

Application Number	17/0995/S73	Agenda Item	
Date Received	7th June 2017	Officer	Rob Brereton
Target Date	6th September 2017		
Ward	West Chesterton		
Site	220 Milton Road Cambridge CB4 1LQ		
Proposal	Section 73 application to vary condition number 2 (approved plans) of permission reference 16/1591/FUL to increase the depth of the Union Lane wing to create 2x 1 bed units at first floor in place of the approved 1x 2 bed unit and reconfigure ground floor to create additional car parking space.		
Applicant	Broadway Homes (Cambridge) Ltd		

SUMMARY	<p>The development does not accord with the Development Plan for the combination of the following reasons:</p> <p>The proposal is an overdevelopment of the site as it creates a scheme which does not have a large enough amenity space to facilitate the future residents of a scheme with an increased number of units.</p> <p>This overdevelopment and proposed higher number of units would result in more future residents congregating in a smaller communal garden. This would intensify its use and could cause a detrimental level of noise nuisance, impacting the amenities of adjoining rear gardens of neighbours No. 222 Milton Road and No. 126 Union Lane.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The subject site is at the junction of Milton Road and Union Lane and has a dual frontage on to both of these streets. The site is currently occupied by a two storey, 4 bed dwellinghouse. This dwellinghouse, built circa. 1920s, is of a traditional design

with exposed chimney breasts, Tudor wood panelling and a mix of roof profiles including hipped and gabled ends. There is a single storey flat roofed outbuilding to the northeast of the existing dwellinghouse which includes a library, home office and storage. Access to the site is currently off Milton Road. There is also a mature vegetation buffer between the existing dwellinghouse, Milton Road and Union Lane.

- 1.2 The surrounding area is predominantly characterised by residential uses, however, a variety of commercial units are present on the western side of Milton Road, opposite the application site.
- 1.3 The subject building is not Listed, a Building of Local Interest or within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a Section 73 to vary condition number 2 (approved plans) of permission reference 16/1591/FUL to increase the depth of the Union Lane wing to create 2x 1 bed units at first floor in place of the approved 1x 2 bed unit and reconfigure ground floor to create additional car parking space.
- 2.2 Condition 2 states:

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.

- 2.3 The proposed amendment would amend the approved plans of 16/1591/FUL to extend the depth of the two storey wing facing Union Lane by 3.5 metres to the rear at both ground and first floor level to accommodate a reconfiguration of floorspace in this wing. It would split first floor two bedroom unit of the approved scheme into 2 one bedroom units labelled F8 and F9. It would also change the floorplan of the ground floor to accommodate an additional car parking space, a separate

entrance to one of the units above (F9) and would have a segregated the bin and cycle store.

- 2.4 This Section 73 amendment allows for one more additional one bed unit bringing the amount of units in this scheme to 10. This scheme is now a major application. Units comprise: nine 1-bedroom units and one 2-bedroom unit.

CONTEXT OF APPLICATION

- 2.5 The approved scheme, planning reference 16/1591/FUL resulted from much dialogue between the agents and officers. This Section 73 proposal was one of the iterations of the scheme that was discussed. At that time it was officers' opinion that this proposal did not have a large enough amenity space for the number of future residents proposed. It was also considered the combination all the future residents using the small communal garden to the rear may have the potential to create significant disturbance to the residents of adjoining properties No. 126 Union Lane and No. 222 Milton Road. The scheme was therefore scaled back. 64.4 square metres floor area was removed adding a further area of 32.2 square metres to the rear communal garden. The combination of this larger amenity space and converting 2 one bed units into 1 two bed unit made this scheme acceptable. Approval was recommended and support was unanimous at the Planning Committee of 26th April 2017.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1591/FUL	Erection of a residential development containing 9 flats comprising seven 1 x Bed units and two 2 x Bed units along with car and cycle parking and associated landscaping following the demolition of the existing buildings on site.	Approved
C/68/0355	Extension of existing Living Room	Approved

4.0 PUBLICITY

4.1 Advertisement:	Yes
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 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/4 3/6 3/7 3/12 4/13 5/1 8/2 8/6 8/10 8/18

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 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

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 to the amended scheme on Highway Safety grounds subject to recommended conditions on the surface finish of the driveway, removing permitted development rights for gates, drainage to prevent run-off onto public highway, maintaining visual splays and a construction management plan.

