

<b>Application Number</b>	14/1450/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	30th September 2014	<b>Officer</b>	Elizabeth Thomas
<b>Target Date</b>	25th November 2014		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Land To The Rear Of 241 Milton Road Cambridge CB4 1XQ		
<b>Proposal</b>	Erection of new detached dwelling and associated garage		
<b>Applicant</b>	Mr & Mrs Andreou 241 Milton Road Cambridge CB4 1XQ United Kingdom		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed development would contribute towards meeting the current housing needs;</li> <li><input type="checkbox"/> The proposed development has been designed and laid out to complement the approved development and setting without have a detrimental impact on the amenity of the surrounding residents.</li> <li><input type="checkbox"/> The proposal would make effective and more efficient use of this constrained site in terms of building layout, design and in terms of housing need;</li> </ul>
<p>RECOMMENDATION</p>	<p>APPROVAL with conditions</p>

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 Property number 241 Milton Road is designated as a Building of Local Interest, the property and site in question is situated within a designated tree preservation order area.
- 1.2 The application site is back-land and is formed from land at the far end of the rear garden of 241 Milton Road. Planning permission (12/1537/FUL) has already been granted for 13 residential units on a back-land site adjoining the application site. A further dwelling was approved under planning permission (14/0518/FUL), positioned within the far end of the rear gardens of 243, 245 and 247 Milton Road.
- 1.3 The area is characterised by low density, mainly detached two storey properties, set back from the highway on large plots. The plot depths are on average 80 metres front to back. Some of the rear gardens along Milton Road (for example 233, 229 and 283 Milton Road) have already been subdivided in a piecemeal fashion to accommodate new, back land dwellings. This is most prevalent on the application site side of Milton Road.
- 1.4 On the opposite side of Milton Road (south-east) is a consistent pattern of two storey semi-detached houses set back from the road.
- 1.5 To the north-west of the site are the two storey dwellings in Woodhead Drive and a three storey block of residential flats in Robert Jennings Close. To the north of the properties on Woodhead Drive is a recent residential development comprising two and three storey properties.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a detached, two storey residential dwelling with detached garage. The rear elevation of the proposed dwelling would face the rear boundary of number 241 Milton Road and the front elevation would face the scheme approved under 12/1537/FUL. The garage would be located to the rear south east corner of the garden to ensure no detrimental harm to T005, T006 and T007.

2.2 The design of the proposed dwelling is of a similar style to that of the dwellings approved on the adjoining site. The approved access (12/1537/FUL) is proposed to be used to provide access to the dwelling.

2.3 The application is accompanied by the following supporting information:

1. Proposed amended plans and elevations as at 28.01.2015.
2. Topographical tree survey.

### 3.0 SITE HISTORY

Reference	Description	Outcome
12/1537/FUL	Erection of 13 no. dwellings (following demolition of no. 235 Milton Road)	Approved
14/0518/FUL	Erection of detached dwelling with associated garage on land to the rear of no.243, 245 and 247 Milton Road	Approved

### 4.0 PUBLICITY

4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed: No

### 5.0 POLICY

5.1 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/3 3/4 3/6 3/7 3/10 3/12 4/4 5/1

	8/1 8/4 8/6 8/10

## 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
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## 5.3 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways)

6.1 No comment.

## **Refuse and Environment**

6.2 No objections to the application in principle, subject to conditions.

- Construction hours (CC63)
- Piling
- Contaminated land

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.

## **Tree Officer**

6.4 The tree officer states the scheme is better in accommodating for the trees on site, however there are still concerns regarding the nuisance from needles and cones falling on vehicles, therefore the tree officers recommended condition will be added to the permission.

## **7.0 REPRESENTATIONS**

7.1 One objection representation has been received from the occupier of number 237A Milton Road. In summary, the representation is an objection in regard to concerns regarding pollution, increased traffic movement, noise pollution, increased flooding risks as well as taking into consideration the density of housing to this section of Milton Road. I will address these points in my assessment below.

7.2 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 Having assessed the application, all site constraints and considered all relevant policy, material considerations and amended drawings I consider the main matters for consideration are:

1. Principle of development
2. Context of site, design and external spaces

3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

- 8.2 The application site is located in a sustainable location due to its proximity to local shops and public transport and cycle links into the city centre. Windfall housing sites such as this are permitted by the Local Plan subject to the existing land uses and compatibility with adjoining uses.
- 8.3 The proposed development would complement the existing form and character of development in the area. There are also other examples of back land development along Milton Road, albeit on a smaller scale to that proposed here. Nevertheless, the principle of residential development on ancillary garden land on this side of Milton Road has been established.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4 and 5/1.

