



<b>Planning Committee Date</b>	4 December 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/03942/FUL
<b>Site</b>	380 Milton Road
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Demolition of existing garage and construction of new single storey 2 bed dwelling
<b>Applicant</b>	HL Smith Holdings Limited
<b>Presenting Officer</b>	Phoebe Carter
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Parking/Highway Issues</li><li>2. Impact on the Character of the Area</li><li>3. Neighbour Amenity</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks planning permission for the demolition of the existing garage and construction of new single storey 2 bed dwelling.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is designed appropriately.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highways and would not result in any undue highways safety implications.
- 1.5 Officers recommend that the Planning Committee Approve the application subject to conditions.

## **2.0 Site Description and Context**

- 2.1 380 Milton Road is the northeast half of a pair of two storey semi-detached houses located on the eastern side of Milton Road, approximately 60 metres north of the junction with Kendal Way and 90 metres south of junction with Cook Close. This part of Milton Road is predominantly residential with a very mixed range of house types and styles.
- 2.2 All dwellings have off street parking to the front of the dwelling. To the rear of the properties is an approx. 4 metre wide access track from Kendal Way, which serves allotment gardens, a property to the rear of 386 and the rear properties 368 – 384 Milton Road.
- 2.3 To the north and south of the site, the prevailing character is semi-detached dwellings set back from Milton Road with outbuildings, annexes and garages to the rear. Opposite the access track are a number of residential allotments which gain access from a gate opposite the application site.
- 2.4 The site does not fall within a Conservation Area and there are no Listed Buildings in the vicinity.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for the demolition of the existing garage and erection of a single storey two bed dwelling accessed from Kendal Way.
- 3.2 The development seeks to demolish the existing garage which is set back from the rear boundary of the No. 380 Milton Road. The two bed bungalow would be designed around an internal courtyard. The proposed bungalow is set 3.3 metres off the access track allowing for a cycle and bin storage to the front of the dwelling. The proposed dwelling projects for 16.7 metres in

length and is the full width of the plot, 8 metres. It is single storey with pitched roofs with an eaves height of 2.6 metres extending to a ridge height of 4.7 metres. A rear garden is proposed to the rear of the dwelling and the host dwelling would retain a rear amenity area.

- 3.3 The application has served Ownership Certificate B which covers the ownership of the rear access track.

#### 4.0 Relevant Site History

##### Site History

Reference	Description	Outcome
23/00771/FUL	Demolition of existing garage and construction of new single storey 2 bed dwelling	Refused
20/02596/FUL	Subdivision of plot and construction of a single storey, three bed dwelling to the rear.	Withdrawn

- 4.1 The most recent application for the demolition of the existing garage and construction of a single storey 2 bed dwelling was refused under delegated powers on the 24.04.2023. The application was refused for the following reasons:

1. The proposed sub-division of the rear garden of No.380 Milton Road to accommodate a new dwelling would result in a cramped, incongruous and out of character form of development, harmful to the otherwise linear and cohesive plot size of the site and of the wider area, in particular properties fronting Milton Road. Therefore, the proposal due to the depth and design would cause unacceptable harm to the character and appearance of the surrounding area and as such would conflict with Policies 52, 55, 56, 57 and 59 of the Cambridge Local Plan 2018.
2. By virtue of the excessive scale, bulk and projection of the proposed dwelling to the rear of the site, the proposal would have a greater visual prominence when viewed from the garden environment and rear of the neighbouring properties at 378 and 382 Milton Road. The dwelling would result in a sense of enclosure and significantly harmful overbearing impact when experienced from the immediate neighbours and is unacceptable. As such, the proposal is contrary to Policies 52, 56 and 57 of the Cambridge Local Plan 2018.
3. No biodiversity net gain assessment has been submitted in support of the application. Given the loss of existing garden land and the limited external amenity space provided by the scheme it is considered insufficient information has been submitted to ensure the site could provide a measurable net gain. The

proposal is therefore contrary to the NPPF 2021, Policy 70 of the Cambridge Local Plan 2018, the Greater Cambridge Biodiversity Supplementary Planning Document (2022) and the Environment Act 2021.

