

Application Number	19/1141/NMA1	Agenda Item	
Date Received	1st June 2021	Officer	Amy McDonagh
Target Date	29th June 2021		
Ward	Petersfield		
Site	1 Fitzwilliam Road Cambridge CB2 8BN		
Proposal	Non material amendment of planning permission 19/1141/FUL (Demolition of existing building and construction of three dwellings) for the relocation of the ground floor protruding element to plot 3, internal reorganisation of rooms and minor amendments to windows including four additional rooflights.		
Applicant	Mr Khalid Shaban Compass House Vision Park Histon Cambridge CB24 9AD		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> ☐ The Non-material amendment (NMA) proposes changes that are non-material to the continuation of the development and therefore does not breach any policies within the development plan.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located on the northern side of the junction of Clarendon Road and Fitzwilliam Road. The site comprises of a 2.5 storey brick building surrounded by mature landscaping and a low-rise brick wall. To the west of the site are 4 buildings of local interest, to the north of the site is the garden of 21 Clarendon Road, located to the east and south of the site is a contemporary design project known as the Kaleidoscope development which has been the subject of major

redevelopment in recent years and is not located in a Conservation area.

- 1.2 The site lies within the Brooklands Avenue Conservation Area. There are two mature sycamore trees on site that benefit from TPO status, these trees are located to the front of the site facing the junction of Fitzwilliam Road and Clarendon Road. The site is also located within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The applicant has permission for the demolition of an existing building and subsequent construction of three dwellings (Ref-19/1141/FUL). This non-material amendment has been submitted in relation to this application. This non-material amendment application proposes:

- Relocation of the ground floor protruding element (to serve dining room at Plot 3). The protruding element will still be located on the eastern elevation of Plot 3 but will be relocated slightly further to the north.
- Internal reorganisation of rooms. The number of double bedrooms at each plot will remain the same (no single bedrooms are proposed as was the case with the approved scheme).
- Amendments to windows including one additional rooflight.

- 2.2 The applicant has submitted a number of drawings depicting these details which are to supersede the previously approved drawings.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1855/FUL	Demolition of existing building and construction of six new dwellings and associated access and landscaping (refused, appeal dismissed)	Approved
19/1141/CONDA	Submission of details required by condition 12 (Tree Protection Plan) of planning	Discharged in Full

	permission 19/1141/FUL	
19/1141/CONDB	Submission of details required by conditions 5 (Noise and Vibration) and 6 (Dust) of planning permission 19/1141/FUL	Discharged in Full
19/1141/CONDC	Submission of details required by condition 7 (Electric Vehicle (EV) Charge Points) of planning permission 19/1141/FUL	Discharged in Full
19/1141/CONDD	Submission of details required by conditions 24 (Carbon Reduction) and 25 (Water Efficiency) of planning permission 19/1141/FUL	Awaiting Decision
21/03630/S73	S73 Variation of condition 2 (Approved plans) of planning permission 19/1141/FUL (Demolition of existing building and construction of three dwellings) improvements to the design quality of the proposed development.	Awaiting Decision

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	No
	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 35 50 55 57 59 61 62 70 71

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

Central Government Guidance	<p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
Supplementary Planning Documents	Cambridgeshire and Peterborough Flood and Water
Previous Supplementary Planning Documents	<p>Sustainable Design and Construction (2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</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 Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge Landscape and Character Assessment (2003)</p>
	<p><u>Area Guidelines</u></p> <p>Brooklands Avenue Conservation Area Appraisal (2013)</p>

6.0 CONSULTATIONS

Conservation

6.1 Response received. It is considered that there are no material conservation issues with this proposal.

Local Highways Authority

6.2 Response received. No comments on the behalf of the Highway Authority.

6.3 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:

- 17 Clarendon Road, CB2 8BH

7.2 The representations can be summarised as follows.

- Plan discrepancies which call for updated plans.
- Concerns regarding the change of brick colour which was not depicted on the plans referenced in the decision notice.

