

Application Number	19/1116/FUL	Agenda Item	
Date Received	2nd September 2019	Officer	Alice Young
Target Date	28th October 2019		
Ward	Kings Hedges		
Site	233 Milton Road		
Proposal	Erection of a new 2bedroom dwelling with parking and new access arrangements to the rear of 233 Milton Road.		
Applicant	Mr & Mrs Lipscombe Land at rear of 233 Milton Rd		

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is to the rear of 231-233 Milton Road, west of Middleton Close. The site falls within a Tree Protection Order area, which protects the Walnut Tree in the northern corner of the site but falls outside the conservation area and the controlled parking zone.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the erection of a one and a half storey two-bedroom dwelling sited in the rear gardens of 231 and 233 Milton Road. The dwelling, sited adjacent to the boundary with 1 Middleton Close, would have a pitched roof design with a projecting pitched roof dormer on the south-eastern elevation. Private outside amenity space would be provided to the south-east of the dwelling, bordering the rear garden of 231 Milton Road. A wooden pitched roof carport is included within the site, adjacent to the south-eastern boundary with 233 Milton Road, accessible from Middleton Close to the east.

2.2 The proposal has been amended during the application process to remove one of the side dormers.

2.3 The application is accompanied by the following supporting information:

1. Design and access statement
2. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
19/1258/FUL	Erection of a new private driveway.	Pending consideration
18/1476/FUL	Erection of a new three-bedroom dwelling to the rear of 233 Milton Road with driveway access, amenity spaces and landscaping.	Withdrawn

4.0 PUBLICITY

4.1	Advertisement:	No
	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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3 28, 35 50, 51, 52, 55, 56, 57 71 82

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

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Greater Cambridge Sustainable Design and Construction (Jan 2020)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

6.1 As Middleton Close is a private road, there will be **no comment** on the behalf of the Highway Authority.

Environmental Health team

6.2 The development is **acceptable** subject to the imposition of the conditions and informative below:

- CE05C – construction hours
- CE15C – collection during construction
- CE23P – piling
- Electric Vehicle (EV) Charge Points – Residential Developments (single dwellings)
- LOWNOXI - Low NOx Boilers Informative

Drainage

6.3 The development is **acceptable** subject to the imposition of the conditions below:

- Surface water drainage condition
- Long term maintenance drainage condition

Streets and Open Spaces

- 6.4 The layout would now allow the retention of the Walnut tree. However, the tree is only early mature and has the potential to significantly increase in size. The location of any dwelling on the proposal site will result in the necessity to control the tree size with regular pruning so limiting the tree's amenity potential. Furthermore, the species is not tolerant of pruning and the tree is likely to develop decay that could compromise its structural condition and therefore bring about its early removal. Numerous trees were removed to allow the Middleton Close development and replacement planting will not fully mitigate those losses, therefore the negative impact the application will have on this tree's future amenity is considered to be sufficient to recommend refusal in accordance with Local Plan policy 71.
- 6.5 Should the application be granted consent the following conditions will be required: tree protection methodology, site meeting prior to site clearance, tree protection methodology implementation, five year protection from damage.
- 6.6 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:
- 1 Lion Farm Court (Objection)
 - 3 Middleton Close (Objection)
 - 7 Middleton Close (Objection)
 - 9 Middleton Close (Neutral)
 - 15 Middleton Close (Neutral)
- 7.2 The representations can be summarised as follows:
- Inaccuracies in the location plan
 - Proximity and design results in the proposal appearing bulking and out of character with the rest of the close
 - Overshadowing and overlooking to the rear garden of no.1
 - Concerns regarding the TPO Walnut tree on site

- Carport would appear dominant and out of character with the local area
- Construction work must be planned in consultation with the Middleton Close Management Company
- Surface drainage system must include details of the how the integrity of the existing system will be protected during construction and capacity calculation
- The existing verge should be retained as per condition 23 of 12/1537/FUL
- Information regarding connection to services is lacking and if proposed to connect to Middleton Close, the roadway would need to be dug up. This should be fully reinstated to its current condition.
- Construction vehicles should not obstruct the Close

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 proposal is for the subdivision of two existing residential plots (no.231 and 233 Milton Road) and therefore policy 52 of Cambridge Local Plan (2018) is relevant in assessing the proposal.
- 8.2 Policy 52 of the Cambridge Local Plan (2018) states 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 I consider that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