4. The proposed dwelling, by virtue of the amenity area, internal and external layout, would create a substandard living environment for future occupiers. Internally, the habitable rooms would be single aspect served by a courtyard. Given the design of the proposal and the siting of 378A Milton Road to the south west is likely to receive insufficient light levels. Externally, given the orientation and size of the private external amenity space, the amenity space is likely to be in shadow for significant periods of time. Cumulatively, this amounts to harm to the residential amenity of future occupiers. By failing to be of high-quality design which respects the amenity for future occupiers, the proposal would be contrary to policies 52 and 56 of the Cambridge Local Plan (2018).

- 4.2 The application submitted has been amended to overcome the previous reasons for refusals. Officers will set out how the application has overcome the reasons for refusals within the Assessment below.

### **Relevant Site History**

Land Rear of 368-370 Milton Road

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
22/02444/FUL	Erection of 2no dwellings with associated access and landscaping works	Refused and dismissed at appeal
21/03508/FUL	Erection of 2 No. dwellinghouses together with associated access and landscaping works	Refused at Committee and Allowed at Appeal

- 4.3 Land to the rear of 368-379 Milton Road is situated closest to the entrance to the access track from Kendal Way. The application was refused by planning committee and overturned at appeal on the 18.04.2023. The main issues which the inspector reviewed within the decision was in regard to the effect of the proposal on the character and appearance of the area and whether the proposals would provide adequate parking, cycle and bin storage. The Inspector concluded that whilst the proposal introduced properties into a currently secondary location, the dwellings would be aligned with No. 1A Kendal Way and would strengthen and replicate the line of garages and outbuildings.
- 4.4 An identical access track also serves garages to Milton Road properties and allotments accessed off the south western side of Kendal Way. The

character of the opposite lane is also changing and garages have been demolished and dwellings approved as set out below:

346 Milton Road

22/01971/FUL - Demolition of existing double garage and shed, and erection of a detached single storey dwelling to the rear - Permitted

348 Milton Road

19/0400/FUL - Erection of a single storey dwelling to the rear of 348 Milton Road. – Permitted

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards  
Policy 51: Accessible homes  
Policy 52: Protecting garden land and subdivision of dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Landscape in New Developments SPD – Adopted March 2010  
Trees and Development Sites SPD – Adopted January 2009

### **6.0 Consultations**

#### **6.1 County Highways Development Management – No Objection**

6.2 No significant adverse effect upon the Public Highway should result from this proposal.

#### **6.3 Environmental Health – No Objection**

6.4 The development is acceptable subject to the imposition of conditions regarding construction hours, piling and an informative regarding air source heat pumps.

### **7.0 Third Party Representations**

7.1 7 representations have been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Residential amenity impact (impacts on enclosure, privacy, noise and disturbance, light pollution)
- Private track – unlit and unmaintained
- How will services be supplied
- Potential increase in bedrooms
- Current vehicle access for No. 380 will block this access.
- Car Parking stress on Kendal Way
- Potential rental as an HMO
- Construction impacts
- Potential changes to neighbouring annexe

- Ownership of the track

7.3 Those in support have raised cited the following reasons:

- Well designed property
- Prevent fly tipping in the lane
- Should be encouraging small builds
- Lane needs more development
- Replace neglected garages and improve the area

## **8.0 Local Interest Groups and Organisations / Petition**

8.1 Milton Road Residents' Association has made a representation objecting to the application on the following grounds:

- Excessive scale
- Potential short-term HMO
- Character of dwelling
- No access to rear gardens
- Cycle Parking used by tenants of HMO will not be accessible
- Where will deliveries/visitors park
- Construction Impacts
- Refuse
- Cycle Parking for occupiers
- Maintenance impact for neighbour
- Services to building
- Light impact

