

Application Number	18/0879/S73	Agenda Item	
Date Received	30th May 2018	Officer	Mairead O'Sullivan
Target Date	25th July 2018		
Ward	Trumpington		
Site Proposal	The Cottage Gazeley Road Cambridge CB2 9HB S73 application to vary conditions 2 (approved drawings) and 6 (obscure glazing) of permission 16/2040/FUL (Erection of dwelling and creation of new vehicular access) to allow removal of approved basement, removal of the approved integrated garage and proposed replacement garage, bike store and bin store, proposed dormer window, non-obscured glazing on upper floor windows, additional tree planting along northern boundary, and associated internal and external alterations.		
Applicant	Mr Julien Cooper 125 Victoria Road Romford RM1 2LX UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The revisions to the obscure glazing made as part of the application are acceptable and do not give rise to unacceptable overlooking of neighbouring properties - The changes to the building are minor and do not compromise the design
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, The Cottage, comprises a detached property and associated garden land on the north side of

Gazeley Road. There are a variety of trees and shrubs on the site. To the west of the site are the flats of Gilmerton Court and the associated garages of these properties. The north, east and south of the site is comprised predominantly of large detached properties along Gazeley Road and Long Road set within spacious plots.

- 1.2 A small strip of the south-west corner of the site is covered by a TPO group order.

2.0 THE PROPOSAL

- 2.1 The application is made under section 73 of the Town and Country Planning Act (1990) and seeks to make amendments to conditions 2 and 6 of approval 16/2040/FUL. The original application (16/2040/FUL) was approved by members at the 1st March 2017 meeting of planning committee. The approval was for a single dwelling with vehicular access on land within the residential property known as The Cottage on Gazeley Road.
- 2.2 The application seeks to amend the approved drawing condition (condition 2) to allow for minor changes to the design of the building. The revised plans remove the lower ground floor. The garage is proposed to be reconfigured and moved into a new extension to the west side of the building. Bikes and bins are no longer proposed in a separate store but would be included within the new garage arrangement. The internal layout is proposed to be reconfigured and a lift is proposed. An additional dormer is proposed in the western side elevation of the roof and PV panels are also proposed to the roof.
- 2.3 The application also seeks to amend condition 6 of approval ref 16/2040/FUL to allow amendments to the obscure glazing arrangement. The obscure glazing condition (no.6) requires all windows above ground floor on the north elevation and all of the first floor windows on the south elevation to be obscure glazed. The current application has been amended since submission as there were concerns that the removal of obscure glazing on the northern elevation would give rise to overlooking of the private garden of 108 Long Road. The obscure glazing has been revised and is proposed on all windows at first floor and above on the north elevation. The windows on the south elevation are proposed to be clear glazed.

3.0 SITE HISTORY

Reference	Description	Outcome
16/2040/FUL	Erection of dwelling and creation of new vehicular access.	Permitted.
C/90/1037	Outline application for erection of detached dwelling (renewal of unexpired consent)	Permitted.
C/87/1023	Outline application for the erection of a detached dwelling house.	Permitted.
C/66/0523	Modernisation and alterations of existing cottage for use as a dwelling house	Permitted.

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2018	Local	1 3 31 32 35 36 50 51 52 55 56 57 59 71 81 82

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework July 2018</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
<p>Supplementary Planning Documents (These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision.)</p>	<p>Cambridgeshire and Peterborough Flood and Water</p>
<p>Previous Supplementary Planning Documents (These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>

Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cambridge City Council Waste and Recycling Guide for Developers. Cycle Parking Guide for New Residential Developments (2010)
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No comment on the amended plans. The original comments made on the full application are still relevant.

Environmental Health

- 6.2 No objection. Two conditions are requested regarding piling and construction hours.

Refuse and Recycling

- 6.3 No comments received.

Head of Streets and Open Spaces (Tree Team)

- 6.4 No comments received.

Head of Streets and Open Spaces (Landscape Team)

- 6.5 No material landscape matters.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.6 No objection. Details of the proposed sedum roof should be submitted when an application is made to discharge the surface water drainage related condition.

