

The conversion of the existing ground floor annexe into a separate dwelling (retrospective), the conversion of the existing house into two flats and the widening of the vehicular access to facilitate four parking spaces (Resubmission of 16/00476/FUL)

AT 12 Cawarden, Stantonbury, Milton Keynes

FOR Mr A Clewer

Target: 8th September 2016

(Extension of Time: 24<sup>th</sup> October 2016)

Ward: Stantonbury

Parish: Stantonbury Parish Council

Report Author/Case Officer: Adam Smith Senior Planning Officer

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Team Leader: Sarah Evans Development Management Manager North West Team

Contact Details: 01908 253326 Sarah.Evans@milton-keynes.gov.uk

## 1.0 INTRODUCTION

*(A brief explanation of what the application is about)*

1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess). All matters have been taken into account in writing this report and recommendation.

1.2 This application is referred to the Development Control Panel for determination as the application has received an objection from Stantonbury Parish Council and from three neighbouring properties.

### 1.3 The Site

The application site is in Stantonbury, which is a predominantly residential grid square, and is located to the northern side of Cawarden. The application property comprises the last of a run of semi-detached properties and is situated at the end of a cul-de-sac. The site is bounded by amenity open space to the north (rear) and western side and adjoins No. 14 Cawarden to the eastern side, with properties in Thane Court opposite. The site benefits from an existing vehicular access off Cawarden with two vehicular parking spaces.

## 1.4 The Proposal

This application seeks planning permission for the conversion of the existing ground floor annexe into a separate dwelling (retrospective), the conversion of the existing house into two flats and the widening of the vehicular access to facilitate four parking spaces (three allocated parking spaces and one visitor space). All of the units the subject of the application would comprise 1 bedroom flats, with the only external alterations to the existing building comprising the removal of a side door to the existing conservatory and the installation of extract ducts.

## 2.0 RELEVANT POLICIES

*(The most important policy considerations relating to this application)*

### 2.1 National Policy

National Planning Policy Framework (2012) paragraphs:

6,7,8 and 14 Presumption in Favour of Sustainable Development  
17 Core Planning Principles  
56,57,60,61,63, 64 Requiring Good Design  
39 Parking  
123 Noise

### 2.2 Local Policy

Core Strategy 2013

Policy CS13 - Ensuring High Quality Well Designed Places

### 2.3 Milton Keynes Local Plan 2001-2011 (Saved Policies)

Policy D1 - Impact of Development Proposals on Locality  
Policy H10 – Subdivision of Dwellings and Houses in Multiple Occupation  
Policy T10 - Traffic  
Policy T15 - Parking Provision

## 3.0 MAIN ISSUES

*(The issues which have the greatest bearing on the decision)*

### 3.1 The main issues for the consideration of this application comprises as follows:

- Principle of development
- Impact of development on character and appearance of area
- Impact on neighbouring properties
- Impact on parking provision
- Planning balance and conclusion

#### **4.0 RECOMMENDATION**

*(The decision that officers recommend to the Committee)*

- 4.1 It is recommended that planning permission be granted subject to the conditions set out in Section 6.0 of this report.

#### **5.0 CONSIDERATIONS**

*(An explanation of the main issues that have led to the officer Recommendation)*

##### **5.1 Principle of Development**

The proposed would fall under Saved Policy H10 of the Milton Keynes Local Plan 2001-2011 which allows for the subdivision of dwellings into flats subject to an assessment against a set of 4 criteria. The principle of residential development on the site is therefore acceptable.

- 5.2 Notwithstanding the above, Paragraph 49 of the National Planning Policy Framework states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 5.3 In this regard, it has been accepted by the Council that it cannot currently demonstrate a 5 year housing land supply. Indeed, the latest (June 2016) housing land supply position is 4.8 years, which represents a supply of 11,630 dwellings and a deficit of 479 dwellings. Therefore, the Council must rely upon the provisions of paragraph 14 of the National Planning Policy Framework to consider the submitted application. This states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”

For decision-taking this means:

- Where the development plan is absent, silent or relevant policies are out-of-date the Council should grant permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted.
- 5.4 The starting point for the determination of this application is the fact that Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting the identified shortfall. An assessment must therefore be made as to whether the proposal can be considered to be sustainable development in terms of the economic, social

and environmental roles as defined by the Framework and, ultimately, whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this instance, and as set out in more detail below, no adverse impacts of the development have been demonstrated that would significantly and demonstrably outweigh the benefits, which arise from the provision of additional housing.

