

<b>Application Number</b>	17/1937/S73	<b>Agenda Item</b>	
<b>Date Received</b>	10th November 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	5th January 2018		
<b>Ward</b>	Petersfield		
<b>Site Proposal</b>	Carlyle House 20 Devonshire Road Cambridge S73 to vary condition 2 of ref no: 16/1281/FUL (the redevelopment of three existing residential flats and demolition of commercial workshop to create 6 new residential units with associated cycle and bin storage and new landscaped amenity spaces) with new drawings to show retrospective and proposed alterations to roof design, increase in height, alteration to south elevation, reduction in height of the boundary wall and addition of windows and rooflights.		
<b>Applicant</b>	Mr K Mahon C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The changes to the development compared to the previous permission (16/1281/FUL) have not had a harmful impact on the amenities of neighbours.</li> <li><input type="checkbox"/> The development, as built, preserves the character and appearance of the conservation area.</li> <li><input type="checkbox"/> The proposal would provide an acceptable living environment for future occupants.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site was originally formed of three residential flats and a commercial workshop situated on the west side of Devonshire Road. The workshop has since been demolished and the external works associated with the approved permission (16/1281/FUL) on this site for six flats has been completed. The remaining works yet to be completed are internal and landscaping works. The site is not currently occupied as residential flats.
- 1.2 The gardens of properties along St Barnabas Road back onto the application site from the west and to the north and south are semi-detached and terraced properties. The site is situated in a predominantly residential area.
- 1.3 The site falls within the Central Conservation Area, the Controlled Parking Zone and within the Air Quality Management Area.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought to vary condition no.2 (approved drawings) of permission 16/1281/FUL to allow for retrospective minor material amendments to the approved development of six flats on the application site. The minor material amendments are as follows:
- Alterations to the roof design of the maisonette at the rear of the site, from a split pitch roof to an off-centre pitch roof;
  - An increase in the overall height of the maisonette from approximately 5.5m to 5.75m;
  - An alteration to the profile of the southern elevation of the maisonette;
  - A reduction in the height of the boundary wall with 21 Devonshire Road from 2.7m to 2.2m; and
  - Amendments and additions to the windows and rooflights of 20 Devonshire Road and the maisonette.
- 2.2 These amendments have been undertaken but the flats are not yet occupied.
- 2.3 The application is accompanied by the following information:
1. Supporting statement
  2. Drawings

### 3.0 SITE HISTORY

Reference	Description	Outcome
16/1281/FUL	The redevelopment of three existing residential flats and demolition of commercial workshop to create 6 new residential units with associated cycle and bin storage and new landscaped amenity spaces.	Permitted.

### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

### 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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/14 4/4 4/11 4/12 4/13 4/14 5/1 5/2 7/3 8/2 8/4 8/6 8/10 10/1

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

Central Government	National Planning Policy Framework March 2012
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Guidance	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>  Cycle Parking Guide for New Residential Developments (2010)  Air Quality in Cambridge – Developers Guide (2008)  Roof Extensions Design Guide (2003)  Buildings of Local Interest (2005)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF

will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority, but would take the opportunity to remind the developer that the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

### **Urban Design and Conservation Team**

- 6.2 No objection.
- 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 in objection to the application:

- 22 Devonshire Road
- 38 St Barnabas Road
- 40 St Barnabas Road

- 7.2 The representations in objection can be summarised as follows:

- Increase in light pollution from additional rooflight;
- Overlooking/ Loss of privacy;
- The upper-floor rear windows should be obscure glazed;
- The Juliet balconies should be built with an opaque screen to prevent overlooking;

- It appears that no.20 Devonshire Road has seven addresses listed on the parking permit system. The road cannot support this level of car parking.

7.3 The owner/occupier of the following address has made a neutral representation to the application:

- 21 Devonshire Road

7.4 The neutral representation can be summarised as follows:

- In hindsight had we have known the height of the maisonette had increased we may have requested a higher boundary wall be constructed in line with the originally agreed plans.

7.5 The owner/occupier of the following address has made a representation in support of the application:

- 19 Devonshire Road

7.6 The representation in support can be summarised as follows:

- We wish to have it noted that we are very happy with the design and build of 20 Devonshire Road and see it only as an improvement to the area.

7.7 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. Preliminary Matters
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Third party representations

## **Preliminary Matters**

- 8.2 The matters of the principle of development, residential amenity for future occupiers, cycle parking, car parking, refuse arrangements, highway safety and planning obligations were assessed as part of the previous application. I do not consider the minor material amendments compared to the previous application (16/1281/FUL) to have any significant bearing on these specific aspects or their merits to warrant a different conclusion being reached. I therefore am of the view that the assessment of the previous application is pertinent to this current application on these points.

### **Context of site, design and external spaces (and impact on heritage assets)**

- 8.3 The additional rooflights on the front and rear elevation of the main building have not materially impacted on the appearance of the conservation area. These rooflights are situated high up on the roof planes and align with the dormer windows below. Similarly, the additional roof light installed on the maisonette building at the rear of the site does not appear out of character with the area and appears acceptable from a design perspective.
- 8.4 The reduction in height of the party wall with no.21 Devonshire Road has had no material impact on the character and appearance of the conservation area in my view.
- 8.5 The most notable difference between the approved scheme and that which has been constructed is the change to the roof profile and rear elevation of the maisonette building. Permission was originally granted for a split-pitch roof style but it is understood that due to party wall agreements and changes in the ground-level that this was not practical to build. As a result, an asymmetric pitched roof has been built and there is a small cut-back section adjacent to one of the St Barnabas Road properties. The ridge height of the maisonette building has also been increased from approximately 5.5m to 5.75m.
- 8.6 In my opinion the maisonette building, as constructed, continues to enhance the character and appearance of the conservation area. The maisonette building remains legible as a subservient element of the overall scheme and provides a

marked improvement on the former state of the site which was as a dilapidated commercial building. The roof profile, while not symmetrical, does not read as being contrived and the small cut-back section does not appear awkward when perceived from the rear or side elevations.