### **Affordable Housing**

- 8.5 The approved scheme (12/1537/FUL) consisted of 13 residential units and application 14/0518/FUL was for a further one making 14. The proposed scheme has been brought forward independently of the approved schemes due to issues of land ownership.
- 8.6 Nevertheless, the proposed unit would result in 15 residential dwellings in this back land location. The trigger for policy 5/5 is for 15 or more dwellings or on site areas over 0.5 hectares. The site area of the approved scheme was 0.49 hectares (12/1537/FUL) and 300sqm (14/0518/FUL). The site area of the proposed dwelling site is 352sqm. This area combination would trigger the affordable housing policy. However, as previously mentioned the proposal scheme does not form part of the approved scheme even though it will physically link to it.
- 8.7 This back land location is in multiple ownership and some residents did not want to include their gardens in the

development which resulted in the layout that was approved. The current application seeks to include one additional house. It cannot be argued that the 15<sup>th</sup> house triggers the need for affordable housing because the principle has already been established through the previous scheme (12/1537/FUL) and application (14/0518/FUL) and this application is not part of the previous applications. The potential need for affordable housing would have to be 'captured' at the stage when the residential scheme for 13 dwellings was approved (12/1537/FUL). This would have been by identifying other land in the s106 Agreement. Normally this would be other land in the applicant's ownership to avoid the effect of sub-division of sites and that would not have been appropriate here because there are multiple site owners.

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

- 8.8 The proposed development will be situated in between two previously approved schemes under 12/1537/FUL and 14/0518/FUL. The overall spacing and context of the property in relation to surrounding dwelling will be very similar to the adjacent surroundings. Therefore, overall scale, mass and character is considered acceptable and the proposed development would be in keeping with surroundings. The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.
- 8.9 The proposed development has been amended to ensure that protected trees on site will not be affected by the proposal. The proposed driveway that is situated within the RPA is to follow a no-dig construction. These amendments now satisfy the tree officer overall. However, the dropping of needles and cones falling are still a concern and I therefore recommend an appropriate condition to address this issue.

### **Residential Amenity**

- 8.10 The proposed dwelling has been laid out to appear as part of the previously approved scheme. The proposed dwelling has been off-set from the access route and in line with the previously approved scheme.
- 8.11 The impact on amenity of neighbouring occupiers is not considered to be an issue as the proposed dwelling's form and

mass is very similar to the surroundings. It has been noted there is a first floor window proposed on the side of the extension where the chimney is proposed, however the proposed window will serve a bathroom with obscured glazing. Therefore the window is not considered an issue. It is considered 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 (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.12 The amended proposed scheme demonstrates the site can adequately accommodate for refuse/bin storage to the rear of the proposed development. Therefore, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

- 8.13 The site can provide for adequate cycle and car parking accommodation. Therefore, the proposed development is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.14 The objection representation from 237A Milton Road raises matters in relation to pollution, increased traffic movement, noise pollution, increased flooding risks and density of housing. I will address each matter in turn.

8.15 Pollution

The application is not considered to significantly contribute towards any type of pollution as the proposed development is situated within a sustainable location, which is within close proximity to existing services and facilities, this in turn should encourage frequent convenient trips either by foot, bike or public transport.

8.16 Increased traffic movement

The proposal is likely to increase the use of the access route as an additional dwelling would be using it to get to and from the proposed site. However, the additional use is not considered to significantly increase traffic movement as it is an additional

dwelling. The highway authority has no comment to make on the application.

8.17 Noise Pollution

I do not consider that a single additional house at this distance from neighbouring is likely to give rise to any significant additional noise.

8.18 Increase Flooding Risk

The site is not situated within the flood plain an additional building is not likely to have a significant impact on surface water flooding.

8.19 Density of Housing

8.20 Furthermore, the rear garden of 241 Milton Road is large enough (approx. 40 metres in length) to accommodate for adequate private amenity space to accommodate for 241 and the proposed dwelling. The proposed dwelling will integrate within the existing established surroundings and context, conforming to local policies 3/4, 3/6 and 3/10.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.21 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

8.22 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in

terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.23 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.24 The application proposes the erection of one four-bedroom house. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952	1	1
<b>Total</b>					<b>952.00</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076	1	1
<b>Total</b>					<b>1,076.00</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968	1	1
<b>Total</b>					<b>968.00</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264	1	1
<b>Total</b>					<b>1,264.00</b>

### Community Development

8.25 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882		
4-bed	1882	1	1
<b>Total</b>			<b>1,882.00</b>

8.26 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

8.27 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	1
Flat	150		
<b>Total</b>			<b>75.00</b>

8.28 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

## Monitoring

- 8.29 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.30 For this application a monitoring fee of (£310.85) is required to cover monitoring of City Council obligations plus the County Council monitoring fee.
- 8.31 The sum of £172.00 will be required for the council's legal fees.

## Planning Obligations Conclusion

- 8.32 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 RECOMMENDATION**

**APPROVE** subject to the s106 Unilateral Undertaking Version B Agreement and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents 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 2006 policy 4/13)

5. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

6. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development, shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: For the protection and interest of existing trees.