The Highway Authority also advises that the proposed development has significantly less than one space per unit and this must be a consideration by the Planning Authority in terms of residential amenity.

Environmental Health

- 6.2 No objection to amended scheme subject to conditions on demolition/construction hours, delivery/collection during demolition and construction, dust, building noise insulation and plant noise insulation.

Urban Design and Conservation Team

- 6.3 The Urban Design Team has reviewed the information submitted in support of the S73 application and consider the changes to be acceptable in design terms.

Landscape Architecture

- 6.4 The changes to the carport and the additional flat cause a reduction in the size of the communal open space. The overall number of users is not affected by the increase in units. The new layout refers back to a similar layout originally proposed for this site. At that time we determined that the communal green space would be too small for the number of users. The new layout makes the communal open space less wide than it was at the time of approval however, it is still larger than the original scheme. As a result we feel we can support the application.

Sustainable Drainage Officer

- 6.5 No objections subject to a condition requiring details on surface water drainage works.

Developer Contributions Monitoring Unit

- 6.6 Government guidance states that contributions should not be sought for a development of this scale.

Archaeology Cambridgeshire County Council

- 6.7 No response but comments from the previous application recommending a condition requesting a site investigation still stand

Senior Sustainable Construction Officer

- 6.8 No response but comments from the previous application recommending a condition requesting a condition requiring measures for the generation of renewable energy still stand.

Designing Out Crime Officer

- 6.9 No objections to the proposal and content with the design of the secure cycle parking.

6.10 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:

224 Milton Road
222 Milton Road
189 Milton Road
131 Milton Road

7.2 The representations can be summarised as follows:

Principle

7.3 It is difficult to understand how this proposal with its increased density would be acceptable, when other earlier proposal of a similar density were found unacceptable. We understand that discussions with the planning authority led the developer to reduce the proposed density of the development to 9 dwellings in the previous application. The revised plans are for 10 dwellings with no justification for the proposed increase.

Vehicle Parking

7.4 The overall car-parking provision for a development of additional density is not acceptable.

Cycle Parking

7.5 There was already some concern that the cycle parking provision was not of an acceptable size for the approved 9 flats. There doesn't seem to be any increase in the cycle parking provision therefore this proposal should be rejected. The revised reconfiguration on the ground floor replaces a previously satisfactory access to cycle parking through a separate entrance to a combined cycle and bin store. In this new layout bike users are forced to pass a parked vehicle in order to reach the cycle store through a 1 metres entrance. There is no indication to show how the recommended minimum

width of 1.2 metres will be maintained (as per Cambridge Cycling Campaign's guidance for cycle parking provision.)

There is insufficient space to manoeuvre cycles around the cycle stands. No consideration has been given to the storage of non-standard bikes. It is disappointing to see that an additional car parking place has been provided to benefit just one resident at the expense of the cycle parking provision which could serve all the residents of the development.

Overlooking

- 7.6 The revised plans are for an increase in the buildings footprint. This will bring units F8 and F9, 3.5 metres closer to the boundary with No. 222 Milton Road than in the previous application. This will encroach on No. 222 Milton Road's privacy. The occupiers of No. 222 Milton Road wish for the boundary fence between their property and the proposal to be 3 metres high to preserve privacy. Currently the outbuilding on this boundary is 3 metres high.
- 7.7 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. Drainage
8. Disabled access
9. Renewable energy and sustainability
10. Third party representations
11. Planning Obligations

Principle of Development

- 8.2 The principle of demolishing the existing house and redeveloping this site has been established as acceptable in application 16/1591/FUL. This Section 73 amendment allows for one more additional one bed unit bringing amount of units in this scheme to 10. Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposed erection of a new building to provide nine 1 x bed units and one 2 x bed units complies with policy 5/1 of the Local Plan.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

