

<b>Application Number</b>	17/0801/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th May 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	11th July 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	454 Milton Road Cambridge Cambridgeshire CB4 1ST		
<b>Proposal</b>	Residential development containing four 1-bedroom flats along with cycle parking and associated landscaping following demolition of existing buildings at rear of site - land to the rear of 454 Milton Road.		
<b>Applicant</b>	N/A C/O Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design of the proposal is considered acceptable and is not considered harmful to the character of the area</li> <li>- The proposal would not harm the amenity of the surrounding occupiers</li> <li>- The proposal would provide adequately good standard of living accommodation for future occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located on the south eastern side of Milton Road and relates to land to the rear of 454 Milton Road. The host dwelling is in use as 5 no. 1 bed flats. The building is finished in brick with rendered accents. There is an undercroft which provides vehicular access to the rear. There is a timber clad bin store to the front of the property.

- 1.2 The area has a mixed character but with residential and commercial uses in the vicinity. The property to the west at 452 Milton Road is a residential bungalow with some commercial uses incorporated in the building to the rear. The site to the east is Trinity Hall Industrial Estate. On the opposite side of the road is a car dealership. There are also a number of guest houses nearby on the northern side of the road. The residential properties have a mixed character. There are a range of detached, demi-detached, two storey properties and bungalows on this part of Milton Road. Whilst the buildings have a mixed character they tend to be set back from the road with off-street parking and occasionally small gardens to the front of the properties. To the rear (south) of the site are garages which belong to the properties on Gainsborough Close.
- 1.3 The site is located within close proximity to the Kings Hedges Road Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two storey building in the garden to the rear of 454 Milton Road. This is to provide 4 no. x 1 bedroom flats. The proposal would be broken into two elements; one flat roof and one with a lean-to roof. It is to be finished in brick.
- 2.2 Three off street car parking spaces are proposed within the site to serve the new units. These are accessed from Milton Road through the undercroft. Bike and bin storage are also located within the site. A small garden is maintained for the existing flats. Both ground floor flats are to have their own gardens. A communal garden is to be provided for the upper floor units.
- 2.3 The application has been amended since submission. The building has been moved further forward on the plot to allow a larger rear garden provision for the existing flats. The fenestration has also been amended on the first floor following the result of the noise survey.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
06/1169/FUL	Erection of eight flats 2 no 2	Withdrawn

07/0235/FUL	bedroom and 6 no 1 bedroom. Erection of 6 one-bedroomed flats.	Withdrawn
07/1016/FUL	Erection of 5 flats (including 2 ground floor disabled friendly flats)	Permitted
C/03/1167	Outline Application for the erection of 1 no dwelling.	Refused

#### 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 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  Cycle Parking Guide for New Residential Developments (2010)

#### 5.4 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.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No objection: Car parking provision is considered to comply with guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision

### **Environmental Health**

#### *Initial comment*

- 6.2 Objection: There is insufficient evidence to assess the noise impact from the adjoining commercial use at Trinity Farm Industrial Estate. This needs to be assessed prior to determination.

#### *Second comment*

- 6.3 Objection: The noise assessment found a source of noise from the neighbouring site. An internal layout reconfiguration or amendment to fenestration to allow natural ventilation of habitable rooms is required.

#### *Third comment*

- 6.4 I have spoken with the Environmental Health Officer and he has informally agreed that the revised plans address his concerns. I will update via the amendment sheet.

### **Head of Streets and Open Spaces (Tree Team)**

- 6.5 There are no arboricultural objections.

### **Head of Streets and Open Spaces (Landscape Team)**

- 6.6 Request rooms are reconfigured to improve access to the private open spaces.

