

Application Number	20/02965/S73	Agenda Item	
Date Received	7th July 2020	Officer	Mary Collins
Target Date	1st September 2020		
Ward	Castle		
Site	1 Grosvenor Court		
Proposal	Section 73 application to vary condition 2 (approved plans) of planning permission 19/1250/S73 to permit changes including changes to the car port, plant room, roof profile and windows		
Applicant	Mr John Wilson Unit 10716 Lytchett House 13 Freeland Park Wareham Road Lytchett Matravers BH16 6FA		

SUMMARY	The development accords with the Development Plan for the following reasons: - The proposed development would respect the existing building and the surrounding area. - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The proposed development would provide accessible living accommodation and a good level of indoor and outdoor amenity for future occupiers.
RECOMMENDATION	APPROVAL

SITE DESCRIPTION/AREA CONTEXT

- 1.1 Grosvenor Court is situated on the northern western side of Woodlark Road. It is a detached two storey building in red brick with a hipped roof which comprises

two flats on the ground floor and two flats on the first floor.

- 1.2 The building is currently undergoing conversion and extension to create 8 flats.
- 1.3 Woodlark Road is characterised by pairs of dwellings of a similar age and style
- 1.4 Grosvenor Court is set back behind the pavement edge and the established residential building line behind a gravelled front garden with a bungalow and a detached two storey dwelling immediately adjacent to the application site.
- 1.5 To the side there is a driveway accessing the single garage serving 11 Woodlark Road.
- 1.6 To the rear of the application site is the Darwin Green development.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought under Section 73 to vary condition 2 (approved plans) of planning permission 19/1250/S73 to permit changes including changes to the car port, plant room, roof profile and windows

The principal changes are

- Alterations to the car port, bike store and plant room at the side of the site, to raise the height of the roof by approximately 500mm compared to the approved scheme. The extra height is needed in the plant room to allow the installation of the low-carbon M&E equipment, for which the full specification was not known at the time of the previous application. This brings the new structure to the same height as the front of the neighbouring garage, and the garages that were previously in this location.
- One parking space has been removed from the car port and was originally proposed to be relocated next to the approved parking area to the front in the blue boundary. This allows an additional 6 bike spaces to be installed

within the secure storage area. A revised drawing has been received showing the relocated parking space removed from the proposal.

- New windows added at first floor in the rear extensions, to provide a view out to improve the quality of the main living space.
- Change to the pitch of the hipped roof on the rear of the new side extension, to enable the use of traditional tiling details.
- The eaves level to the single storey roof on the North East elevation has been raised by 470mm to achieve the required room heights internally.
- High level window on the North East elevation changed to a normal window, and another added.
- Additional rooflight in the North East facing hipped roof, to provide this bedroom with additional natural light.
- Roof detail to rear extensions changed to a parapet.

3.0 SITE HISTORY

18/1637/FUL	Extensions and alterations to provide 8 flats, car parking, covered cycle parking, bin store and new fencing.	Approved 08.02.2019
19/1250/S73	Section 73 application to vary Condition 2 (approved plans) of permission 18/1637/FUL (Extensions and alterations to Grosvenor Court to provide 8 flats, car parking, covered cycle parking, bin store and new fencing) to permit changes including changes to external wall specification and elevational treatment; changes to roof profile; changes to internal layouts (including additional bedrooms to flats 1 and 5 and reconfiguration of flats 3 and 4); alterations to rear balconies and alterations to pergola and boundary treatment adjacent to no. 11 and relocation of plant.	Approved 27.01.2020

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 3 28 31 32 35 36 50 51 53 55 56 57 58 59 81 82

- 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 March 2014 Circular 11/95 (Annex A)
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 Recommend conditions attached:

- Traffic management plan.
- Two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular exit measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
- Driveway be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.

Environmental Health

6.2 The development proposed is acceptable subject to the imposition of the condition(s)/informative(s) outlined below.

- construction hours
- collection during construction
- piling
- dust
- plant noise
- previously unidentified contamination
- EV charging points

Urban Design

6.3 The Urban Design team have reviewed the information submitted, and the proposed alterations to the rooflights, hipped roof pitch and eaves levels are all acceptable in urban design terms.

One parking space (no. 7) has now been moved and placed next to the two accessible spaces, as shown on the Proposed Site Plan (dwg.1910_PP100_B). This location is not within the site boundary and is situated extremely close, at 200mm from the rear elevation of the neighbouring building. As such, this is not supported in design terms. The applicant should consider whether a 7th parking space is required for the scheme.

The proposed height to the garage, bike store and plant room has increased by 500-600mm and solar panels are now proposed to the roof of the structure. The solar panels will likely be visible at ground level and it is suggested that a parapet detail is built in to conceal the panels from view. The supporting letter outlines that the extra height is needed for the plant room. If the panels are located above the garage and cycle store, the applicant could consider lowering the ceiling to these two sections to accommodate a parapet detail.