6.7 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 objecting to the application:

- 106 Long Road
- 108 Long Road x3

7.2 The representations in opposition can be summarised as follows:

- The lack of obscure glazing is unacceptable. The new dwelling; Beaumont House, sited on the adjacent plot, was required to have obscure glazed windows facing the garden of 106 Long Road and the distance is comparable to the distance between this proposal and 108 Long Road.
- Will overshadow and overlook adjoining properties on Long Road
- Other recent approvals have required obscure glazing on first floor habitable windows to ensure no privacy loss.
- The case officer on the original application visited the site and considered the obscure glazing to be required. Clear glass would allow a panoramic view of the garden, reception and bedrooms of 108 Long Road
- The planting is not an adequate solution
- The property should be flipped so habitable rooms face south
- Appreciate amendments to improve overlooking concerns
- Windows on north should not be openable
- Original landscape proposals were favourable as they provide screening

7.3 The owners/occupiers of the following address have made representations in support of the application:

- The Lodge, 4 Gazeley Road x3

7.4 The representations in support can be summarised as follows:

- Support the removal of the basement
- Support the removal of the garage

- Indifferent about the proposed materials (whether red or yellow brick)
- Large fir tree should be preserved
- Request that gates no more than 3m wide and indented so cars can pass on the lane.
- The only matter is whether the top floor needs obscure glazing as the 1st floor would be screened by trees
- The site is in an urban area where all properties are overlooked

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

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. Water management and flood risk
4. Noise and vibration
5. Inclusive access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations

Principle of Development

8.2 The principle of residential development and the subdividing of the plot were accepted as part of the full application. This was assessed under policy 3/10 of the 2006 Local Plan. Policy 52 is the equivalent to this policy in the Cambridge Local Plan (2018). Policy 52 relates to development on garden land and subdivision of plots. This states that proposals on garden land will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained to the existing dwelling and any worth trees are retained, c) adequate amenity and privacy to neighbours is protected, d) adequate provision of amenity space, vehicular access and car

parking for proposed and existing properties and, e) the proposal does not compromise development of the wider area.

- 8.3 The design is broadly the same as approved and the changes and additions are assessed under the relevant heading below in line with criterion a). Adequate garden space has been retained by the host dwelling in line with criterion b). The impact on neighbouring properties is assessed under the relevant paragraphs below in line with criterion c). Amenity for future occupiers and car parking are addressed under the relevant paragraphs below in accordance with criterion d). Criterion e) is not relevant.

Context of site, design and external spaces

- 8.4 The proposed replacement garage is a modest structure. Given its low height and siting tucked behind the existing Cottage, I am satisfied that it would not appear prominent and have no concerns about the structure in design terms.
- 8.5 The additional dormer on the side elevation is a small pitched roof addition and in my view this does not significantly change the appearance of the building. The fenestration changes are all minor and do not compromise the approved design.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57 and 59.

Integrated water management and flood risk

- 8.7 The Drainage Officer has requested that details of the sedum roof proposed for the garage be provided as part of the discharge of the drainage condition. I recommend that the original proposed drainage condition is modified slightly to include the requirement for the green roof details. I note the applicant has already applied to discharge this condition on the approved application but that the condition is currently still awaiting determination. The drainage condition may need to be re-discharged if the current application is approved by members to ensure details of the green roof are agreed with the Drainage Officer.
- 8.8 In my opinion the applicants have suitably addressed the issues of water management and flood risk, and the proposal is in

accordance with Cambridge Local Plan (2018) policies 31 and 32.