## **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.7 Insufficient information has been provided to demonstrate that adequate surface water drainage measures can be provided on site.
- 6.8 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:

- Camcycle (objection)
- 117 Darwin Drive (support)
- 450 Milton Road (objection)
- 452 Milton Road x2 (objection)

7.2 The representations in objection can be summarised as follows:

- Only provides bare minimum cycle parking
- Cycle shed would be cramped and the access is too narrow for manoeuvring
- Suggest cycle shed is located next to building where a larger cycle shed could be accommodated
- Some Sheffield stands should be provided for larger cycles and visitors
- Would set precedent for other two storey buildings
- Will impact on privacy of 452-450 Milton Road
- Already accommodates 5 no. 1 bed flats so proposal would be too much and potentially noisy.
- Revised plans do not address objection

7.3 The representation in support can be summarised as follows:

- Well-designed, sustainable and much-needed accommodation for this location.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development of windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. Therefore, the development of housing is acceptable, however, considerations should be taken into account e.g. impact on neighbour amenity and visual aesthetics.

8.3 Policy 3/10 of the 2006 Local Plan states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and

- f) Prejudice the comprehensive development of the wider area.
- 8.4 Parts d and f are not of relevance to this application. Parts a, b, c and e are considered in further detail in this report.

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

- 8.5 The building itself will not be prominent in the streetscene as it would be shielded from views by the existing large detached property at 454 Milton Road. I note that there have been a number of previous applications which were withdrawn and refused on the site. One of the primary concerns was that a two storey building in this backland context would be out of character. Whilst I note the officer's view on the previous applications, I am satisfied that the proposal would not be harmful to the character of the area. There are a number of large buildings of two storey height within the adjoining industrial estate site. The garden of the neighbour to the west, 452 Milton Road, is also built up. Whilst I accept that this is single storey in scale as is the other backland development at 452 Milton Road, I am satisfied that given the scale of the buildings in the adjoining industrial estate, and as the building would be subservient to the host dwelling in terms of height and footprint, it would not be harmful to the character of the area.
- 8.6 The area has a mixed character with a range of different building types and materials in use in the immediate area. The proposal takes a contemporary form and does not attempt to mimic the character of any of the surrounding buildings. I am satisfied that the building form would successfully contrast with the surrounding buildings and clearly read as a modern addition. The building is to be finished in brick with powder coated aluminum doors and windows and a metal standing seam roof. A condition requiring material samples to be approved prior to construction is recommended.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers



- 8.8 The proposed new building is set away from the host dwelling by just over 23m. Given the separation distance, I am satisfied there would be no significant inter-looking issues between the proposed and existing flats. I am also satisfied there would be no significant enclosure to the occupiers of the flats at 454 Milton Road due to this separation distance. The users of the flats would lose access to some outdoor amenity space to the rear. This is not ideal but given that these are all one bedroom units and some communal outdoor space is to be maintained, I am satisfied that on balance, this loss would be acceptable.
- 8.9 The neighbour to the south west at 452 has a large outbuilding in the rear garden. The proposal would lie adjacent to this outbuilding and would be set away from the boundary. As a result I am satisfied the proposal would not result in any significant enclosure to this occupier. Given the orientation of the plots and the distance between the proposal and the boundary, I am satisfied that the proposal would not result in any significant overshadowing to this garden. Whilst the proposal would introduce windows looking toward the house, I am satisfied that due to the separation distance, these would not result in any significant overlooking. The existing shed at 450 will screen and provide some privacy in terms of views into the immediate garden area.
- 8.10 To the south of the site are garages which are in the ownership of the properties in Gainsborough Close. The windows in the rear elevation would look towards the gardens of some of the properties on Gainsborough Close, However, given the distance between these of over 20m and as any views from the rear would be at an angle, I am satisfied that the proposal would not significantly impact on the privacy of these occupiers.
- 8.11 The Environmental Health Officer originally raised an objection to the proposal on the grounds of noise disturbance from plant on the neighbouring industrial site on future occupiers. The plans have been amended to address his concerns however, at the time of writing these plans are out for re-consultation. As a result his updated comments including suggested conditions will be reported on the amendment sheet.
- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I

consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 37, 3/10 and 4/13.