Context of site, design and external spaces

- 8.4 The site is located within an area predominately characterized by two storey semi-detached and detached dwellings fronting Milton Road or Middleton Close. There are several examples of backland developments within the surrounding locality. This includes two dwellings to the rear of 237-237A Milton Road, to the north-east of the application site fronting Middleton Close which was refused on character and residential amenity grounds and allowed at appeal in June 2018 (17/1494/FUL). Taking this into account, the character of the area has evolved to include subdivisions and backland developments and therefore, it is considered that the proposal would not be contrary to the pattern of development.
- 8.5 The size of the proposed site would be comparable to the plots of Middleton Close, with the scale of proposed dwelling being smaller than the existing semi-detached and detached properties on Middleton Close, north and northeast of the site. The proposed dwelling would be sited to the western corner of the site providing a large set back from Middleton Close, behind the prevailing building line established by Middleton Close properties. Whilst the carport would be situated in front of the proposed dwelling, this too would be behind the existing Middleton Close frontages and the existing outbuilding at no.233. Taking this into account, on balance, it is considered that the proposal would not result in a cramped form of development or be detrimental to the composition of the area.
- 8.6 Whilst the proposed dwelling would be larger in height than neighbouring backland developments (no.6 Downhams Lane, no. 227a and no.229a Milton Road), as the proposal would front Middleton Close and would be seen within the context of Middleton Close properties, it is considered that this 6.8 metre

ridge height is acceptable. Despite the overall height, the proposed dwelling would have a relatively modest scale and massing given its modest footprint, pitched roof form and relatively low eaves height. As a result, the dwelling would appear as a subservient comparative to the surrounding two storey Middleton Close properties whilst clearly appearing as a separate dwelling fronting Middleton Close. The proposed carport, whilst larger than surrounding garages, would be an open structure with a lightweight appearance. As such the proposed carport would not appear bulky within the street scene and would clearly read as secondary to the proposed dwelling. Due to the set back from Middleton Close, retention of the walnut tree in the northern corner of the site and associated soft landscaping, the proposal would provide sufficient space surrounding the proposed dwelling. By virtue of these factors, it is considered that the proposal would integrate successfully into Middleton Close and the surrounding locality, not adversely impacting the street scene or the character and composition of the area.

- 8.7 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 Given the location and scale of the development, only the neighbours immediately adjacent to the site would potentially be impacted; 229a, 231 and 233 Milton Road and 1 Middleton Close.

No. 229a Milton Road

- 8.9 To the west of the proposed dwelling, no. 229a has an existing garage and driveway. By virtue of this alongside the scale and massing of the proposed dwelling, it is considered that the amenity of no.229a would not be adversely impacted by the development in terms of being overbearing and unneighbourly. Given the orientation of the proposed dwelling in relation to no.229a, no.229a's front garden would experience a degree of overshadowing. However, due to its size and the front garden providing a landscaped setting as opposed to private amenity area, it is considered that the proposal would not significantly

impact upon the light levels received to key habitable areas of no.229a. The proposed rooflights would be 1.7 metres above internal finished floor level and thus would not give rise to overlooking to the front elevation of no. 229a.

No. 231 Milton Road

- 8.10 The proposed dwelling would be sited 5 metres from the common boundary with no. 231, 22.3 metres from the rear elevation of no. 231. Given this separation with the orientation and relatively low eaves height of the dwelling, it is considered that the proposal would not result in an impediment of no.231's amenity in terms of overbearing or overshadowing. A non-obscured glazed side dormer was removed as part of the application process and replaced with rooflights sited above 1.7 metres from finished floor level. This overcomes previous concerns relating to overlooking to no. 231 and therefore, it is considered that the proposal would not give rise to a loss of privacy to no. 231.

No. 233 Milton Road

- 8.11 The proposed carport would be situated adjacent to the shared boundary with no. 233. Beyond this boundary is no. 233's existing garage. Despite the 4.5 metres ridge height of the car port, the eaves height would be relatively low at 2.4 metres. It is acknowledged that, given this ridge height, the proposed car port will be visible from the rearmost point of no. 233's garden. However, as the ridge would be set away from the boundary by 3.25 metres, it is considered that the proposal would not be significantly overbearing to no. 233. The proposed carport would be located northwest of no.233 and so given the orientation the rear garden would only experience overshadowing in the late afternoon on winter days. Whilst no.233's garage has two windows which would likely be impacted by the development, these do not serve habitable rooms and therefore would not significantly impact upon no. 233's residential amenity. By virtue of the siting, scale and massing of the proposed dwelling, no.233 would not experience a significant overbearing or overshadowing impact as a result of the development. The first floor side dormer window would be obscure glazed and as such would not result in a loss of privacy to no. 233.

No.1 Middleton Close

- 8.12 The proposed dwelling would be located 0.2 metres southeast of no.1 Middleton Close and would have an eaves height of 3.3 metres sloping upwards to 6.8 metres, 4 metres from the common boundary. No.1 has an existing garage sited 1.2 metres from the site boundary and the proposed dwelling would project approximately 4 metres beyond the rear of no.1's garage. Whilst this pocket of garden would experience overshadowing given its orientation in relation to the proposal, thus would be limited to the mornings, given the south-west orientation of the garden. Although the proposal would extend the length of no.1's rear garden, no.1's garage is located in between, mitigating the overbearing impact to no. 1's principle outside amenity space. As such, it is considered that the proposed dwelling would not give rise to a significant overshadowing or overbearing impact to no. 1. The proposed rooflights at first floor would be situated at an angle and above an internal height of 1.7 metres. Therefore, overlooking would be limited to no.1.
- 8.13 On balance, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 55 and 57.

