

Application Number	19/0329/FUL	Agenda Item	
Date Received	14th March 2019	Officer	Andy White
Target Date	9th May 2019		
Ward	Kings Hedges		
Site	Land r/o 386 Milton Road		
Proposal	Retention of existing outbuilding for garaging of motor vehicles and cycle storage together with the construction of 1 no. detached bungalow.		
Applicant	Mr Dama c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">- The site is located within a primarily residential area where a new dwelling would be in keeping with the surrounding land uses; and- The proposed single storey dwelling would not have an adverse impact on the residential amenity of the adjacent neighbours in terms of overlooking or the proposal having an overbearing impact.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located to the rear of No.386 Milton Road. It is visible from Milton Road through a gap between No.384 and 386 Milton Road and is occupied by a single storey detached outbuilding. The site is accessed by a 4m wide access from Kendal Way which serves neighbouring garages, No.378a and allotment land

1.2 The dwelling is not within a conservation area.

2.0 THE PROPOSAL

- 2.1 The planning application proposes to retain the existing outbuilding and convert it to a garage and bike store and to construct a separate single storey dwelling which would be accessed from Kendal Way.
- 2.2 The proposed dwelling would be 14.5m depth, 13m wide with maximum ridge height of 5.4m and eaves height of 2.5m.
- 2.3 Two car parking spaces are to be provided to the north-west of the proposed dwelling in the existing outbuilding. The building measures 15m width by 6m depth and has a ridge height of 4.15m in the gable end which faces the proposed dwelling. The site is enclosed by 1.8m close boarded fence.
- 2.4 The application has been amended in the course of its consideration as it originally sought to demolish the detached building and to construct a new double garage/bike store and larger dwelling which raised concern from neighbours due to potential adverse impacts to privacy and amenity.
- 2.5 The application is accompanied by the following supporting information:

- ## 1. Revised Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0840	Erection of one detached dwelling.	Refused 21.1.1990
C/92/0027	Outline application for the erection of a bungalow.	Refused 24.2.1992
16/0798/FUL	Single storey detached one bedroom dwelling (retrospective)	Refused 23.06.2016

4.0 PUBLICITY

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

5.0 POLICY

Central Government Advice

- 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 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 50 51 52 55 56 57 58 59 80 81 82

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

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance 2014 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) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential

6.0 CONSULTATIONS

County Highways

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Sustainable Drainage Engineer

- 6.2 The development proposed is acceptable subject to the inclusion of a condition to require a Sustainable Urban Drainage scheme and its maintenance.

Environmental Health

- 6.3 The environmental health section made no objection to the proposal but has requested that construction hours and piling conditions are attached to any planning permission.
- 6.4 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 Representations were received from the residents of Nos. 309, 374, 378, 384 Milton Road
- 7.2 The representations can be summarised as follows:
- Access road is narrow, is private and the responsibility of Nos 364 to 384 Milton Road, is not maintained, has debris on the surface and is not suitable for emergency access
 - A single vehicle will block the access road and the exit onto Kendal Way has limited visibility for vehicles entering and exiting the lane
 - The existing building was built without planning permission
 - Sets precedent for other properties with back gardens to erect a dwelling

- There is no street lighting
- Nothing has changed since previous refusals
- The design is not in keeping with the area
- Likely to be loss of trees at allotment site and Brown's Field community centre making it environmentally unsound
- There will be overlooking of existing properties and back gardens with loss of privacy, light pollution.
- No.386 does not have access to Kendal Way as the access was only created temporarily during works for the existing building
- Concern that property will be an HMO as each bedroom has en-suite bathrooms and cause noise and disturbance to neighbours
- Utilities would need to be under the lane requiring permission from local residents or through the existing house

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

Principle of Development

8.1 The site is located within a residential area and as such the principle of development is acceptable having regard to Policy 3 of the Cambridge Local Plan.

Context of site, design and external spaces

8.2 The site was formerly garden land and consequently Policy 52 of the local plan is a key policy in the assessment of the proposal. This requires that "proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:

a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;

b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;

c. the amenity and privacy of neighbouring, existing and new properties is protected;

d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and

e. there is no detrimental effect on the potential comprehensive development of the wider area.

8.3 Having regard to criteria 'a' and 'b', the proposed development is single-storey with a relatively low ridge height (5.4m). The property would be set within the site with a gap of about 1.2m from the boundary fence to the west elevation and about 1.4m from the boundary fence to the east elevation. The design of the dwelling provides windows that face into garden areas. There is only one habitable room window that faces toward the boundary on the south west side elevation. The appearance of the proposal as amended is acceptable and would not be considered to be a dominant building having regard to the surrounding houses and fences. The proposal does not contribute to the street scene due to its location to the rear of surrounding properties.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 59.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.5 The proposal to locate residential development within a residential area should ensure that the use of the land is compatible with its neighbours. A number of objectors have raised the issue of the use intensifying as an HMO however based on the application as amended there is no reason for there to be a conflict of the proposed bungalow generating more noise than the surrounding houses.