Response to context

- 8.4 Planning application reference 16/1591/FUL approved a building arranged in an 'L shape' with three distinct elements. The main element on the corner of Milton Road/Union Lane is 2.5 storeys high with rooms located within the pitched roof space. The other two wings off the main element step down in height to 1.5 storeys on the Milton Road frontage and 2 storeys on the Union Lane frontage. The design of this scheme was described as a modern version of the existing 'landmark dwelling'.
- 8.5 This proposal would extend the two storey depth of the wing facing Union Lane by 3.5 metres bringing it in line with the main stairwell. I consider the proposal with this amendment still relates well to the scale of the adjacent No. 222 Milton Road and No. 126 Union Lane houses. I also am of the opinion this increased in depth would not detrimentally impact the integrity of the approved high quality modern design.

Elevations and materials

- 8.6 The scheme takes a contemporary approach to the proposed elevations and materials treatment but replicates the existing features of No. 220 Milton Road in terms of the position of chimneys, the porch canopy and arrangement and proportion of windows and roof pitches. The extended area being examined in this Section 73 application would use the same brown/red facing brickwork and standing seam zinc cladding on the roofs approved by the parent application. This material approach is considered acceptable subject to condition requiring details to ensure those to be used are of high quality so that the proposal will complement the local architecture.
- 8.7 In my opinion the design of the proposed amendments adequately respond to the character of the area and quality of the approved design. I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 This section will focus on the impact to neighbouring occupiers of the proposed amendment to allow a 3.5 metre deep two storey extension to the Union Lane wing and the proposed division of the approved two bed unit on the first floor into 2 one bed units. This is because all other aspects of the scheme were considered by the Planning Committee when it determined planning application reference 16/1591/FUL and found to have an acceptable impact on the amenities of neighbouring properties.
- 8.9 This assessment will only focus on the two immediately adjoining neighbours as all other neighbouring properties are adjudged to be located a sufficient distance away to dispel any potentially detrimental impacts.

Enclosure, sunlight and daylight impact

No. 222 Milton Road

- 8.10 No. 222 Milton Road is located north east of the approved development. The proposed amendment to the wing facing Union Lane would be 12.4 metres from the boundary with No. 222 Milton Road and face this neighbour's rear garden. This is 3.5 metres closer than the approved design. I am of the opinion the distance between this extended element and the boundary with No. 222 Milton Road is still sufficient to dispel any impacts of enclosure to this neighbour's rear garden.

No. 126 Union Lane

- 8.11 No. 126 Union Lane is the other immediately adjoining neighbouring property. This dwellinghouse is located south east of the approved development. The proposed extended two storey element would be located 3.4 metres from the boundary with this property. The built form of this element would still not surpass the rear elevation of No. 126 therefore no adverse enclosure impacts are envisaged to this neighbour's rear garden. The only window in the side elevation of No. 126 facing the extended element is to a non-habitable room. Therefore, in my opinion, no adverse impacts are envisaged to sunlight/daylight entering this neighbour's habitable rooms.

Overlooking

No. 222 Milton Road

- 8.12 There is a distance of 12.4 metres between the rear first floor windows of amended units of F8 and F9 and the boundary with the rear garden of No. 222 Milton Road. This is 3.5 metres closer than the approved distance 15.9 metres. This relationship is not dissimilar to that of first floor bedroom windows at Nos. 126, 124 and 122 Union Lane with the rear of No. 222's garden space. However, the bedroom and bathroom windows of units F8 and F9 have the potential to overlook the more private area of the garden. Therefore the 2 bedroom and 2 bathroom windows are annotated to be obscurely glazed up to 1.7 metres. This is considered an acceptable solution and a condition could be used to ensure this.

No. 126 Union Lane

- 8.13 No amendments are proposed for additional or variations to the windows overlooking No. 126 Union Lane other than those previously approved.