- Residents at the Royal Albert Homes were never consulted about this application although it is thought they would be impacted as the resident bays they use will be removed as part of this development.
- 7 onsite car parking spaces for 3 dwellings is in breach of the Local Plan Policy 82 Appendix L as each dwelling should have one space as a maximum.
- Concerns that Councillors voted on incorrect documents (referring to red and brown brick drawings) and therefore various documents need to be updated.
- Application summary and application form needs to be corrected and updated.
- Brick colour of 3 houses and the various boundary walls has not been updated, the colour remains incorrect.
- Changes to plans have been made which were not listed on the application form (individual details of these plans can be viewed on the application file).
- Labels on plans need to be checked and updated.
- Details of external fences and garden walls are incorrect/missing and need correcting, these details need to be updated to depict buff gold brick instead of the red brick.
- Changes in the Materials Key
- Details of external doors and how they open needs to be clarified.
- Sundries changes need to be addressed/clarified as the plans do not make it clear where changes have occurred.
- The retention of the external Victorian buff brick wall (which is located to the front of the property) needs to be confirmed. Clarification from the applicant that this wall will remain as a Victorian buff brick wall is sort after.
- Three planters have been removed from the site plan and are not labelled on the elevations drawing.

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

8.1 From the consultation responses and representations received the main issues are as follows:

1. Principle of development

2. Context of site, design and external spaces (and impact on heritage assets)
3. Response to local ecology
4. Residential amenity
5. Third party representations

Principle of Development

- 8.1 Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. The principle of development has already been established through the permitted scheme reference 19/1141/FUL for the demolition of an existing building and construction of three dwellings. As this application does not propose to change the description of the development, the principle of development is still deemed as acceptable.
- 8.2 The principle of the development is acceptable and in accordance with policy 3 of the Cambridge Local Plan (2018).

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

- 8.3 The site lies within the Brooklands Avenue Conservation Area and neighbours 4 buildings of local interest to the west. The proposed NMA does not seek to vastly change the physical appearance of the development in regard to visual aesthetics, therefore it is thought that the building would remain in character with the surrounding properties and would be in keeping. Conservation have been consulted on the application and they found that the proposal would be non-material to the conservation area.
- 8.4 This application proposes to move the protruding ground floor element of plot 3 circa 2 m to the north of the site (moving into the garden area of plot 3 towards 21 Clarendon Road). This area is to host the dining room of this property and will still be located on the east elevation of the plot. Although a small part of the footprint of plot 3 has shifted north, the wider size of the plot remains unchanged.

- 8.5 For reference, the approved plans show the protruding element roughly 3.8m high from ground level with a 2m high window to the rear of the property (facing 21 Clarendon way). This window was to be located roughly 1m from ground level and extend to 0.2m from the top of the protruding element.
- 8.6 The revised protruding element is 3.5m high from ground level with a window located roughly 0.6m from the top of the structure. By comparison, these plans show that although the windows will be located in a similar position to those depicted on the permitted drawing, it can be concluded that the NMA application shows a shorter protruding element with lower set windows.
- 8.7 The rear garden fence will be circa 1.8m high and located roughly 12m from the window of this element. Therefore, it is not thought that the slight re-adjustment of this protruding element, and being shorter and having lower set windows, would enable any adverse views into neighbouring properties that had not been considered in the original application.
- 8.8 In addition to this, the locations of the larger windows on the protruding element (southern and northern elevation), have now been subdivided into two smaller windows with frames, thus meaning there is less glass surface area where views have the potential to be obtained.
- 8.9 As part of this NMA it is being requested that slight amendments be permitted to windows on the eastern elevation (plot 3), the northern elevation (plots 1, 2 and 3) and the southern elevation (plots 1, 2 and 3).
- 8.10 The eastern elevation proposes;
- the loss of one window on the third floor of plot 3.
 - Addition of 2 swift boxes on the third floor of plot 3.
 - Addition of 1 black redstart box on the first floor of plot 3.
- 8.11 The removed window would have served the bedroom on the third floor of plot 3. However, as the internal structure of the properties have been revised, this window would now be located inside of a cupboard. The second third floor window (to the right) on the eastern elevation will now serve the landing area of the third floor. The window in question to be removed from the proposal is no longer appropriate due to the internal

layout of the property and therefore its removal is not thought to be an issue.

