

Application Number	18/1499/S73	Agenda Item	
Date Received	25th September 2018	Officer	Mairead O'Sullivan
Target Date	20th December 2018		
Ward	Petersfield		
Site	Jubilee House, 3 Hooper Street		
Proposal	Section 73 application to vary condition 2 (approved drawings) of permission 15/1194/FUL (Change of use from office (B1a) to form 2x 2 bed and 6x 1bed residential units (C3) along with 3 storey rear extensions, with roof terrace, and alterations.) to allow alterations to the approved balcony balustrading.		
Applicant	Mr Lee Maddox Jubilee House, 3 Hooper Street		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The amended balcony screens are considered to adequately protect the amenity of the nearby properties and gardens on Gwydir Street
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is Jubilee House. It lies on the north western side of Hooper Street. This is a predominantly residential area characterised by two storey terraced housing. Jubilee House is a 4.5 storey detached brick building set back from the street with a metal railing to the front. The building was formerly in office use. Permission was granted to extend the building and convert to residential in 2015 under permission ref 15/1194/FUL.

1.2 The site lies within the Mill Road Conservation Area.

2.0 THE PROPOSAL

- 2.1 The application is made under section 73 of the Town and Country planning Act (1990) and seeks to amend condition 2 (drawings condition) of 15/1194/FUL to allow amendments to the balconies and balustrades. The balconies were approved as part of the original application but have not been built in accordance with the approved plans. The balconies as built are larger than those approved and do not have adequate screening to prevent overlooking of properties and gardens to the west.
- 2.2 The plans have been amended since submission. The amended proposal increases the amount of enclosure of the westernmost balcony with 1.7m obscure glazed screens. Also, the level of obscure glazing proposed to the screens has been increased to Pilkington Level 5.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1194/FUL	Change of use from office (B1a) to form 2x 2 bed and 6x 1bed residential units (C3) along with 3 storey rear extensions, with roof terrace, and alterations	Permitted
14/1959/B1C3	Prior Approval notification of proposed change of use from B1(a) (offices) to Class C3 (dwellinghouses) to form nine studio flats	Withdrawn
14/1993/FUL	Construction of two cycle stores to serve the building	Withdrawn

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 55 56 57 58 59 61

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

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Previous Supplementary Planning Documents	Sustainable Design and Construction (May 2007)
	Mill Road Area Conservation Area Appraisal (2011)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment.

Environmental Health

- 6.2 No objection: In the interest of amenity the standard construction hours condition is recommended.

Urban Design and Conservation Team

- 6.3 There are no material conservation issues with the proposal.
- 6.4 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:

- 6 - 7 Atherton Close (on behalf of the owner of 128 Gwydir Street)
- 126 Gwydir Street x 7
- 128 Gwydir Street x 3

- 7.2 The representations can be summarised as follows:

- Loss of privacy to 126 and 128 Gwydir Street
- Noise disturbance from use of balconies
- Balustrade to balconies should be higher and obscure glass
- Flats are being used for short-term lets
- What has been built is not in accordance with the approved plans
- Pilkington Level 3 obscurity is not considered adequate; level 5 is requested to mitigate against the larger size of the balconies
- The balcony lights cause disturbance; should be removed or put on a timer
- Windows on rear of top floor flats should have obscure glazing.
- Request that 1.7m obscure glazed balcony screen runs along the whole of the boundary of the western balcony as occupiers can look through the gap into gardens on Gwydir Street
- There have been difficulties renting out 126 Gwydir Street due to the sense of being overlooked from the balconies.

- 7.3 The owner of 126 Gwydir Street has provided photographs to support their objections.

7.4 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. Context of site, design and external spaces and impact on heritage assets
2. Residential amenity
3. Third party representations

Context of site, design and external spaces and impact on heritage assets

8.2 The revised balcony arrangement and screens would appear similar to those originally approved. In design terms, the change is considered minor. The Conservation Team have confirmed that there are no material conservation issues.

8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58, 59 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.4 The primary concern is the impact of the balconies on gardens on Gwydir Street to the west of the site. The balconies to the top floor apartments have not been constructed in accordance with the approved plans. The approved plans permitted a smaller rectangular footprint to the balconies with a 1.7m obscure glazed screen to the western elevation. The balconies which have been constructed include an additional element making them 'L-shaped'. The 1.7m obscure glazed screen is only on the element closest to the building. The remainder of the balcony screen is approx. 1.1m in height so is not high enough to prevent overlooking.