- 8.7 Overall, I consider the minor material amendments that have been undertaken are acceptable.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12, 3/14 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The lowering of the party wall with no.21 Devonshire Road from 2.7m high to 2.2m has improved the visual outlook of this neighbour and has less of an overbearing impact than that of the approved development in my view.
- 8.10 The additional rooflights in both the main building and the maisonette serve for natural lighting purposes by virtue of their positions high up on the roof plane and do not offer any harmful views across to neighbours.
- 8.11 The change to the roof profile and increase in height of the maisonette element has not had a harmful impact on no.19 in my opinion. The wall of the maisonette building hard-up against the boundary of this neighbour has only been increased by just under 0.1m and it is only the apex of the roof where the ridge height has been raised 24cm higher than as approved. The main visual difference from this neighbour's garden is the additional mass of the roof which slopes away from this neighbouring external amenity space. Having visited this neighbouring garden, I am of the view that the increase in height and change to the roof profile has not resulted in any harmful loss of light or visual enclosure being experienced at this adjacent property.
- 8.12 The additional height and steeper pitch of the roof of the maisonette element can be seen from the neighbouring gardens of St Barnabas Road to the west. At approximately 5.74m in height and situated at the far end of these neighbouring



gardens, which extend to a depth of over 35m, I am confident that these neighbouring gardens have not been harmfully enclosed or overshadowed by the works as built. The small window serving the bathroom of the maisonette on the rear elevation is obscure glazed and does not impair the privacy of these neighbours. I have recommended a condition for this to be retained as an obscure glazed window.

- 8.13 It is acknowledged that concerns have been raised from nos.38 and 40 St Barnabas Road regarding the overlooking that they will experience from the first-floor Juliet balconies and second-floor windows of the main building once it is occupied. I have been to the site and looked out of these windows which face back towards the gardens and windows of these neighbours. I consider that the views from these windows do not compromise the privacy of the St Barnabas Road properties. There is a separation distance of well over 35m between the rear windows of these neighbours and the windows in question which is more than adequate to protect their privacy in my opinion. In addition, prior to works taking place, there were already first-floor and second-floor windows in comparable positions to that of the development as built which offered similar views from habitable rooms back towards these neighbours. Furthermore, the proximity from the approved windows and these neighbours is similar to that of other properties along Devonshire Road.
- 8.14 It has been requested by these neighbours that the windows are obscure glazed to a height of 1.7m above the finished floor level and that obscure glazed screens are introduced on the Juliet balconies to prevent overlooking. However, I do not consider it would be reasonable to impose these under this application given that these windows have not been altered compared to that of the original permission. Notwithstanding this, I also do not believe that these conditions are necessary given the separation distance from the windows in question and these neighbouring properties.
- 8.15 In my opinion the scheme 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, 3/7, 3/10 and 5/2.

## **Third Party Representations**

- 8.16 The majority of the third party representations have been addressed in the main body of this report.
- 8.17 The concern regarding light pollution from the additional roof lights does not give me a cause for concern. Complaints regarding this are covered by the Environmental Protection Act (1990) as a statutory nuisance. In any case, given the position of the rooflights, their limited size and the residential use of the site, I am of the opinion that the levels of light emitted would be similar to that of other dormer windows and rooflights along Devonshire Road.
- 8.18 The issuing of residents parking permits is controlled by Cambridgeshire County Council. Planning permission (16/1281/FUL) was granted on the basis of this being a car free scheme with sufficient cycle parking and situated in a sustainable location. The number of units and bedrooms remains identical to that of the approved development and I do not consider the minor material amendments have had any bearing on the levels of car parking that would be experienced on the surrounding streets. I have put an informative on the permission to advise the applicants that future residents would not qualify for residents parking permits.

## **9.0 CONCLUSION**

- 9.1 The minor material amendments, as built, have not introduced any harmful impacts to neighbouring properties and the scheme enhances the character and appearance of the conservation area. The upper-floor windows of the main building remain as per the approved plans and I do not consider the minor material amendments have had any harmful material impact on the levels of privacy afforded to St Barnabas Road properties.

## **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. Conditions 3 - 16 of planning permission ref. 16/1281/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 16/1281/FUL have been discharged, the development of 17/1937/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.

3. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

-Detailed history of the site uses and surrounding area (including any use of radioactive materials)

-General environmental setting.

-Site investigation strategy based on the information identified in the desk study.

(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

10. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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)

11. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

12. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

13. Full details to a large scale of the verge details shall be submitted for written approval. The use of barge boards will not be permitted unless otherwise agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

14. Prior to the commencement of works, a method statement for the controlled demolition and strip out of the buildings, the salvaging of materials of construction [bricks, slates, etc.], architectural details [joinery, flooring,] and structural timber, etc. and the sustainable recycling of these materials shall be submitted to and approved in writing by the LPA. The LPA shall then be supplied with written proof of the successful recycling of the materials.

Reason: To ensure that the development minimises waste (Cambridge Local Plan 2006, policy 3/1)

15. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

16. Hard and soft landscaping: No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)



17. The windows identified as having obscured glass on drawing number 1073/P03 REV B on the west elevation at ground floor level, labelled 'DAS Item 5 - Additional Window' shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the development) 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, 3/10 and 3/12).

**INFORMATIVE:** Dust condition informative

To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance

[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

**INFORMATIVE:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

**INFORMATIVE:** Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.