Noise and vibration

- 8.9 The Environmental Health Officer has requested that two conditions are included regarding construction hours and piling. I consider these to be appropriate and have also recommended these two conditions in the interest of the amenity of surrounding occupiers.
- 8.10 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues of noise and vibration, and that the proposal is in accordance with Cambridge Local Plan (2018) policy 35

Inclusive access

- 8.11 The proposed new dwelling would provide level access, a lift and off street car parking in close proximity to the entrance to the house. In my view the proposal has adequately addressed inclusive access. As this is a section 73 application, I have not included a condition requiring compliance with part M(4)2 of building regulations/policy 51.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 51, 56 and 57.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.13 The footprint and height of the building are no greater than approved. The garage which replaces the bike and bin store would result in an increase in built form but this is a single storey structure of 2.6m in height, which although within 3m of the Cottage, I am satisfied would not enclose or overshadow this occupier to a significant degree and would only be 100mm higher than a Permitted Development outbuilding which could be constructed in the future once the dwelling is complete.
- 8.14 The primary concern is the potential for the proposal to impact on the privacy of adjoining occupiers. The plans originally submitted as part of the section 73 application proposed the

removal of the obscure glazing on all windows on the north elevation. The occupiers of 106 and 108 Long Road both objected to the plans. The case officer in the committee report for the original application noted that the windows were amended as part of the application to be obscure glazed up to 1.7m above floor level as there were concerns about the overlooking impact to the Long Road gardens. The new dwelling on the adjacent plot at Beaumont House was cited in the report as a precedent as this was designed to have predominantly obscure glazed windows on the north elevation to ensure no overlooking of the Long Road gardens. The approval on the current application site was controlled by condition 6 which required the windows at first floor and above on the north elevation to be obscure glazed and on restrictors.

- 8.15 The applicant proposed replacement landscaping on this site to mitigate the impact and although there is a substantial distance of over 35m building to building, the garden space of 108 Long Road is very private and the clear upper floor windows proposed, even with the proposed landscaping, would impact on the privacy of this space. These gardens on Long Road are private spaces and as the new property on the adjacent property was designed to minimise potential overlooking of the garden of 106 Long Road, the loss of the obscure glazing on the north elevation was considered unacceptable.
- 8.16 The applicants has revised the plans and reinstated the obscure glazing up to 1.7m on the windows on the rear elevation. The internal layout has also been reconfigured so that two bathrooms are positioned on this elevation which would have obscure glazed windows. The other first and second floor windows would serve bedrooms and would have obscure glazing up to 1.7m above the floor level. The two second floor bedrooms would also be served by roof lights. Bedroom 2 would be solely served by a mainly obscure glazed window. It is the only bedroom which this applies to and whilst this is not ideal I do not consider it significantly harmful to warrant refusal.
- 8.17 Under the original consent the first floor windows on the south elevation served bathrooms and a secondary window to a bedroom. These windows were also required by condition to be obscure glazed. The revisions to this application have reconfigured the internal layout so the south elevation now provides windows to two bedrooms. Bedroom 3 is nearest to

the Cottage. This room has one narrow window in the south elevation with a larger window looking east. The window looking east has been permitted as clear glazed. The other window proposed would look towards the cottage but would be a small secondary window and would only have oblique views towards the Cottages. In my view, this would not give rise to any significant loss of privacy to the occupiers of the Cottage.

8.18 The revised plans propose a larger glazed element to serve Bedroom 1 at first floor on the south elevation. These windows would allow views towards Beaumont House but the views would be across the front garden which is already visible from Gazeley Road and in my view this would not be significantly harmful to the privacy of this occupier. The windows would also look across the front of The Cottage but at a very oblique angle.

8.19 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 (2018) policies 35, 55 and 56.

Amenity for future occupiers of the site

8.20 The proposal is broadly similar to the approved scheme in terms of amenity for future occupiers. The revised proposal removes the basement but the dwelling would provide internal space significantly above the minimum standards. The property also provides a large rear garden. I am satisfied that it would provide a high standard of amenity for future occupiers.

The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m²)	Proposed size of unit	Difference in size
1	1	5 bed 9 person	3	134 sqm	250 sqm	116 sqm

Size of external amenity space: approx. 55 sqm

8.21 In my opinion the proposal provides a high-quality and accessible living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 52

Refuse Arrangements

8.22 Bins are no longer proposed to be provided in a dedicated store but are now shown in the proposed garage. There is no objection to the revised arrangement. As with the approved application, the drag distance to Gazeley Road is beyond the maximum distances stipulated in the RECAP Waste Management Design Guide (2012) but this relationship would be similar to that of other properties along Gazeley Road.