#### 5.5 Assessment under Saved Policy H10 of the Milton Keynes Local Plan 2001-2011

Saved Policy H10 of the Milton Keynes Local Plan 2001-2011 allows for the subdivision of dwellings providing the following criteria are satisfied:

“(i) Effective measures are proposed to minimise the effects of noise and disturbance

(ii) Off street parking provision and manoeuvring space is provided to meet the Councils standards, or if on-street parking is necessary, it would not result in unacceptable congestion in the surrounding area

(iii) Adequate outdoor space is available for bin storage and a drying area

(iv) The proposal would not adversely affect the character of the surrounding area or lead to unacceptable concentration of flats or houses in multiple occupation within the area”

#### 5.6 Noise mitigation measures

The proposal would result in a sensitive room in the adjoining property, a bedroom at No. 14 Cawarden, being adjacent to a room which may generate noise, the new kitchen and lounge in the first floor flat. As such, noise mitigation measures have been included within the proposal to ensure the neighbouring properties are not adversely affected by noise and disturbance. These measures include sound proof lining of party walls, between the application property and the neighbouring property where the sensitive room attaches to the room which may generate noise. A condition should therefore be included on any planning permission which is granted to ensure that the proposed noise mitigation measures, for both between floors and between neighbouring properties, are implemented prior to the first occupation of the first floor flat. Therefore, subject to the aforementioned condition, the proposed scheme would accord with Saved Policy H10 (i) of the Milton Keynes Local Plan 2001-2011.

#### 5.7 Parking provision

The application site falls within Accessibility Zone 3 in the Milton Keynes Parking Standards (SPD) 2016 and therefore one allocated parking space per flat is required together with a visitor parking space. The proposal includes the requisite three allocated parking spaces and a visitor space on plot to meet with the Parking Standards. Therefore, subject to a condition should

planning be forthcoming, to ensure the provision of the parking spaces and associated widening of the vehicular access, the proposed scheme would therefore accord with Saved Policy H10 (ii) of the Milton Keynes Local Plan 2001-2011.

#### 5.8 Outdoor space with adequate bin storage

The proposal would retain the existing residential garden to the rear of the application site and remove an existing low level fence which currently segments the garden into two. The rear garden is of a sufficient size to accommodate a drying area and a bin storage area. The proposed scheme would therefore accord with Saved Policy H10 (iii) of the Milton Keynes Local Plan 2001-2011.

#### 5.9 Concentration and the Impact on character of area

When calculating the concentration of flats and houses in multiple occupation within a 50 metre radius, the calculation carried out is on the basis of the proposed one bedroom flat and one two bedroom flat in accordance with the guidance in the Houses in Multiple Occupation Supplementary Planning Document, 2012. From the available information there are 10 existing one bed flats and 30 dwelling houses within the 50 metre radius, but no existing two bed flats or lettable rooms in Houses in Multiple Occupation. To retain the character and appearance of the area, the Houses in Multiple Occupation Supplementary Planning Document (2012) requires the concentration of Houses in Multiple Occupation and flats in the area to not exceed 35%. The proposal for three one-bedroom flats would lead to a concentration of 30%. As this is below the 35% given in the Supplementary Planning Document, it is considered that the proposed sub-division would not lead to an over-concentration of Houses in Multiple Occupation or Flats to the detriment of the character and appearance of the area. Therefore, the proposed scheme would accord with Saved Policy H10 (iv) of the Milton Keynes Local Plan 2001-2011.

#### 5.10 Other matters

An objection has been raised on the grounds that the proposal would give rise to unacceptable overlooking of the rear amenity area of No. 14 Cawarden. However, given that no new windows would be introduced as part of the proposal it is considered that the proposal would not adversely affect the privacy of this neighbouring property.

5.11 In addition, a concern has been raised regarding encroachment onto the amenity open space to the west of the site. However, from aerial photographs it would appear that this land has been in association with the existing property for over 10 years such that had an encroachment taken place it would be immune from enforcement action under the provisions of Section 171B of the Town and Country Planning Act 1990 (as Amended).

## 5.12 Conclusion

The proposed scheme accords with the provisions of Saved Policy H10 of the Milton Keynes Local Plan 2001-2011 in that it has noise mitigation measures which ensure that the neighbouring property would not be unacceptably affected by noise and disturbance. The proposed scheme also provides allocated and visitor parking with sufficient outdoor space for the proposed flats. The character of the area is considered to not be adversely affected by the proposed scheme as the concentration does not exceed the 35% threshold as set out by the Houses in Multiple Occupation Supplementary Planning Document 2012. Further, the proposed scheme only includes very minor external alterations to the dwelling itself. the proposal accords with the development plan and,

- 5.13 Notwithstanding the above, the Authority currently accepts that it cannot demonstrate a five year housing land supply. Therefore, the Council must rely upon the provisions of Paragraph 14 of the National Planning Policy Framework (2012) which sets out the presumption in favour of sustainable development and that planning permission should be granted for proposals unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits. In this instance, having regard to the three dimensions to sustainable development, the proposal would perform an economic role through the construction stage and new residents providing additional spending. In addition, the proposal would have a social role through the provision of additional housing. No adverse impacts have been demonstrated that would significantly and demonstrably outweigh the benefits and therefore the proposal is sustainable development.
- 5.14 In light of the above, it is recommended that planning permission be granted subject to the conditions set out in Section 6.0 of this report.

