

Application Number	18/1552/S73	Agenda Item	
Date Received	4th October 2018	Officer	Nicholas MacDermott
Target Date	29th November 2018		
Ward	Romsey		
Site	8 Seymour Street		
Proposal	Section 73 application to vary condition 2 (approved drawings) and remove conditions 3 (Preliminary Contamination Assessment), 4 (Site Investigation Report & Remediation Strategy), 5 (Implementation of Remediation), 6 (Completion Report), 7 (Materials management Plan), and 21 (Contaminated land assessment and remediation strategy) of planning permission 18/0581/FUL		
Applicant	Mr Andy Brand Nene Lodge Funthams Lane Whittlesey		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed variations to the approved scheme would not significantly harm the residential amenity of the neighbouring property at No 8A.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site was formerly a commercial unit located at 8 Seymour Street which has been demolished. In its place and nearing completion have been erected the shells of a pair of semi-detached houses granted permission in June 2018 Ref:18/0581/FUL. The new building is faced with a buff brick.

- 1.2 Seymour Street is mostly residential. The nearby houses are a mixture of ages and styles from the late nineteenth century to the present day, displaying a wide variety of facing materials, including traditional buff and red brick, modern yellow and orange bricks, white-painted brick, render and pebbledash. There is no consistent building line on either side of the street.
- 1.3 To the south, the site abuts the Brookfields Hospital site and to the west is car parking.
- 1.3 The site is not within any conservation area and is outside the controlled parking zone. There are parking restrictions in parts of the street, including in front of the application site where on-street parking is not permitted at any time.

THE PROPOSAL

- 2.1.1 This is a Section 73 application to vary the following conditions of planning permission 18/0581/FUL:

2- (Approved Drawings), 3 - (Preliminary Contamination Assessment), 9 -(Materials), 13 - (Visibility Splays), 16 - (TMP) - 20 (Dust), 22 - (Cycle Storage) and to remove condition 21 (Contaminated Land Assessment and Remediation Strategy) of permission 18/0581/FUL (Demolition of existing shop, construction of 2 x semi-detached houses).

- 2.1.2 These variations to the conditions in effect seek permission for some small alterations to the approved drawings (condition 2), the discharge of conditions 3, 9, 13, 16, 20, 22 and the removal of condition 21.

- 2.1.3 The proposed changes to the approved dwellings include the deletion of a small cut out shaft that extended down from the roof to first floor level. There are also changes to the front elevation of the pair of semi-detached houses with the proposal of bay window projections.

- 2.1.4 The application is accompanied by the following supporting information:

1. Drawings
2. Covering letter
3. Supporting information for the discharge of conditions

3.0 SITE HISTORY

18/0581/FUL for Demolition of existing shop, construction of 2 x semi-detached houses. PERM dated 08.06.2018

15/0102/FUL for Demolition of existing shop, construction of 2 x semi-detached houses. PERM dated 18.03.2015

18/0581/COND3 Condition 3 - Contaminated land 1 of 6 - PCO

18/0581/COND9 for Condition 9 - Materials Samples, PCO

18/0581/COND16 for Condition 16 - Traffic management plan, PCO

18/0581/COND20 for Condition 20 - Dust, PCO

18/0581/COND21 for Condition 21 - Contaminated Land, PCO

18/0581/COND22 for Condition 22 - Cycle Parking, PCO

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 Local Plan 2018	1 50 51 55 56 57 59

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
<p>Previous Supplementary Planning Documents</p> <p>(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>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p>

	<p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p>
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5.4 **Central Government Advice**

National Planning Policy Framework 2019
National Planning Practice Guidance

5.5 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction

6.0 **CONSULTATIONS**

Cambridgeshire County Council (Highways Development Management)

6.1 Condition 13 (Visibility Splays): the visibility splays that can be provided within land controlled by the applicant are provided to the satisfaction of the Highway Authority.

