

<b>Application Number</b>	20/04303/S73	<b>Agenda Item</b>	
<b>Date Received</b>	20th October 2020	<b>Officer</b>	Mary Collins
<b>Target Date</b>	15th December 2020		
<b>Ward</b>	Castle		
<b>Site</b>	1 Grosvenor Court		
<b>Proposal</b>	S73 application to vary condition 2 (Approved Plans) of permission 19/1250/S73] to permit the introduction of roof terraces to the second-floor flats.		
<b>Applicant</b>	Mr John Wilson Unit 10716 Lytchett House 13 Freeland Park Wareham Road Lytchett Matravers BH16 6FA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would respect the existing building and the surrounding area.</li> <li>- The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.</li> <li>- The proposed development would provide accessible living accommodation and a good level of indoor and outdoor amenity for future occupiers.</li> </ul>
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 permission 19/1250/S73] to permit the introduction of roof terraces to the second-floor flats.
- 2.2 This would entail the addition of doors to the rear dormer. The internal layout is unchanged, and access is proposed from the bedrooms. Access will be limited through the balustrades to a small area so that the edge of the accessible area is further from the boundary on either side, and the terraces are shielded by the rest of the building.

During the course of this application revised plans were received showing the following:

- Privacy screens to second floor terraces
- Height of clay tile cladding lowered to line through with first floor balconies to south east and south west elevation

- Format of rooflights changed - north east elevation
- Rear elevation (north west) - window proportions changed, height of parapet dropped, and balustrades introduced to first floor balconies

### 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
20/02965/S73	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.	Approved 31/12/2020
21/00283/S73	S73 to vary condition 2 of 20/02965/S73 to remove the proposed lift from the scheme (Extensions and alterations to Grosvenor Court to provide 8 flats).	Refused 18/03/2021

#### 4.0 PUBLICITY

4.1 Advertisement: No  
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 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

6.1 None required necessary.

#### 7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- 9 Woodlark Road
- 2 Hawkins Road
- 29 Woodlark Road (support)

7.2 The representations can be summarised as follows:

The introduction of roof terraces will give an overlook into garden as such will have a detrimental effect on amenity.

Revised drawings

My garden (and surrounding properties) will be overlooked and therefore suffer a loss of privacy.

Out of character with the other buildings in Woodlark Road as no other properties have 2nd floor roof terracing.

The screen proposed is not a good idea since the height of 1.7 metres would allow someone to view above it.

## **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 permissions 19/1250/S73 and 20/02965/S73.

### **Context of site, design and external spaces**

8.2 The proposed second floor terraces would be located above the terraces on the first floor and are considered to be visually acceptable. The other changes proposed to the first floor terrace and the introduction of balustrades are also considered acceptable.

8.3 Other external changes proposed do not affect the overall appearance of the building.

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*

- 8.5 The proposed changes would provide external amenity space for the occupiers of the second-floor flats 2 and 7 which would be directly accessible, and this would complement the use of the communal garden area for these occupiers. The area of the terrace would be sufficient to provide a good level of outdoor amenity space.
- 8.6 The proposed terraces would remove the obscurely glazed rooflight which serves the dining room to flats on the first floor. This is not considered to be detrimental to these units, as they receive light from rear facing windows.
- 8.7 The existing balconies to flats 1 and 5 at first floor level face each other with an intervening distance of approximately 11 metres. There would be a similar degree of inter looking between the two proposed terraces to flats 2 and 7. Due to the relationship with the larger terraces underneath at first floor level there would also be the potential for loss of privacy through overlooking these terraces.
- 8.8 However, it has previously been accepted that given there are areas of communal garden and shared amenity space, any inter looking from these balcony/terrace areas would not be detrimental.
- 8.9 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

*9 and 11 Woodlark Road*

- 8.10 These properties lie to the south west and share a common boundary with the application site.

The proposed terrace to flat 2 is inset from the side elevation of the building and the common boundaries.

*29 Woodlark Road*

- 8.11 The proposed terrace to flat 7 is inset from the side elevation of the building by at least 13 metres. Given this distance from the boundary a detrimental impact through overlooking into the private rear gardens should not result.
- 8.12 Officers consider that a privacy screen installed to the outer side of each second-floor terrace would ensure there are no sideways views available from the terraces into neighbouring gardens to either side in Woodlark Road and this would direct views towards the rear. Drawings have been received showing the screening to the side of the terrace and this is considered acceptable to prevent direct overlooking and sideward/backwards views towards neighbouring gardens.
- 8.13 A condition will be imposed to ensure that the privacy screen is constructed in accordance with the approved drawings prior to first occupation and that it is maintained in perpetuity.

*Darwin Green Development*

- 8.14 To the rear of the application site is the Darwin Green development. 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.
- 8.15 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 refused, reference 19/1056/REM.

- 8.16 This refused layout particularly with regard to plots 131 to 136, is still a material consideration in the determining of this planning application as this reserved matter planning refusal may still be appealed.
- 8.17 There are approved windows on the first floor north western elevation as well as first floor balconies/terraces, a distance of 4m from the rear boundary of Grosvenor Court.
- 8.18 Although there are approved terraces and windows at first floor level, as well as windows at second floor level, the second-floor terraces occupy a more elevated position and as such there is the potential for loss of privacy through overlooking.
- 8.19 Plots 131-134 of the Darwin Green development are located directly to the rear of Grosvenor Court. During the course of the reserved matters application, amendments were made to maximise the distance between the rear elevation and the boundary for three of those plots (131 – 133), via a change to a shallower house type with longer gardens and a reduction of one home. The distance between the rear elevation of the proposed plots 131-133 to the site boundary is approximately 14m (including the maintenance path and ditch). The distance between the edge of the first-floor roof terraces and the rear elevation of plots 131-133 would be approximately 18m.
- 8.20 The planning refusal at Darwin Green took account of the current application for the second-floor terraces and no significant harm was identified to the future occupiers of these dwellings.

- 8.21 At second storey level, the proposed terraces would not extend as far as the first-floor terraces, and as such would be set back further from the boundary than those approved at first floor level. The edge of the second-floor terraces are approximately a further 2.5 metres back and so there would be a intervening distance of approximately 20.5 metres. It is considered that this set back is sufficient to outweigh any additional harm from the elevated position of these terraces.
- 8.22 The rear facing balustrade to the terrace screening would need to meet the height requirement for an external fixed balustrade/railing per current building regulations of a minimum of 1100 mm from datum. Any higher and it is considered the external amenity area would be compromised as well as have an impact on light reaching windows. The balustrades proposed to the rear of both the first floor and second floor terraces are considered to be acceptable.
- 8.23 In the opinion of officers, the proposal adequately respects the amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

## **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 and 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. Prior to the occupation of the development, hereby permitted, the second floor terrace shall be screened in accordance with the approved drawing. The terrace screening 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).

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 20/04303/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.