Sustainable Drainage Engineer

- 6.4 Proposed variation does not appear to include a green roof for the proposed bike store. Calculations are required as the green roof was included in the strategy that set the drainage principles of the agreed strategy for condition 3 of the original permission.
- 6.5 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:
- 7 Woodlark Road
 - 9 Woodlark Road

- 7.2 The representations can be summarised as follows:

Object:

The existing roof height of no 11 garage (the neighbour) is lower than the front wall by approximately 500mm higher than the roof. The roof slopes at an angle away from the frontage to the same height as the No 9 walled fence. Raising the overall roofing structure to match the full height of the wall would not be visually attractive from our garden and in tune with No 11 garage.

The counterproposal is that since the extra height is only required for the plant then this is the only structure that shall be increased.

Drawing PP3000-B proposed sect AA - note from the original plans that the upper floor windows have been materially changed from small narrow windows to much larger one. The modifications allow the occupants to see directly into no 9,7 and 5 Woodlark Road gardens.

Solar panels are, visually, not in keeping with the character of the surrounding buildings and are angled towards 7 and 9 Woodlark Road.

Noise from the plant room, bike sheds and car port are a real concern as it will increase the noise and disturbance in 9 Woodlark Road's back garden.

8.0 ASSESSMENT

Principle of Development

- 8.1 The principle of development has been established through the extant consent 18/1637/FUL which has been varied through permission 19/1250/S73.

Context of site, design and external spaces

- 8.2 The solar panels on the plant room/car port/bike store roof are shown in the previous approved application 19/1250/S73 and so their inclusion in this application is not a change. The proposed raising of the height of the roof by 0.5 metres is not considered to be detrimental to the appearance of the surrounding area. This building is sited close to the garage to the adjacent property and is set back into the application site so it would not be visually prominent. The support system proposed for the solar panels is very discrete, raising just 245mm above the roof surface at the highest point. The panels would be set approximately one metre back from the edge of the roof, and so will not be visible from the ground and would not be

detrimental to the appearance of the surrounding area..

- 8.3 The other proposed changes are to the rear of the building and are considered to be visually acceptable.
- 8.4 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 57.

Residential Amenity

Amenity for future occupiers of the site

There are no changes proposed to internal space or external amenity space.

- 8.5 In the opinion of Officers, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and it is considered that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 56.

Residential Amenity

Impact on amenity of neighbouring occupiers

7 Woodlark Road

- 8.6 This property lies to the south west but does not share a common boundary with the application site.

Given the separation between the roof of the plant/bike store and the garden to 7 Woodlark Road, the proposal is not considered to be detrimental to the visual amenities of the occupier.

9 Woodlark Road

- 8.7 The plant room /carport/bike store is proposed to be raised in height. This is located in the north-west corner of the site adjacent to the garden of no.9 Woodlark Road.

The solar panels on the roof would face in the direction of this property. The support system proposed for the solar panels is very discrete, raising just 245mm above the roof surface at the highest point, the panels would be set approximately one metre back from the edge of the roof, and so will not be visible from the ground in the adjacent gardens. The proposed brick wall to the western boundary will match the height of the existing garage at 11 Woodlark Road. As such owing to its position at the south western end of the adjoining garden this is not considered to be unduly overbearing on the common boundary.

With regard to overlooking into the gardens of 9, 7 and 5 Woodlark Road gardens, there are no changes to the approved drawings in respect of side fading windows at first floor level.

11 Woodlark Road

- 8.8 This property lies to the south of the existing building. It has a side facing lounge window overlooking the application site and the access to its garage. The changes to the approved elevations would not detrimentally affect this property due to the intervening distance and the alignment of the buildings in relation to one another.
- 8.9 The plant room and bike store previously approved is to be raised in height. This is not considered to have a detrimental impact on this property through overbearing or visual intrusive. The new wall facing the gardens will be constructed from reclaimed Cambridge White facing bricks.

No. 27 Woodlark Road

- 8.10 This detached bungalow is within the ownership of the applicant and lies to the east. The changes to the approved elevations would not detrimentally affect this property.

No. 29 Woodlark Road

- 8.11 The eaves level of a rear section would be raised. The changes to the approved elevations would not detrimentally affect this property.

Darwin Green Development

- 8.12 To the rear of the application site is the Darwin Green development. The first floor balconies to the rear of Grosvenor Court would face the Darwin Green development and there would be an intervening distance of 4 metres to the rear boundary of the application site. Outline permission (07/0003/OUT) has been granted on this site for mixed use development comprising up to 1593 dwellings, primary school, community facilities, retail units (use classes A1, A2, A3, A4 and A5) and associated infrastructure including vehicular, pedestrian and cycleway accesses, open space and drainage works.
- 8.13 The development along the boundary with the application site has been designated for residential properties of two storeys in height. Reserved matters have been granted for access roads, pedestrian and cycle paths, public open space, services across the site and one allotment site, reference 14/0086/REM. Since the original grant of planning permission 18/1637/FUL for Grosvenor Court, an application for reserved matters for 330 dwellings with associated internal roads, car parking, landscaping, amenity and public open space has been submitted and at the time of this report is still undetermined, reference 19/1056/REM.
- 8.14 The proposed windows on the first floor north western elevation would be approximately 4 metres from the rear boundary of the application site. These rooms are already served by side facing windows. The approved scheme includes first floor balconies at the same distance from the boundary as the proposed windows. The plans submitted for the development on Darwin Green show a distance of 4m from the rear boundary of Grosvenor Court to the rear boundary of the gardens of the new housing, to allow access and maintenance of

the drainage ditch between the two sites. This means that there would be a minimum of 8 metres between the windows and the boundaries of the opposite residential gardens.