6.2 16 (TMP): Having considered the site constraints and the information provided the proposal is considered a satisfactory solution to the issues associated with construction and the Highway Authority has no objection to the discharge of Condition 16 of this permission.

Environmental Health

6.3 Condition 20 - The submitted “dust suppression statement” provides adequate mitigation and best practice. No objection to a compliance condition referencing the submitted “dust suppression statement”.

- 6.4 No objection to the applicant's proposal to vary Condition 3 (Preliminary Contamination Assessment) to a compliance condition
- 6.5 No objection to the applicant's proposal to remove Condition 21 (Contaminated Land Assessment and Remediation Strategy) as it is an unnecessary duplication of Conditions 3 to 8 of permission 18/0581/FUL.

Urban Design team

- 6.6 "...there are no material urban design issues with the proposals."
- 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:

8A Seymour Street

- 7.2 The representations can be summarised as follows:

Removing the "cut-out" element on the first and second floor would block the light to two windows on the adjoining wall of No 8A and reduce the lights to first floor bedroom to an unacceptable level, making it uninhabitable.

Maintenance and cleaning of the outside of the window is impossible.

The limited degree to which the window can be opened because of the proximity of the side wall of No 8, at a distance of 10 centimetres reduces air ventilation. This could adversely affect health.

States that he was not notified of the application by the Council.

- 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

Proposed changes to approved scheme and residential amenity

Impact on amenity of neighbouring occupiers

- 8.1 The appearance of the building approved under permission 18/0581/FUL was simple but plain. The amended plans show the introduction of two storey bay window projections at either end of the building, one for each of the two approved dwellings. These bay window features provide greater interest to the appearance of the pair of semi-detached dwellings and are a welcome improvement to the originally approved plans.
- 8.2 The scheme also proposes the filling-in / deletion of a small cut out section in the side wall of the house which was shown on the plans approved in 2018. A cut out was shown offset from the middle of the house extending down from the roof to include the first floor level. The ground floor area was standard and did not show this cut out.
- 8.3 Whilst there are two high-level windows in the north west side elevation of No 8A Seymour Street facing the application site the windows are offset from the centre of No 8A. The cut out would have provided a void area at first floor level but would not have matched up with where the first floor high level window at No 8A is located. About a quarter of the window would have 'married up' with the cut out. The depth of the cut out was about 0.6 to 0.7 metres deep.
- 8.4 Even if the purpose of the cut out shaft was to allow a little more additional ambient light to penetrate down to the obscure glazed high level window the mis-alignment of the cut-out shaft in relation to the high level window would have meant that it would be unlikely that the cut out would have provided a significantly greater amount of light than this window now receives with the side wall of the new house already built.

- 8.5 The agent has provided details from the estate agent advertising the property this year which show the first floor middle room to be a bathroom. There is only one other bath / shower room provided for the house and that is the en-suite bathroom serving bedroom 1 which can only be accessed through that bedroom. There is a toilet at ground floor level but no bath / shower room.
- 8.6 Given that there would be no significant difference between levels of light reaching the obscure glazed high level window with or without the cut out shaft as shown on the previously approved scheme it is not considered that this slightly amended scheme would result in unacceptable harm to the amenity of the neighbouring property at No 8A Seymour Street.
- 8.7 The proposal is compliant in design terms with Cambridge Local Plan (2018) policies 55, 56 and 57 and adequately respects the residential amenity of its neighbours and the constraints of the site and it is compliant with Cambridge Local Plan (2006) policies 56 and 58.