Noise impact

- 8.14 There is concern that this scheme could house up to 20 residents in the proposed 9 one bedroom units and 1 two bedroom unit. It is also noted these residents could have visitors. This could create a detrimental level of noise and disturbance when compared to the existing number of occupants the single dwelling has on the site. The approved proposal contained 7 one bed units and 2 two bed units and it is my opinion that the potential number of residents who would live on site is materially fewer when compared to this Section 73 proposal. The main amenity space for these future residents is a communal garden to the rear of the site. This amended proposal would decrease the area of this garden by 32.2 square metres, approximately 13%. I do not consider the 2 metre brick wall and hedging around the communal garden and the internalisation of the bike and bin storage do enough to mitigate against this noise nuisance. I am therefore of the opinion this would concentrate a potentially detrimental noise impact into a smaller area impacting the usability of the adjoining rear amenity spaces of No 222 Milton Road and No. 126 Union Lane.
- 8.15 It is noted that the Environmental Health team has not objected to the application on noise impact grounds subject to conditions including a condition on details of plant noise being provided and approved prior to commencement.

Construction activities

- 8.16 A condition could be added to limit construction and demolition hours, delivery and collection hours during construction, piling during demolition/construction and dust during demolition/construction to ensure neighbours are not unduly impacted.
- 8.17 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I

consider that it contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 4/13.

Amenity for future occupiers of the site

Outlook

- 8.18 The outlook from units F1, F2, F3, F4, F5, F6, F7 and F10 would not be impacted by this Section 73 application.
- 8.19 As previously stated the bedroom and bathroom windows of units F8 and F9 will be obscurely glazed up to 1.7 metres above finished floor level with transparent glazing above. While having a mainly obscurely glazed window in a bedroom is not best practise, it is not considered sufficiently detrimental enough to warrant a reason for refusal.

Amenity space

- 8.20 The approved scheme has retained the majority of mature vegetation adjoining Milton Road and Union Lane. This creates a front garden area defended from the heavy traffic on Milton Road which could be used informally by future residents but this is not intended to be the prime open space which is located to the rear. There are three accesses to this area, one through the centre of the building by the central stairwell and the other two are via external site entrances. This application increases the number of units from 9 to 10 and decreases the area of the garden by 32.2 square metres approximately 13%. This Section 73 proposal is a previous iteration of the approved design of planning reference 16/1591/FUL. It was considered at the time this rear communal garden was not of sufficient size for the amount of units proposed. I reiterate this view and consider this proposal as backward step. While the site is in a central location there are no public green spaces within the immediate vicinity of the site. Therefore it is not considered access to public open space outside the site would overcome this reason for refusal.
- 8.21 In my opinion this amended proposal does not provide an appropriate standard of residential amenity space for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.22 A covered bin storage area has been provided and is accessed from the site entrance off Union Lane. This bin store is located within 10 metres of the highway, so a refuse vehicle is not required to enter the site. The refuse arrangements appear satisfactory and to comply with the RECAP Waste Management and Design Guide 2012.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 No objection to the new access off Union Lane has been received on highway safety grounds from the Local Highway Authority and it has accepted that all vehicular and pedestrian visual splays are acceptable. The following conditions are recommended to ensure highway safety is maintained during construction and into the future: surface finish of the driveway; removing permitted development rights for gates; drainage to prevent run-off onto the public highway; maintaining visibility splays; and a construction management plan.
- 8.25 The proposal involves the closing of the existing access onto Milton Road. This access is located close to the busy junction with Union land and I consider its closure to represent an improvement to highway safety.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car Parking

- 8.27 The amended scheme proposes an additional parking space bringing the number to four vehicle spaces. One is a disabled space, one visitor space and two resident spaces.
- 8.28 The Local Highway Authority advises that the proposed development has significantly less than one space per unit and this must be a consideration in this planning application. Concerns have also been expressed by neighbours that additional future residents will add to the pressure for on-street parking in the area.

8.29 The subject building is located just off Milton Road which has excellent transport links into the City Centre and contains many shops/services. This is shown in SLR's Global Environmental Solution's 'Proposed Residential Redevelopment of Land at 220 Milton Road, Cambridge – Transport Statement'. I therefore consider that this proposal is located in a highly sustainable location and the proposed level of off-street parking is therefore adequate. It is also noted the insertion of the proposed new access to this development will not reduce the availability of on-street parking on Union Lane.