- 8.15 Given this distance, it is considered that a detrimental loss of privacy through overlooking into the rear gardens of future properties is unlikely to arise as a result of the proposal.

Noise

- 8.16 The heat pump specified is a Stiebel Eltron WPE-I 44 H 400 Premium. With respect to noise from the plant room, a condition will be attached requiring details of the plant to be agreed prior to first occupation to protect the amenity of nearby properties.
- 8.17 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policy 35.

Cycle and Car parking

- 8.18 One parking space is proposed to be removed from the car port which would allow an additional 6 bike spaces to be installed within the secure storage area. The loss of one parking space is considered to be acceptable.
- 8.19 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policies 81 and 82.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before 08.02.2022.

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. The surface water drainage scheme shall be fully implemented prior to first use/occupation of the building in accordance with the details approved under application 18/1637/COND3 dated 17 July 2019. The surface water drainage scheme shall be retained in perpetuity thereafter.

Reason: To ensure appropriate surface water drainage.
(Cambridge Local Plan 2018 policies 31 and 32)

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. 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)

6. If previously unidentified contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

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.

7. The dust mitigation scheme approved under application 18/1637/COND7 dated 17 July 2019 shall be fully implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2018 policy 36.

8. There shall 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 2018 policy 35)

9. Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the Local Planning Authority.

The active electric vehicle charge point as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF), Policies 36 and 82 of the Cambridge Local Plan 2018 and in accordance with Cambridge City Councils adopted Air Quality Action Plan (2018)

10. All hard and soft landscape works shall be carried out in accordance with the details approved under application 18/1637/COND10 dated 16 August 2019. 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)

11. Before the first occupation of the development hereby permitted, the cycle parking facilities and bin store shall be provided in accordance with the approved details and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and provision for refuse. (Cambridge Local Plan 2018 policies 82 and 57).

12. The development shall be carried out in accordance with the approved external materials as detailed by External Materials Rev PP01 dated 22/11/19 and email received 11/12/19.

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 and 58.

13. Notwithstanding the approved plans, units 6 & 8, hereby permitted, shall be constructed to meet the requirements of Part M4(2) or M4(3) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

14. Prior to the first occupation of the development, hereby permitted, the car parking spaces shall be provided in accordance with the approved drawings and shall be retained thereafter.

Reason: To ensure that provision is made for disabled and inclusive parking. (Cambridge Local Plan 2018 policy 82)

15. Prior to the occupation of the development or the commencement of the use, a noise assessment detailing noise levels emanating from all plant, equipment and vents, relative to background levels, shall be submitted to, and approved in writing by, the Local Planning Authority.

If the assessment demonstrates that noise levels exceed the background level at the boundary of the premises, having regard to adjacent noise sensitive premises, a mitigation scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

16. Prior to the occupation of the development, hereby permitted, the first floor side facing single windows to the rear of Flats 1 and 5 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent to a height of 1.7 metres from internal floor level and shall be non-openable below 1.7 metres. The glazing shall thereafter be retained in accordance with the approved details.

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

17. The solar panels to the roof of the building and to the roof of the bike store shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36).

18. Notwithstanding the approved drawings, the flat roof(s) hereby approved shall be a Green Roof or Brown Roof in perpetuity unless otherwise agreed in writing by the Local Planning Authority. A Green Roof shall be designed to be partially or completely covered with plants in accordance with the Cambridge Local Plan 2018 glossary definition, a Brown Roof shall be constructed with a substrate which would be allowed to self-vegetate.

Reason: To ensure that the development integrates the principles of sustainable design and construction and contributes to water management and adaptation to climate change (Cambridge Local Plan 2018 policies 28 and 31)

19. Conditions 3 to 17 of planning permission 19/1250/S73 shall continue to apply to this permission. Where such conditions pertaining to 19/1250/S73 have been discharged, the development of 20/02965/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.

Low NOx (Nitrous Oxides) boilers

Cambridge City Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives in accordance with the National Planning Policy Framework (NPPF), Policy 36 of the Cambridge Local Plan 2018 and in accordance with with Cambridge City Councils adopted Air Quality Action Plan (2018)

Dust Informative

It is required that a dust management plan should reference and have regard to various national and industry best practical technical guidance such as:

- o Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)
- o Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)