DISCHARGE OF CONDITIONS

- 8.8 The application also proposes the variation of several of the conditions attached to the previous permission 18/0581/FUL.
- 8.9 Condition 2- (approved drawings – considered in the section above and the substitution of the approved plans with amended plans is found to be acceptable).
- 8.10 Regarding the other conditions 3, 9, 13, 16, 20 and 22 it is proposed to re-word the conditions to make them compliance conditions i.e. to accord with already submitted information rather than asking for the submission and approval of information.
- 8.11 The Highways Officer has stated that the information submitted for conditions 13 and 16 is satisfactory. The Environmental Health Officer has also stated that they are happy for conditions 3 and 20 to be changed into compliance conditions and for condition 21 to be removed.
- 8.12 Regarding the materials condition, No 9, the submitted materials schedule indicates the use of satisfactory materials in

all respects and this condition can be worded to become a compliance condition.

- 8.13 There is also no objection to condition 22 regarding cycle storage being changed into a compliance condition.

Other Matters

- 8.14 Third party comments have raised concern regarding the LPA notification process with the current owner of 8A stating that he was not notified of the application by the Council.
- 8.15 The application was submitted in 2018 and No 8A along with other neighbouring properties was notified of the application in October 2018.
- 8.16 The current owner bought the house in May 2019, almost a year after this application was received and made valid. As the Council sent out a letter of notification to No 8A when the application was made valid it carried out its duty with regard to publicity.
- 8.17 Any change to the use of the bathroom would have happened after May 2019. An Officer site visit to No 8A has taken place. The first floor middle room with the high level window is shrouded in darkness and the room does not have the appearance of a bathroom. The present owner of No 8A states that the room is a bedroom.
- 8.18 The room however appears too small to serve this purpose and would create a situation where the house has 5 bedrooms but only one shower/bath room which is an en-suite facility that can only be accessed through one of the bedrooms.

Third Party Representations

- 8.19 The neighbor at No 8A has objected to the proposal on the grounds that removing the "cut-out" element would block the light to two windows on the adjoining wall of No 8A making a first floor bedroom uninhabitable.

Case officer response: The cut -out shown on the previously approved scheme in the main part would not have matched up with the high level window. Only a small part of the shaft would

have allowed any light down to the first floor high level window and it is not considered that this would have made a significant difference to the existing situation.

Maintenance and cleaning of the outside of the window is impossible.

Case officer response: Maintenance and cleaning of the outside of the window this is not a planning matter.

Proposal will cause ventilation problems and affect health of occupants of No 8A as window can barely be opened.

Case officer response: The deletion of the cut out would make no difference to the ability to open the high level windows as it would have only crossed about a quarter of the window and would not have allowed the first floor window to be opened more than it is now possible to do. Rooms are on occasion approved in housing schemes that do not have windows or opening windows.

9.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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 conditions of planning permission 18/0581/FUL (as set out below) shall continue to apply to this permission.

Where conditions pertaining to 18/0581/FUL have been discharged, the development of 18/1552/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. 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 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 2018 Policy 33.

4. 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.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2018 Policies 55 and 57).

5. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge Local Plan 2018 Policy 81).

6. No gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

7. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Reason: To prevent surface water discharging to the highway. (Cambridge Local Plan 2018 Policy 81).

8. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

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

9. The redundant lengths of vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway. (Cambridge Local Plan 2018 Policy 81).

10. The access shall be provided as shown on the approved drawings and retained free of obstruction.

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

11. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries
 - ii. Contractor parking
 - iii. Movements and control of all deliveries
 - 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.

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

12. 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 2018 policy 35).

13. Except with the prior agreement of the local planning authority in writing, there should 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 ' Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the adjoining properties.
(Cambridge Local Plan 2018 Policy 35).

14. 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.

Reason: To protect the amenity of the adjoining properties.
(Cambridge Local Plan 2018 Policy 35).

15. 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 the adjoining properties.
(Cambridge Local Plan 2018 Policy 36).

16. Prior to first occupation, details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 Policy 82).

17. The first floor and second floor windows on the west facing elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior and shall be non-opening until 1.7m from the finished floor level prior to occupation of the hereby approved dwellings. The development shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 Policy 57).

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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

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

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

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

2 Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

3 Control of dust and emissions during construction and demolition 'supplementary planning guidance