- 8.12 The addition of the swift boxes and black redstart box has been depicted on the eastern elevation of plot 3. As per condition 20 of permission 19/1141/FUL, *'No development shall take place (apart from demolition and below ground enabling works) until details regarding the specification and locations of the bird and bat boxes has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.'*
- 8.13 Although the locations of the bird boxes have clearly been specified on the elevations plan, further details are required in order to formally discharge this condition. It is recommended that further details regarding the specification of the boxes are submitted under a separate condition pursuant application. The depiction of the boxes on the elevations plan has been deemed as non-material.
- 8.14 The northern elevation proposes;
- a loss of the side windows on either side of the rear doors on the ground floor on each of the plots.
 - the change in size to a window on the second floor on plot 1.
 - the change in the location of a window on the second floor on plot 1.
 - the change in the location of a window on the third floor on plot 2
 - the change in size of a window on the third floor of plot 2 and;
 - the addition of a window on the third floor of plot 3.
- 8.15 The loss of the side windows of the rear patio doors is thought to be necessary as the rear patio doors have been changed to bi-folding doors. By comparing the submitted drawings with the approved drawings, it is clear that the bi-folding doors would require the entirety of the space in which the patio doors and side windows were permitted to occupy.
- 8.16 As the permitted scheme allowed for similar doors to the rear of the plots and the proposed bi-folding doors would not occupy a

larger space than what has already been permitted, it is not thought that the use of bi-folding doors in place of the patio doors will generate any adverse impacts.

- 8.17 The plans submitted with this application suggest a change in size of the rooflight window (shown to the left side of plot 1 on the second floor) and a change in the location of the other rooflight window on this storey. These changes are a result of the internal changes happening on this storey. Under the permitted scheme, one of these windows would serve a bedroom, while the other window was to serve the landing area.
- 8.18 The amended scheme proposes that the rooflight window to the left of the storey be made smaller and serve an en-suite for bedroom 3 and the rooflight window to the right of the storey serve bedroom 3. As the locations of these windows have changed minorly (by 1m), and the window serving the en-suite has decreased in size, it is not thought that additional views could be gained from these slight changes.
- 8.19 The amended scheme also indicates a change in size and location of the rooflight windows located on the third floor of plot 2. The amendment was requested due to internal changes of the floor. The proposed amendments would allow the two rooflight windows to serve bedroom 5 and the en-suite of this bedroom. For the same reasons as outlined in paragraph 8.17, it is not thought this change would generate any adverse impacts that have not already been addressed under the original scheme.
- 8.20 An additional rooflight has been added to the third floor of plot 3. The amended rooflight window is smaller than the permitted rooflight window which serves the bedroom, the amended rooflight window and has been put in place to accommodate the en-suite to bedroom 5. It is not thought this change would generate any adverse impacts that have not already been addressed under the original scheme.
- 8.21 Changes to the southern elevation are as follows;
- Addition of bat boxes to the third storey frontage of plot 2.
- 8.22 Please see paragraph 8.12 for the explanation and next steps regarding this change to the southern elevation.

- 8.23 Elements of parking and access into the permitted dwellings are not being amended through this application and therefore can be deemed as acceptable under the previous permitted application (reference 19/1141/FUL).
- 8.24 The elevations and materials used to construct the building are not being amended under this application and therefore are not thought to be an issue.
- 8.25 The proposal is compliant with Cambridge Local Plan (2018) policies 1, 50, 55, 57, 59, 61 and 62.

Response to Local Biodiversity

- 8.26 The drawings which have accompanied this application depict 2 Swift Bricks, 1 Black Redstart box and 2 Bat boxes. As per condition 20 of permission 19/1141/FUL, further details regarding the specification and locations of the bird and bat boxes are to be submitted and approved by the Local Planning Authority prior to the commencement of development (exact wording can be found under paragraph 8.11). Although the locations of these boxes have been confirmed, the specification of these elements is yet to be clarified. It is recommended that further details regarding the specification of the boxes are submitted under a separate condition pursuant application. The depiction of the boxes on the elevations plan has been deemed as non-material.
- 8.27 There are two trees which benefit from tree protection orders on site. The NMA does not proposed any changes to trees. Therefore, the amendments are not thought to impact the wellbeing of the trees.
- 8.28 In light of the above comments, it is thought that the proposal will not impact the local biodiversity of the area and is compliant with the Cambridge Local Plan (2018) policies 70 and 71.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.29 It is thought the changes to the permitted windows, addition of one roof light window and the relocation of the protruding

element of plot 3 will not have an adverse impact on neighbouring properties.

- 8.30 As the footprint of the development is not being amended, it can be concluded that the relationship with adjacent dwellings regarding overshadowing and enclosure is appropriate, as it was found to be in the original permission.
- 8.31 As the re-location of windows and the addition of one rooflight is being requested, the issue of overlooking will be discussed. As highlighted by the previous committee report for the initial permission, 3 Fitzwilliam Road and 21 Clarendon Road would be the properties which could be impacted by the development, as such the proposed changes shall be reviewed considering these properties.