8.30 Policy 8/10 promotes lower levels of private car parking particularly where good public transport, cycling and walking accessibility exists and the policy requires car parking to be in accordance with the parking standards in the Local Plan which are maximum levels. In this regard the proposal is policy compliant.

Cycle Parking

8.31 As the number of flats is proposed to be increased more cycle spaces are required. The amended scheme subdivides the cycle store and the refuse store. There has been concern from residents that cycle parking proposed is insufficient for the site. 11 resident cycle spaces are required by policy 8/6 and 18 have been provided including 4 visitor spaces. There is a 1.5 metre wide gap between the car parking space labeled 1 and the entrance to the cycle store. This is considered sufficient and in line with guidance (*Cycle Parking Guide for new Residential Developments by Cambridge City Council dated February 2010*). To be in line with guidance the door into the resident cycle store of the residents should be 1 metre in width. Measuring from the plans it would appear the door is 0.9 – 1 metres wide. If approval were to be recommended this width could be insured via a condition. I note there would be some room for larger sized bikes for which there is no policy requirement.

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

Drainage

- 8.33 I am of the opinion the proposed amendment would not have a detrimental impact on drainage when compared to what has been already approved. The Drainage Officer has no objection to this amended scheme subject to a condition on sustainable drainage.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/18.

Disabled access

- 8.35 One disabled car parking space is provided as part of this scheme and there are four one bed units at ground floor with level access.
- 8.36 In my opinion the proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Renewable energy and sustainability

- 8.37 Previously the approved scheme involved the construction of nine units therefore it was not within the remit of policy 8/16. As this amendment would increase the number of units to ten a 10% on-site renewable energy provision is required under policy 8/16. The applicants preferred approach is to utilise 25m² of photovoltaic (PV) panels. Carbon calculations have been submitted to demonstrate that the use of panels will reduce carbon emissions by just above the 10% requirement, an approach that is supported. The Roof Plan shows the potential location of these PV panels, if this application were to be approved full details would be sought via a condition.

8.38 Third Party Representations

Concern	Response
Similar scheme of increased density was previously found unacceptable	Para 2.5
Vehicle parking	Para 8.27 – 8.30
Cycle parking is inadequate	Para 8.31 - 8.32
Overlooking	Para 8.12 - 8.13

Boundary wall with No. 222 Milton Road	A 3 metre wall would create detrimental enclosure impacts on the occupants of No. 222 Milton Road, therefore a condition is not considered warranted or justified. I also note this is a civil matter.
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Planning Obligations

- 8.39 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.
- 8.40 The guidance states that contributions should not be sought from developments of 10-units or less, 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 amendments proposed by this Section 73 would create a proposal which is an overdevelopment of the site. This proposal increases the number of units while decreasing the amount of outdoor amenity space. I consider that this would create an unacceptable living environment for future residents for whom there is no public amenity space within the immediate vicinity. With this increase in units and decrease in open space there is also potential for detrimental noise nuisance impacts to the occupiers of adjoining properties when they are using their rear gardens.
- 9.2 It is the combination of these impacts to the occupiers of adjoining properties and to future residents from the decreased area of open space that result in this proposal being unacceptable.

- 9.3 Please note if Planning Committee is to approve contrary to officer recommendation all conditions attached to planning reference 16/1591/FUL should be repeated. Condition 23 of 16/1591/FUL regarding obscure glazing should be re-worded to include the bedroom and bathroom windows of F8 and F9 facing east. Also two new conditions should be added one requiring further details of the cycle store and the other requiring renewable energy generation.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed amendment to planning permission ref. 16/1591/FUL would introduce an additional residential unit to the site whilst also decreasing the level of amenity space available. The combined effect of which would result in an unacceptable intensification and overdevelopment of the site. The development would fail to provide a satisfactory level of amenity space and consequent high quality living environment for the future residents and would concentrate noise and disturbance into a smaller space resulting in an unacceptable impact on the amenity of residents of the neighbouring properties, no. 222 Milton Road and no. 126 Union Lane through unacceptable levels of noise and general disturbance to the gardens of these properties. As such, the proposal is contrary to Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/11 and 4/13.