## 6.0 **CONDITIONS**

*(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable )*

1. The approved development shall be carried out in accordance with the following drawings/details:

1516/2C electronically registered on 5th August 2016;  
1516/03B electronically registered on 6th September 2016;

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

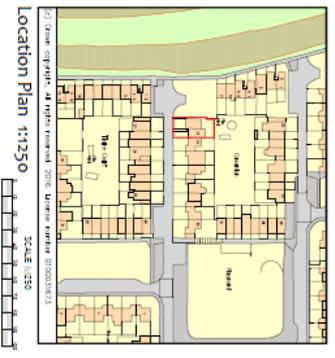
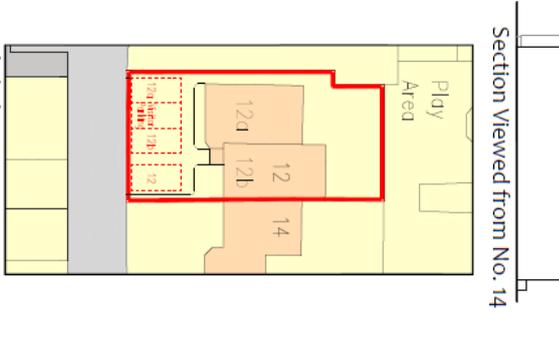
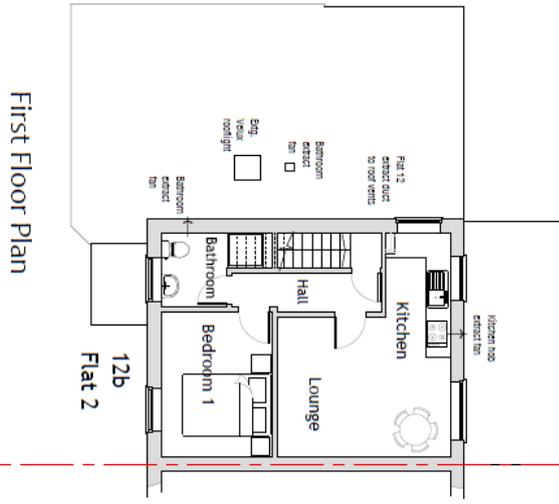
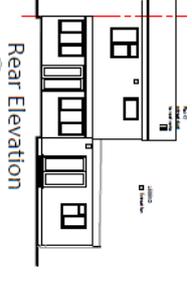
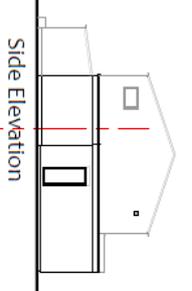
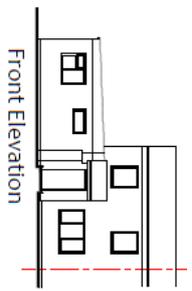
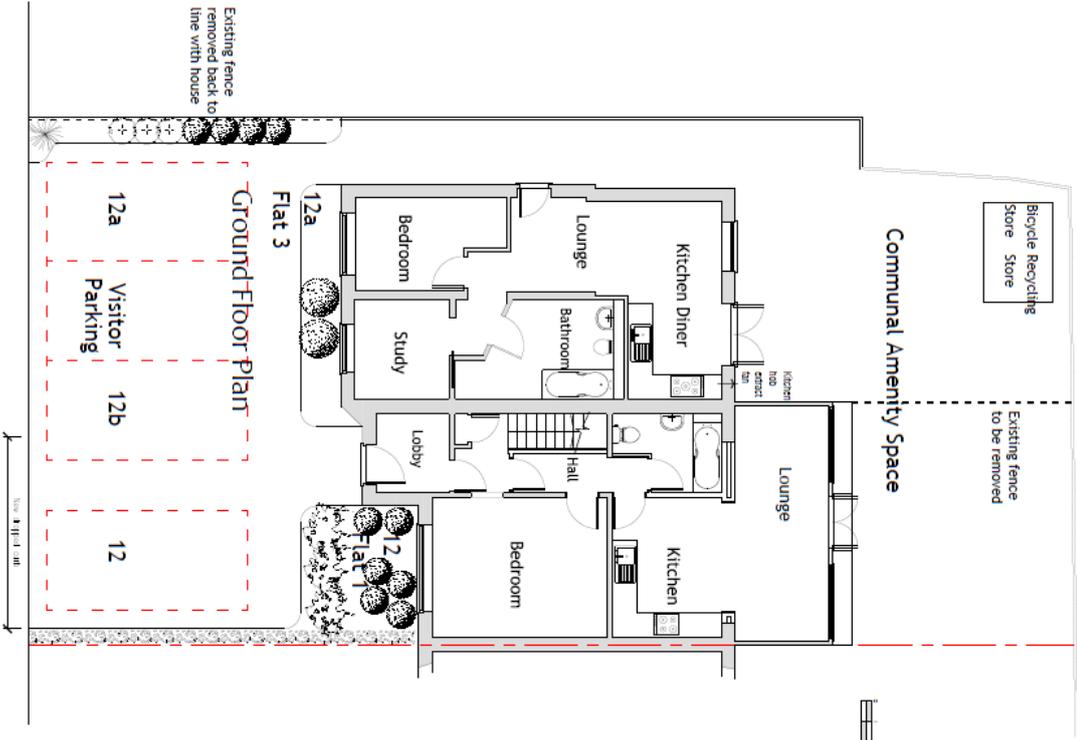
2. The first floor flat hereby permitted shall not be occupied until the access has been altered and the parking area has been laid out and surfaced in accordance with the plans hereby approved. Thereafter the parking area shall only be used for the parking of vehicles in connection with the development