3 Fitzwilliam Road

- 8.32 Fitzwilliam Road is a three storey plus basement end of terrace dwelling located to the west of the site. Condition 26 of permission 19/1141/FUL was specifically imposed to protect this property from overlooking from this development.
- 8.33 Condition 26 is states, *'For the hereby approved dwellings units 1, 2 and 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwelling houses in regards to the insertion of new windows , loft conversion including rear dormers shall not be allowed without the granting of specific planning permission.'*
- 8.34 This application does not propose any new windows on unit 1 or 2 (the closest units to No.3 Fitzwilliam Road). However, the proposal does request to move the permitted rooflights on the third floor circa 1m to the right (towards No.3).
- 8.35 Although the rooflights would be closer to the neighbouring property, it is not thought that additional views will be obtained from this slight relocation due to the angle of the rooflight and the matter of the window being deemed acceptable in the first instance under permission 19/1141/FUL.

8.36 It is not thought that the change from French doors to bi-folding doors on the first storey of the units would enable overlooking into the garden of 3 Fitzwilliam Road.

21 Clarendon Road

8.37 21 Clarendon Road is a two-storey detached dwelling to the north of the site. Unit 3 is set behind the rear elevation of 21 Clarendon Road so only unit 1 (1 first floor window and 1 second floor window) and unit 2 (1 first floor window) would be sited opposite No.21 Clarendon Road. As specified in the previous committee report, only 3 of the 5 windows across storey 2 and 3 would be opposite.

8.38 This application does not propose to change the location of any of these windows and therefore the level of overlooking can be deemed as acceptable as found by the decision of the original application 19/1141/FUL.

3.39 All units propose the readjustment of the rooflights on the top levels of the plots (with the addition of a new rooflight on plot 3). Due to angle of the rooflights and the revised size of the ensuite rooflights being smaller than those originally permitted it is not thought that a significant level of overlooking of 21 Clarendon Road would be obtained.

8.40 In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policy 35.

Third Party Representations

8.41 The third-party representations have been mainly dealt with in the preceding paragraphs, however each point will be taken in turn below. The representations can be summarised as follows.

8.42 *Plan discrepancies which call for updated plans;* It is thought that all changes made to the plans are non-material to the development. These changes are discussed in the above paragraphs.

8.43 *Concerns regarding the change of brick colour which was not depicted on the plans referenced in the decision notice;* The

colour of the bricks are specified on the submitted NMA drawings. The elevations plan clarifies that buff brick (Cambridge Gold) will be used for the construction of these homes.

- 8.44 *Residents at the Royal Albert Homes were never consulted about this application although it is thought they would be impacted as the resident bays they use will be removed as part of this development;* This application does not address parking, nor does it propose to change the current permitted parking. The Royal Albert Homes is located circa 480m from the site, it is not thought that the proposed NMA will impact this property.
- 8.45 *7 onsite car parking spaces for 3 dwellings is in breach of the Local Plan Policy 82 Appendix L as each dwelling should have one space as a maximum;* This application does not seek to amend the current parking arrangement as agreed by permission 19/1141/FUL, therefore this matter will remain unchanged.
- 8.46 *Concerns that Councillors voted on incorrect documents (referring to red and brown brick drawings) and therefore various documents need to be updated;* The documents submitted under this application will be used as the updated documents and voted on accordingly. The submitted drawings reference the new brick colour and therefore will need to be adhered to.
- 8.47 *Application summary and application form needs to be corrected and updated;* It is thought that the application form for this application is corrected and therefore does not need to be updated or changed. It is acknowledged that there have been changes to the gable end on the eastern elevation, however the changes are for the removal of one window and the removal of a detailing located between the removed window and the adjacent window. As the window to the right of this elevation has been removed, the area of detailing is no longer required and would look out of place if included. Therefore, the removal of his detail is not thought to be material to the development.
- 8.48 *Brick colour of 3 houses and the various boundary walls has not been updated, the colour remains incorrect;* The colour of the bricks is specified on the submitted NMA drawings. The

elevations plan clarifies that buff brick (Cambridge Gold) will be used for the construction of these homes and boundary walls.