#### Amenity for future occupiers of the site

- 8.13 The units range from 47sqm to 57.5sqm in size. All of the flats are dual aspect. The two ground floor units have substantial rear gardens. Flat one is accessed from the side. The other three flats are accessed from a front door.
- 8.14 The fenestration has been amended following the results of a noise survey commissioned by the applicant. This has resulted in the removal of the balconies for the two first floor units. These two units no longer have private outdoor amenity space. A small communal space has been provided for these units to the side of the building. Given that the units are one bed and are likely to be occupied by a single person or a couple rather than a family I consider this to be acceptable.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

#### **Refuse Arrangements**

- 8.16 Bin storage for the existing flats is to remain at the front of the property in the existing store. Bin storage for the new units is to be shared and provided in a store within the site. Details of the bin store, including elevations, are recommended to be submitted via a pre-commencement condition. The bins are more than 30m from the highway and as a result a managing agent may be required to move the bins to the public highway for collection.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety and Car and Cycle Parking**

- 8.18 Three car parking spaces are to be provided within the site with an additional two spaces maintained to the frontage at Milton Road. There is an existing access/dropped kerb that serves the

site and tracking information has been provided. The Highway Engineer is satisfied that the proposed car parking allocation is adequate. He does not consider the proposal would have any significant adverse impact on highway safety. I share this view.

8.19 The cycle and bin store to the frontage which serve the existing flats is to remain unchanged. Additional cycle parking for 4 cycles is proposed within the site to serve the new units. This meets with minimum standards. A condition is recommended requiring details of the cycle store, including elevations, to be submitted prior to commencement.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

### **Third Party Representations**

8.21 I have partially addressed the third party representations within the body of my report. I will address any outstanding matters in the below table:

<b>Representation</b>	<b>Response</b>
Only provides bare minimum cycle parking	The proposal meets with minimum standards and as a result is compliant with policy.
Cycle shed would be cramped and the access is too narrow for manoeuvring	I am satisfied that the access is adequate
Suggest cycle shed is located next to building where a larger cycle shed could be accommodated	Cannot oblige that any larger cycle parking is provided.
Some Sheffield stands should be provided for larger cycles and visitors	I do not consider that visitor cycle parking is required given the small scale of the development.
Would set precedent for other two storey buildings	See paragraph 8.5
Will impact on privacy of 452-450 Milton Road	See paragraph 8.9
Already accommodates 5 no. 1 bed flats so proposal would be too much and potentially noisy.	I am satisfied that the addition of 4 no. x 1 bed units would not have any significant increase to noise and disturbance

Revised plans do not address objection	Noted.
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### **Planning Obligations (s106 Agreement)**

8.22 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.23 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

9.1 The revised proposal would provide a high standard of living accommodation for future occupiers. The proposal is considered acceptable in terms of design. The proposed building would not have any significant adverse impact on the amenity of neighbouring occupiers in terms of overshadowing, enclosure or noise and disturbance.

## **10.0 RECOMMENDATION**

**APPROVE** subject to 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. Notwithstanding the approved plans, prior to first occupation of the units, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be store, the dimensions and appearance of the storage facility including materials, and the arrangements to enable collection from the kerbside. The approved facilities shall be provided prior to the first occupation of the units hereby permitted and shall be retained thereafter.

Reason: To protect the amenities of nearby residents /occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/10, 3/11 and 4/13 )

5. Notwithstanding the approved plans, prior to first occupation of the units hereby approved, cycle parking details shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and to protect the visual amenity of the area. (Cambridge Local Plan 2006 policies 3/10, 3/11 and 8/6).

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. The curtilage (garden) of the proposed properties as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwellings or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

8. No building hereby permitted shall be occupied until details of surface water drainage works have been submitted to and agreed in writing by the Local Planning Authority. Surface water drainage will be implemented in accordance with these agreed details.

Reason: To ensure the development will not increase flood risk in the area in accordance with the National Planning Policy Framework (2012)

9. 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 2006 policy 4/13)

10. There should 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 2006 policy 4/13)

11. 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 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 2006 policy 4/13)