8.5 The plans as originally submitted did not accurately show the layout of the top floor flats and there were some discrepancies

between the plans. Following on from a site visit to a neighbouring property and the application site, revised plans were requested to include a greater level of screening to the balconies. The increased size of the balconies means it is possible to get much greater and more expansive views of the rear of the properties on Gwydir Street; in particular no's 126 and 128. The extent of the balcony screens proposed has been amended to wrap around the whole of the narrow new element of the balcony as well as partially around the end element of the balcony. The representation from 126 Gwydir Street requests that the 1.7m obscure glazed balcony screen wraps around the entirety of the westernmost top floor apartment. I do not consider this to be reasonable as the balconies granted under 15/1195/FUL only had the western element of the balcony with a 1.7m obscure glazed screen. The amended proposed balcony screen does extend partly around the end elevation, which under the 2015 permission has a lower clear screen, to mitigate against the impact of the larger size of the balcony. The narrowness of the gap left unenclosed by a 1.7m obscure glazed screen means that only very oblique views of the gardens on Gwydir Street will be possible.

- 8.6 The representations raise concerns about the existing level of obscurity of the balcony screens. Photos are provided which show that people sitting behind the existing screens are visible. The applicant is proposing to provide a higher level of obscure glazing; Pilkington Level 5 to all of the 1.7m high elements of the balcony screens. In my view the proposed extent of 1.7m high Pilkington level 5 Obscure glazed screens to the westernmost balcony will prevent overlooking of the adjacent properties and gardens on Gwydir Street; with only very oblique views being possible from the small lower element of balcony screen to this balcony. I recommend a condition requiring the new balcony screen arrangement to be installed before the balcony is next used to ensure the works are carried out in a timely manner.
- 8.7 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.

Third Party Representations

8.8 I will cover any points raised by the third party representations which have not been covered within the body of my report on the below table.

Representation	Response
Loss of privacy to 126 and 128 Gwydir Street	See paragraph 8.5
Noise disturbance from use of balconies	I do not consider the increase balcony size gives rise to a significant adverse impact on adjoining occupiers from noise and disturbance
Balustrade to balconies should be higher and obscure glass	See paragraph 8.5
Flats are being used for short-term lets	Noted. This is subject to an ongoing planning enforcement negotiation.
What has been built is not in accordance with the approved plans	Noted. The application seeks to regularise the works as part of this application
Pilkington Level 3 obscurity is not considered adequate; level 5 is requested to mitigate against the larger size of the balconies	The applicant has agreed to provide Pilkington Level 5 obscure glazing.
The balcony lights cause disturbance; should be removed or put on a timer	The balcony light has been removed.
Windows on rear of top floor flats should have obscure glazing.	This is not considered reasonable. The increase height, extent and level of obscurity to the balcony screens is considered adequate,
Request that 1.7m obscure glazed balcony screen runs along the whole of the boundary of the western balcony as occupiers can look through the gap into gardens on Gwydir Street	See paragraph 8.5.
There have been difficulties renting out 126 Gwydir Street due to the sense of being overlooked	Noted. Although this is not a material planning consideration.

from the balconies.	
---------------------	--

9.0 CONCLUSION

- 9.1 The amendment to include a 1.7m Pilkington level 5 obscure glazed screen around the majority of the westernmost top floor balcony is considered to protect the privacy of the neighbouring properties on Gwydir Street. A condition requiring the changes to be implemented before the next use of the balcony is recommended.

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 3-5 & 7 of planning permission 15/1194/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 15/1194/FUL have been discharged, the development of 18/1499/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. 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))

4. 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)

5. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and shall include a management plan for refuse collection and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained for their intended use thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2018 policies 35 and 56.

6. The windows on the west elevation at first and second floor level shall be obscure glazed to a height of 1.7 metres above finished floor level and to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of the extension. The windows 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 2018 policies 55 and 58).

7. No further use of the balconies shall take place until the 1.7m high Pilkington Level 5 obscure glazed balustrades, as shown in drawing no 106.305.C2, has been installed in accordance with the approved details. The balcony screens shall be retained in accordance with the approved details in perpetuity.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 56 and 58).

8. Following implementation of any Permission issued by the Planning Authority in regard to this proposal 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.

INFORMATIVE: In submitting details for discharge of condition 5, the Council expect the needs of the occupants of Celtic House to be considered in the context of the proposed Management Plan for refuse collection.

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.