8.23 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

Highway Safety

8.24 The Highway Authority has raised no objection to the application.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

8.26 The number of off street car parking spaces proposed is reduced from 2 to one however I am satisfied that one space would be adequate given the sustainable location of the site.

8.27 Space to park 4 bicycles is shown in the garage. I consider this to be acceptable as it would comply with policy.

8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

8.29 I have addressed the majority of the concerns above. I will cover any outstanding matters in the below table.

Representation	
The lack of obscure glazing is unacceptable. The new dwelling Beaumont House, sited on the adjacent plot, was required to have obscure glazed windows facing the garden of 106 Long Road and the distance is comparable to the distance between this proposal and 108 Long Road.	The application has been amended to ensure obscure glazing up to 1.7m above floor level on the north elevation to ensure no loss of privacy to the Long Road gardens.
Will overshadow and overlook adjoining properties on Long Road	The footprint and height is no greater than approved. The revised obscure glazing overcomes the overlooking concerns.
Other recent approvals have required obscure glazing on first floor habitable windows to ensure no privacy loss.	Noted. This has been amended.
The case officer on the original application visited the site and considered the obscure glazing to be required. Clear glass would allow a panoramic view of the garden, reception and bedrooms of 108 Long Road	Noted. This has been amended.
The planting is not an adequate solution	The additional landscaping was not considered to mitigate the removal of obscure glazing on the north elevation. This has been amended.
The property should be flipped so habitable rooms face south	The internal layout has been amended so the master bedroom faces south and bathrooms are on the more sensitive northern elevation
Appreciate amendments to improve overlooking concerns	

Windows on north should not be openable	The windows on the north elevation are conditioned to be on restrictors as well as obscure glazed to a minimum of 1.7m above the floor level. The restrictors will only allow very glimpsed views but will allow for means of escape to meet building regulations
Original landscape proposals were favourable as they provide screening	Noted but the additional landscaping is no longer required to mitigate for clear glazing on the north elevation so there is no requirement for the applicant to provide additional planting.

9.0 CONCLUSION

9.1 The amendments to the application to ensure obscure glazing to the north elevation overcome concerns regarding overlooking of the private gardens on Long Road. Any overlooking to the south would be limited and is not considered significantly harmful to the occupiers of the Cottage or Beaumont House on Gazeley Road. The revisions to the design are minimal and are considered to be acceptable. The recommendation is for approval to amend the drawing and obscure glazing condition to allow for the proposed changes.

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 permission ref 16/2040/FUL.

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

2. 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.

3. 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 2018 policy 35).

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 policy 35).

5. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81).

6. Prior to the occupation of the dwelling, the windows on the north elevation at first-floor and second-floor level, as shown on drawing number EJB-034-01 Rev C shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The windows shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 52, 55 and 57).

7. No development shall take place above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)).

8. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

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 2018 policies 55, 57 and 59).

9. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including details of the proposed sedum roof, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

Reason: To minimise flood risk (Cambridge Local Plan 2018 policy 32 and National Planning Policy Framework (2018)).

10. Conditions 2-10 of planning permission 16/2040/FUL shall continue to apply to this permission. Where such conditions pertaining to 16/2040/FUL have been discharged, the development of 18/0879/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.

INFORMATIVE: In order to meet the hard and soft landscaping condition (no.8) the following information should be submitted to the Local Planning Authority:

Hard Landscape works shall include:

- proposed finished levels;
- means of enclosure;
- car & cycle parking layouts,
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- external lighting layouts;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports).
- hard boundary treatments

Soft landscape works shall include:

- works proposed to restore, mitigate or replace planting at key aspects such as between neighbours, along street frontages or in the vicinity of existing trees and hedges which are being retained.
- Tree planting strategy and specification of new trees
- Tree pit details
- Soft boundary treatments

INFORMATIVE: Traffic Management Plan informative: The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.