8.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

9.3 Policy 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.

9.4 The principle of the development is acceptable and in accordance with policies 3 and 52.

#### **9.5 Design, Layout, Scale and Landscaping**

9.6 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

9.7 The site is located within an area characterized by predominantly two storey semi detached dwellings with long rear gardens. The existing dwelling house forms the northern half of pair of semi detached houses which is one of 5 pairs of semi detached houses that stand north of Kendal Way along the Milton Road frontage. The unpaved track along the rear of the properties facing Milton Road, accessed off Kendal Way, serves a series of flat or low pitched garages, outbuildings and annexes leading to an informal turning area which also provides access to the Kendal Way allotments. In addition to the existing ancillary buildings two no. one and a half storey dwellings have been approved by the Planning Inspector close to the access with Kendal Way. Whilst the proposal is introducing a dwelling into a currently secondary location, the dwellings would be aligned with other buildings along the track and would strengthen and replicate the line of garages and outbuildings. Considering the existing backland development along the access track, the principle of development is considered acceptable.

9.8 The prevailing character of the secondary access is proposed to be aligned alongside the existing ancillary buildings and the proposed dwellings approved are considered to be of an interesting contemporary building. The proposed design is considered to be a modern building of buff brick, timber boarding and aluminium/zinc roof which would be distinctive but suitably sympathetic amongst the surrounding buildings. In addition, the proposal has a low profile that would match the neighbouring annexe, would not be particularly prominent and would suit the secondary frontage of the track.

9.9 The proposed dwelling would occupy the entire plot width. However, the proposal has a relatively low eaves height and has a roof which pitches away from the boundary which reduces the width and minimises the impact of the width of the property. To overcome refusal reason 1, 3 and 4 the proposal has significantly reduced the depth of the proposed dwelling to create a garden to the rear. The proposal now projects 0.5 metres beyond the existing garage footprint, which is to be demolished, and allows for a private rear garden to the rear. Whilst more prominent, due to the width, the proposed depth, amidst elongated gardens associated with neighbouring properties would reflect the grain of development in the area, and is considered in keeping with the established character in accordance with Policy 52.



9.10 Policy 55 states that development should respond positively to its context and use appropriate characteristics to help inform the massing, scale and form of the development. Policy 57 expects that new buildings will have a positive impact on their setting in terms of location on the site, height, scale and form, materials and detailing.

9.11 The resultant dwelling is considered to have overcome the previous reasons for refusal regarding overdevelopment, massing and scale and is appropriate to the surrounding pattern of development and character of the area. Subject to conditions to ensure the proposed materials, soft and hard landscaping and boundary treatments, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57 and 59 and the NPPF.

### **9.12 Carbon Reduction and Sustainable Design**

9.13 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

9.14 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.

9.15 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

9.16 The application proposes an Air Source Heat Pump and photovoltaic panels to achieve the carbon emission reduction. To ensure compliance with Cambridge Local Plan (2018) policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions will be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building Regulations, and a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

### **9.17 Biodiversity**

9.18 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and

policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 9.19 Following comments from the Ecology Officers a Biodiversity Net Gain Report and Preliminary Ecological Assessment has been submitted. The Biodiversity Net Gain Report sets out that the site can achieve a net gain on the site, however, the site is not required to meet a 10% increase as the application was submitted prior to the Environment Act 2021.
- 9.20 Concerns were raised by the Ecologists regarding the potential for roosting bats within the garage to be demolished given the location. The Preliminary Ecological Survey sets out that the building was deemed to be of low bat roosting potential. An activity survey was also undertaken, during which no bats were seen to emerge from the surveyed structure and only commuting bats were observed. Officers are therefore satisfied that no additional surveys are required.
- 9.21 Following the submission of the above information, and subject to appropriate conditions regarding biodiversity net gain and ecology enhancement, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

## **9.22 Water Management and Flood Risk**

- 9.23 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 9.24 Given that the proposal falls outside of a Flood Zone and Surface Water Flooding it is considered that a surface and foul water drainage strategy would be required and signed off by Building Control. The proposed development is considered acceptable in terms of water management and flood risk which is in accordance with Cambridge Local Plan (2018) policies 31 and 32 and NPPF advice.