Amenity of future occupiers

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	2	3	2	70	98	+18

- 8.14 The proposed dwelling would have an internal footprint of 98m² exceeding the minimum internal space standard by 18m². Furthermore, all rooms would have a pleasant outlook and habitable rooms would receive a good amount of light. The garden would be 45m², proportionate to the size of property and number of occupants allowing space for socialising and playing.

The agent has confirmed the dwelling's compliance with Building Regulations Part M4(2) creating an accessible and inclusive space. To ensure compliance a condition is recommended. Taking the above into account, it is considered that the proposal would provide a good quality living environment for the future occupiers of the dwelling.

- 8.15 The proposal provides an adequate level of residential amenity for future occupiers and it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 56.

Car and Cycle Parking

- 8.16 The proposal would incorporate a car parking space and two cycle parking spaces secured by a Sheffield stand within the proposed carport. As the cycle parking would be covered and secured and the provision would be proportionate to the size of the proposed dwelling, it is considered acceptable provision.

- 8.17 The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Refuse

- 8.18 The proposal would provide adequate refuse provision within the proposed carport and would be compliant with Cambridge Local Plan (2018) policy 57.

Trees

- 8.19 The Tree Officer raises concerns regarding the proposed dwelling's impact on the future life of the walnut tree which has TPO status and has amenity value. They state that by virtue of the location of the dwelling in relation to the walnut tree and the maturity of the tree, the tree would need regular pruning, limiting the tree's amenity potential and potentially the health of the tree. The Tree Protection Plan and Arboricultural Impact Assessment shows that the proposed dwelling falls outside of the root protection area, only the footpath to the front door would fall within this area which would use a modern 'no dig' construction technique. It is also detailed that the proposal would only result in minor crown pruning. It is officer's view that due to the internal arrangements, with the main living spaces being south-west of the tree, the tree's canopy would not greatly

overshadow these areas. Therefore, the extent of future tree surgery would be limited. It is important to note that Inspectors have given weight to the internal arrangements of a dwelling when assessing the potential impact of pruning on the tree's amenity and health. Taking this into account, it is considered that the potential impact of limited pruning on the health and amenity value of the protected walnut tree is not significant enough to warrant refusal of this application on these grounds.

8.20 The proposal would comply with Cambridge Local Plan (2018) policy 71.

Third Party Representations

8.21 The table below seeks to address the remaining third-party concerns.

Third party concern	Response
Inaccuracies in the location plan	The location plan was amended to reflect the proposed site plan submitted.
<ul style="list-style-type: none"> ○ Proximity and design results in the proposal appearing bulky and out of character with the rest of the close ○ Carport would appear dominant and out of character with the local area 	This has been addressed in the relevant section of this report.
Overshadowing and overlooking to the rear garden of no.1	This has been addressed in the relevant section of the report.
Concerns regarding the TPO Walnut tree on site	This has been addressed in the Tree section of this report.
Construction work must be planned in consultation with the Middleton Close Management Company	This is not a material planning consideration. It is suggested that the agent contacts this management company prior to the commencement of works.
Surface drainage system must include details of the how the integrity of the existing system will be protected during construction and capacity calculation	The Drainage Engineer has recommended a surface water drainage condition. This will be covered within the documents submitted as part of the discharge of this pre-

	commencement condition.
The existing verge should be retained as per condition 23 of 12/1537/FUL	This verge is outside the site boundary and therefore the development would not impact upon this.
Information regarding connection to services is lacking and if proposed to connect to Middleton Close, the roadway would need to be dug up. This should be fully reinstated to its current condition.	This is a matter that should be discussed with the applicant.
Construction vehicles should not obstruct the Close	This is outside the remit of the Planning Authority. However, the agent has confirmed that this will not occur.

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. Notwithstanding the approved plans, the building, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

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

4. 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)

5. There shall 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 2018 policy 35)

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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)

7. Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the Local Planning Authority. The active electric vehicle charge point as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2019) paragraphs 105, 110, 170 and 181, Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

8. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- e) Full details of the proposed attenuation and flow control measures;
- f) Site Investigation and test results to confirm infiltration rates;

- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development (Cambridge Local Plan 2018, policy 35).

9. Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the buildings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

10. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018, Policy 71.

11. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018, Policy 71.

12. The approved tree protection methodology 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 approved tree protection plans, 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. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018, Policy 71.

13. If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018, Policy 71.

INFORMATIVE: Cambridge City Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality. This is in order to protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives in accordance with the National Planning Policy Framework (NPPF), Policy 36 of the Cambridge Local Plan 2018 and in accordance with Cambridge City Councils adopted Air Quality Action Plan (2018).