- 8.6 The fence around the site and the fact that the development is single-storey with ground floor windows and roof lights means that the proposal will not create overlooking or loss of privacy for neighbouring dwellings. Having regard to the roof lights these do not serve a room in the roof space however if planning permission is granted a condition is proposed to prevent any habitable rooms being created in the roof space without planning permission and that the roof lights are located 1.7m above the floor level for the roof space. The scale of the proposal is such that I do not consider that it could be seen as a dominant building that would harm the outlook from any neighbouring property.
- 8.7 The existing access track appears to be used each day to serve garages, allotments and 378a. The additional vehicular movements associated with a 2-bed dwelling are not considered to be likely to create an adverse impact in terms of noise generation for neighbours.
- 8.8 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 (2018) policies 52, 55 and 35.

Amenity of future occupiers

- 8.9 The gross internal floor space measurements for units in this application are shown in the table below:

	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m²)	Proposed size of unit	Difference in size
1	2	4	1	70	132	+62

- 8.10 This table identifies in terms of space that it exceeds the minimum standard set out in the local plan.
- 8.11 The site is relatively level and the dwelling is capable of accommodating an external design that ensures compliance with policy 51. This policy requires new dwellings to be designed to meet Part M4(2) of the building regulations which seeks to ensure that new dwellings are capable of occupation

by as many people in the population as possible without the need for retrospective alteration.

- 8.12 The outbuilding will be used as cycle storage and parking and acts as a barrier between the new dwelling and the existing house. Bedroom 1 has a window in the north-west elevation a distance of 2.14m from the gable end of the garage. The applicant has consequently amended the proposal to include a sun pipe and high-level window in the north-east elevation to provide additional sources of natural light and which would have no impacts outside the site.

Size of external amenity space:

- 8.13 The external amenity space is provided to the north and south of the proposed dwelling. Either area would be adequate for a family home.
- 8.14 In my opinion the proposal provides an adequate level of residential amenity for future occupiers and I consider that it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 56.

Highway Safety

- 8.15 The Highways Authority has raised no concerns over highway safety in its response to the proposal. The access would be via an existing single access track which emerges onto Kendal Way. Although residents have raised concerns over the safety of the entry and exit point there is no expert advice that could justify a reason for refusal based on highway safety. The driveway of the house is able to accommodate the turning of vehicles and consequently the access and egress will be in forward gear. Although the track is narrow and there is no space for vehicles to pass for most of the length of the track, given the small number of movements this is not considered to be a reason for refusal in this instance.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 80 and 81.

Car and Cycle Parking

- 8.17 The proposal accommodates bike and car parking within the garage and outbuilding both of which are considered to be in accordance with standards of a maximum of 1.5 car parking spaces and 2 cycle parking spaces
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Waste

- 8.19 The guidelines for bin pulling distance are shown in the RECAP design guide. In the guide it indicates that residents should not be expected to pull bins more than 25 metres to collection points. The access track which the applicant has agreed to upgrade with a new surface material, is 87m from the entrance point to the property.
- 8.20 Given that the application is for a single dwelling, I do not consider the failure to meet the guideline would be grounds for refusal. Policy 57 requires the incorporation of refuse and recycling storage within the design and in this respect, I consider that the proposal is compliant with policy.
- 8.21 The occupiers of the proposed dwelling would have a longer distance to drag a recycling bin than guidance would encourage, however in my opinion the proposal is compliant with Policy 57 of the Cambridge Local Plan 2018 in providing space within the development for recycling and storage.

9.0 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 91 of the Town and Country Planning Act 1990 (as amended by 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

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 from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018, Policy 35)

5. No development shall take place above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

6. No development above ground level, other than demolition, shall commence 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 treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

7. The rooflights shown on the approved plans shall be a minimum of 1.7m above the floor level of the roofspace created as part of the dwelling hereby approved.

Reason To protect the amenity of the neighbouring dwellings due to the proximity of the building to the shared boundaries of neighbouring properties in accordance with Policy 52 of the Cambridge Local Plan

8. Prior to the occupation of the development, hereby permitted, the curtilage(s) of the approved dwelling(s) shall be fully laid out and finished in accordance with the approved plans. The curtilage(s) shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56)

9. Notwithstanding the provisions of Schedule 2, Part 1, Class A 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 dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

10. Notwithstanding the provisions of Schedule 2, Part 1, Class 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), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

11. Prior to the commencement of development, other than demolition, a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30year event and no internal property flooding for a 1 in 100year event + an allowance for climate change. The submitted details shall include the following:

- 1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage.
(Cambridge Local Plan 2018 policies 31 and 32)

12. Prior to the occupation of the dwelling hereby permitted the outbuilding shall be brought into use to accommodate the parking of motor vehicles and cycle storage as shown on Plan No. EP764-18-09. It shall be retained for the purpose of accommodating motor vehicles and bicycles thereafter.

Reason: To comply with the requirements of Policy 82 of the Cambridge Local Plan.

13. Notwithstanding the approved plans, the dwellings hereby approved shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended)

Reason: To secure the provision of accessible homes
(Cambridge Local Plan 2018 policy 51)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result, the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).