## **9.25 Highway Safety and Transport Impacts**

- 9.26 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 9.27 Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.28 Access to the site would from Kendal Way via the unsealed private access track.
- 9.29 The Local Highway Authority have raised no objections to the proposal, it is considered that the proposal will not result in adverse access impacts on the safe and effective operation of the Public Highway. The existing track to the rear of properties 368-384 Milton Road is private and not under the ownership of the Local Highway Authority. This track provides access to potential and existing off-street parking and the removal of the garage would therefore reduce vehicular traffic as no car parking space is proposed as part of the development and the existing space provides parking for multiple vehicles.
- 9.30 Third parties representations have raised concerns over the impact of the development on the existing private drive, its ongoing maintenance responsibility and Highways safety concerns as a result of the development. To ensure that the access track is sufficient for the dwelling Officers would recommend a condition to ensure that the access within the red line as shown on the location plan, is upgraded with a new surface material which is permeable and well lit, in order to provide a more safe and legible means of access for the future occupiers.
- 9.31 A concern has also been raised regarding access to the allotments and the turning area and parking being reduced as a result of the development. The footprint of the proposed house would not extend over land outside of the ownership of the applicant and onto the access track. As a result any issues with loss of parking or turning areas is a civil matter which cannot be considered within this application.
- 9.32 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **9.33 Cycle and Car Parking Provision**

#### 9.34 Cycle Parking

- 9.35 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 9.36 Cycle Parking is located at the front of the dwelling in a covered bike store which would provide 2 cycle spaces. The proposal would comply with the cycle parking guidance set out in appendix L of the Local Plan.
- 9.37 No details have been provided regarding the host dwelling at No. 380 Milton Road however there is sufficient space to the front of the dwelling to allow for a cycle store to be provided for the existing use.
- 9.38 Given that limited details have been submitted as part of the application officers consider it reasonable to add a condition requiring details to be submitted prior to the occupation of the dwelling.
- 9.39 Car parking
- 9.40 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 9.41 The proposal site is considered to be within a sustainable location within a walkable distance to a District Centre, approx. 0.4km away, and is located in an areas of high public transport. Therefore a car free development accords with Figure 11 of Appendix L of the Local Plan 2018.
- 9.42 Officers note the objection regarding the car parking pressure on Kendal Way. Kendal Way is not within a controlled parking zone and therefore there would not be an effective way of enforcing a car capped development. Therefore, whilst the proposal is in a sustainable location the Local Planning Authority, Officers consider that no parking space in this location is acceptable.
- 9.43 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.44 The proposal is compliant with Cambridge City Local Plan (2018) policy 82 and 57 and Appendix L.
- 9.45 Amenity**
- 9.46 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing,

overlooking or overbearing and through providing high quality internal and external spaces.

9.47 Neighbouring Properties

9.48 No. 378 Milton Road

9.49 No. 378 forms the southern half of the pair of semi-detached property. To the rear garden is an annexe which is known as 378A Milton Road.

9.50 The proposed dwelling would be circa 18 metres from the rear elevation of 378 Milton Road. The property is situated to the south west and the distance is considered to be sufficient to mitigate any significant adverse impact on residential amenity to the property in terms of overbearing or loss of light. Whilst windows are proposed in the rear elevation given that the proposal is single storey and the separation, it is not considered to give rise to any significantly harmful loss of privacy. No windows are proposed in the rear or side elevations and therefore it is not considered to lead to a loss of privacy. The proposal has been significantly reduced in depth from the previous submission and would project 0.5 metres from the footprint of the existing garage building. Given the reduction in scale it is considered that the proposal would not appear as a significantly dominant, intrusive feature in the rear garden.