- 8.49 *Changes to plans have been made which were not listed on the application form (individual details of these plans can be viewed on the application file);* It is acknowledged that there have been changes included in the plans which have not been highlighted by the application form specifically, however it is thought that these changes have been made to accommodate the internal changes of the plots and the changes in windows. All changes on these plans are thought to be non-material to the deliverance of this development.
- 8.50 Glazed flooring to the rear of the plots have been removed. It is believed that this aspect of the development has been removed in order to allow the bi-folding doors to open effortlessly. Therefore, this change is thought to be non-material to the development.
- 8.51 In regard to the removal of tree T005, a detailed Arboricultural Method Statement and Tree Protection Plan was submitted in response to condition 12 and subsequently approved by the council. The documents refer to the removal of this tree which the council found to be acceptable.
- 8.52 There were concerns regarding changes being made to the appearance of fences, walls, boundary treatments and planting. As mentioned by the third-party representative, the low Victorian boundary wall in front of the protruding element has been removed from the southern elevation drawing. Although this is true, it is thought that sections of the surrounding fences and walls have been left off of the elevation drawings to allow for better views of the permitted development and to allow for the drawing to be scaled with ease.
- 8.53 The proposed site plan depicts the walls and fence's locations. To the front of plot 3, the existing wall Victorian wall is labelled as being retained.
- 8.54 *Location and length of new native hedges have been changed;* It is acknowledged that the length of the new native hedges has changed in the garden of the plots. However, the change in length appears to have taken place due to the permitted location of the summer houses and bike stores. If the original

length was pursued, then a portion of this hedge would be blocked/damaged by the summer houses and bike stores. It has also been highlighted that the location of the bin stores has changed. Upon review, it can be acknowledged that the bin store for plot 2 has been moved slightly closer to the unit. This is to ensure the access gate to the rear of the garden is not blocked by the bin store. As the bin store is still in the garden of this plot, it is not thought that any adverse impacts will result from its relocation.

8.55 *Labels on plans need to be checked and updated;* After reviewing the approved plans, it is not thought that the labels on the plans are incorrect. Some labels have been changed or moved but on the wider scale these labels have been included within the drawings. Labels regarding hedges and new planting have been altered however the specification of these elements are yet to be confirm by details to be submitted under condition 16 of permission 19/1141/FUL.

8.56 *Details of external fences and garden walls are incorrect/missing and need correcting, these details need to be updated to depict buff gold brick instead of the red brick;* Details regarding the external fences have been addressed in the original planning application and will still need to be adhered to as these matters are not being amended through this application. These details have also been included on the proposed elevations plan.

8.57 *Changes in the Materials Key;* After reviewing the approved plans in light of the NMA plans, it is not thought that the material key has changed.

8.58 *Details of external doors and how they open needs to be clarified;* Officers are satisfied that these details would not have an impact on the surrounding area.

8.59 *Sundries changes need to be addressed/clarified as the plans do not make it clear where changes have occurred;* Elements of sundries have been added to the ground storey of all the plots on the northern elevation. These additions are in keeping with the wider fabric of the development and is not thought to cause a material change to the development.

8.60 *The retention of the external Victorian buff brick wall (which is located to the front of the property) needs to be confirmed. Clarification from the applicant that this wall will remain as a Victorian buff brick wall is sort after;* The applicant has confirmed in the original application documents that this wall will be retained. The proposed site plan drawing also shows a label confirming this walls retention.

8.61 *Three planters have been removed from the site plan and are not labelled on the elevations drawing.;* The planters have not been labelled on the proposed site plan, however as the planters themselves are temporary structures and not deemed as integral to the delivery of the development, it is not thought their absence is material.

9.0 CONCLUSION

9.1 The proposal is non-material to the deliverance of the development permitted under permission 19/1141/FUL. It is not thought that its approval would adversely impact the surrounding area or would generate any impacts that have not already been addressed in the original permission.

10.0 RECOMMENDATION

APPROVE subject to conditions

10.1 A list of the approved plans can be found below. These plans will supersede the list of plans approved under condition 2 of permission 19/1141/FUL:

- Basement Plan – NMA03 Rev A
01.06.2021
- Ground Floor Plan – NMA04 Rev A
01.06.2021
- First Floor Plan – NMA05 Rev A
01.06.2021
- Second Floor Plan – NMA06 Rev A
01.06.2021
- Third Floor Plan – NMA07 Rev B
14.09.2021
- Roof Plan- NMA08 Rev B
14.09.2021

- Elevations – NMA09 Rev F 14.09.2021
- Site Plan Proposed – NMA02 Rev E
14.09.2021
- Site Location Plan- 17-295_0110revC03
14.08.2019