for vehicles, plant and personnel
 - (ii) contractors site storage area/compound
 - (iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site
 - (iv) the arrangements for the parking of contractors vehicles and contractors personnel vehicles

Thereafter the development shall be undertaken in accordance with the approved details.

17. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows shall be constructed other than those expressly authorised by this permission.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or additions or garages shall be erected other than those expressly authorised by this permission.
19. Notwithstanding the approved plans, prior to the commencement of development full details shall be submitted to and approved in writing by the local planning authority for an appropriate location for the storage of wheelie bins on collection days close to the site entrance. The development shall be carried out in accordance with the approved details.

20. Prior to the commencement of the development hereby approved a bollard shall be introduced at the entrance of the western access to the site to ensure that it is not used for motor traffic.