9.51 The annexe, 378A Milton Road, has French doors and a single door on the rear elevation which is the main light source for the kitchen/living accommodation. The proposed extension is to be built up to the common boundary and would extend approx. 4 metres beyond the existing rear elevation of the annexe. Where the building projects beyond the annexe the eaves height is 2.7 metres with a roof which hips away from the boundary. Whilst the proposal would be visible from the annexe, given the form would not be visually dominant or lead to significant enclosure. In addition, the proposal would not intersect both the BRE 45 degree lines and therefore is not considered to lead to a loss of light.

9.52 Impact on No. No. 382

9.53 No 382, situated to the north east, is significantly less developed and has not extended to the rear or altered the ancillary outbuildings. As with 378 Milton Road, the distance is considered to be sufficient to mitigate any significant adverse impact on residential amenity in terms of overbearing or loss of light or privacy. Whilst the roof slopes away from the boundary and is set at a relatively low level it is still significantly taller than the surrounding boundary fencing, and due to the depth would be noticeable, but it would not be significantly harmful to the overall amenity of the occupants of this property to warrant a refusal.

9.54 Future Occupants

9.55 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government’s Technical Housing Standards – Nationally Described Space Standards (2015). The new 2 bed property would meet the space standards by 26+ square metres. 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 <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	4	1	70	96	+26

9.56 Concerns have been raised by third parties regarding light levels to some of the internal rooms, in particularly the bedrooms. The bedrooms both have full depth windows fronting an internal courtyard. Whilst this is an enclosed courtyard both rooms are also served by secondary rooflights. Given the amount of windows proposed Officers considered that the rooms would achieve a satisfactory levels of light.

9.57 Comments have also been received about a potential third bedroom created by a screen. This is not proposed as a bedroom and has no permanent separation. Officers can only assess the application on the plans submitted and cannot assess this as part of the application.

9.58 Garden Size(s)

9.59 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. The proposed internal courtyard (approx. 10 sq metres) and rear garden (approx.. 58 sq metres) are considered sufficient for a two bedroom property. In addition, No. 380 Milton Road would retain a rear garden of approximately 60 sq metres. Whilst gardens of these properties are in general long and generous the proposed garden size is considered sufficient for the size of property and accords with Policy 52(c).

9.60 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible. The Design and Access Statement submitted states the proposal would comply with these standards and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing. A condition will be attached to ensure compliance.

9.61 Construction and Environmental Impacts

9.62 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and

disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

9.63 The Council's Environmental Health team have assessed the application and recommended that they have no objections to the development subject to the imposition of conditions regarding construction hours and piling. These conditions are considered to be reasonable and necessary in order to limit the impact of the proposal would have on adjacent occupiers given their proximity to the site. An informative regarding air source heat pumps would also be added for reference.

9.64 Officers note that comments have been received regarding noise impacts and light impacts of a dwelling. It is not considered that the proposed dwelling would significantly increase noise levels to the surrounding properties. In addition, the proposed dwelling would not lead to a significantly more impact than the neighbouring annexe or potential use of the existing outbuilding on site. Overall, it is not considered that the proposed use would give rise to any significant impacts in regard to noise or light.

9.65 Summary

9.66 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.

**9.67 Third Party Representations**

9.68 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Utility Serve arrangement	Utility service arrangements are not a planning matter.
Rental as an HMO	Comments have been raised regarding the intensification of HMO (Houses of Multiple Occupation) along Milton Road. The application is for a new residential dwelling and therefore Officers have not assessed the application in relation to HMO's. From comments received it appears that No. 380 is a 6 bed HMO. The change of use of a dwelling house (Use Class C3) to a Small Scale HMO (Use Class C4) falls under Permitted Development and therefore outside of Planning Controls and the Local Planning Authority would not be able to assess the impact of this change of use.

Alterations to annexe	No planning permission has been sought by the applicant. Officers therefore cannot give any weight to potential alterations.
Parking for tradesmen/visitors	Visitor parking is not required under Policy 82/Appendix L for under 4 units
Private right of access	Representations have been made in respect of covenants and private rights of access. A planning permission would not override these. They are civil matters between different landowners and not a material planning consideration.
Party walls	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.
Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.

## 9.69 Other Matters

### 9.70 Bins

9.71 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

9.72 The proposed refuse storage arrangement consists of a dedicated bin storage point in the front garden. The drag distance for the bins to the collection point (pavement of Kendal Way) would be circa 70 metres. This is over the recommended travel distance of 25 metres as set out in the RECAP Waste Design Guide (2012). As the access track is a private, refuse vehicles are unlikely to use the access road to collect the bins. Therefore, the onus will be on the future occupiers to ensure the bins are taken to the collections point and returns. As there is no alternative solution, it is considered the issue with the drag distance is not significant enough to warrant a refusal of this application. Officers consider that the proposal is compliant in this respect with Cambridge Local Plan (2018) Policy 57.

## 9.73 Planning Balance

9.74 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).



- 9.75 Whilst third party objections have been received regarding the scale, design and siting of the dwelling, the development is considered to preserve the character and appearance of the surrounding area and retention of sufficient garden land for the existing and host dwelling. The proposal would not have any highway safety implications and would comply with the parking and cycle parking guidance set out within Appendix L of the Local Plan.
- 9.76 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

## **10.0 Recommendation**

### **10.1 Approve subject to:**

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **11.0 Planning Conditions**

- 1 The works hereby permitted shall be undertaken within two years of the date of this decision.  
  
Reason: In accordance with the statutory requirement.
- 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 dwelling shall be occupied until a Carbon Reduction and Water Efficiency Statement, setting out how the proposals meet the requirement for all new dwelling units to achieve reductions as required by the 2021 edition of Part L of the Building Regulations has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate how this requirement will be met following the energy hierarchy of Be Lean, Be Clean and Be Green. Where on-site renewable, low carbon technologies and water efficiency measures are proposed, the Statement shall include:
  - a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design;
  - b) Details of any mitigation measures required to maintain amenity and prevent nuisance;

c) Details of water efficiency measures to achieve a design standard of water use of no more than 110 litres/person/day.

The approved measures shall be fully implemented prior to the occupation of any approved dwelling(s) or in accordance with a phasing plan otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions does not give rise to unacceptable pollution and to make efficient use of water (Cambridge Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 4 No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Cambridge Local Plan 2018; Policies 55, 57 and 59).

- 5 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 (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of biodiversity, visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57, 59 and 70).

- 6 Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net

gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The approved scheme shall be fully implemented within the agreed timescale following the substantial completion of the development unless, for reasons including viability or deliverability, it is otherwise agreed in writing by the local planning authority.

Reason: To provide ecological enhancements in accordance with Cambridge Local Plan 2018 policies 57, 59 and 69, the Greater Cambridge Shared Planning Biodiversity SPD 2022 and NPPF paragraphs 8, 180, 185 and 186

- 7 In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed 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 statement.

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

- 8 Materials

No development shall take place above ground level, other than demolition, until details 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 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)).

- 9 The development shall not be occupied or the permitted use commenced, until details of facilities for the covered, secure parking of cycles and bin stores for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the cycle store. Stores proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The cycle and bin stores and green roof as appropriate shall be provided and planted in full in

accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

- 10 Prior to the commencement of development (excluding demolition) details of the access improvements from Kendal Way to the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall include resurfacing, a lighting scheme and the use a bound material within 5 metres of the public highway to prevent debris spreading onto it. The access track shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. The access improvements shall be fully completed in accordance with the approved details prior to the first occupation of the development and thereafter retained in accordance with the approved details.

Reason: To ensure the development improves the public realm and provides a good quality development for future occupiers to use, as well as maintaining the safety of the highway, in accordance with Cambridge Local Plan 2018 policies 55, 56, 57, 59 and 81).

- 11 No construction or demolition work shall be carried out and no plant or power operated machinery 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, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 12 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)

- 13 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

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

- 14 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

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