hereby permitted.

Reason: To ensure safe access to the site in accordance with the provisions of Saved Policies H10 (ii), D1(iv) and T15 of the Milton Keynes Local Plan Adopted 2001 - 2011.

3. The first floor flat hereby permitted shall not be occupied until the noise mitigation measures for both between floors and between neighbouring properties has been carried out in accordance with the plans hereby approved. The approved noise mitigation measures shall be retained thereafter.

Reason: To ensure that the proposal does not adversely impact neighbouring amenity in terms of noise and disturbance in accordance with Saved Policies H10 (i) and D1 (iv) of the Milton Keynes Local Plan 2001-2011



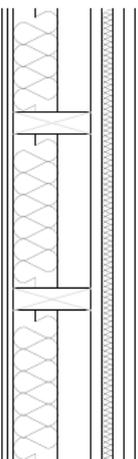
31 Cavendish  
 Southampton  
 Milton Keynes  
 Buckinghamshire  
 UK  
 Mr A Clewer

**Proposed Plans & Elevations**  
 T250 8100  
 January 2016

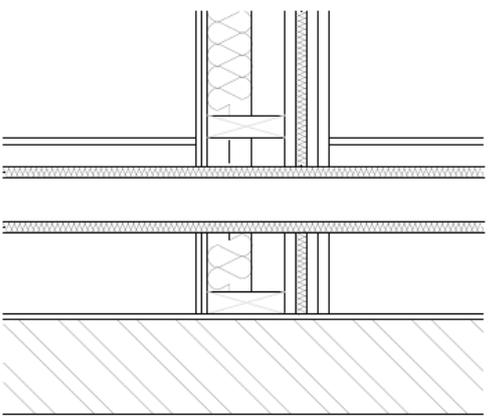
1984026  
**Adrian Foster**  
 Architectural Technician  
 Independent Contractor  
 No. 51  
 Ash Vale  
 Hampshire RG26 2AB

01494 752000  
 01494 752000  
 01494 752000

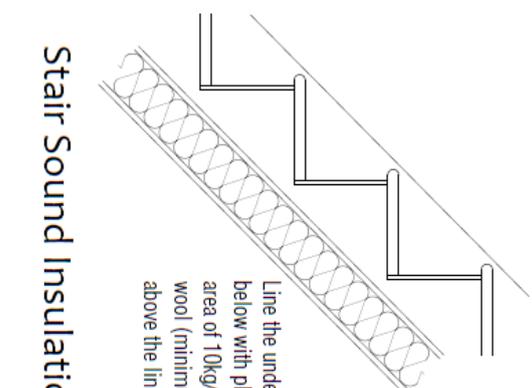
Take up the existing floor and fix new 21mm thick dense t&g chipboard and lay a minimum of 25mm thick acoustic mineral wall with a density of 1000kg/m<sup>3</sup> and two floating layers of board material fixed together and with a minimum mass per unit area of 25kg/m<sup>2</sup>.



Upgrade the underside of the existing floor with plasterboard of minimum total mass per unit area of 20kg/m<sup>2</sup> and a 100mm thick absorbent layer of mineral wool (minimum density 10kg/m<sup>3</sup>) within the floor void above the ceiling.



Piped services passing through the separating floor to be surrounded with a minimum of 25mm mineral wool either wrapped around the pipe or the duct. The enclosure to be constructed of material having a mass per unit area of at least 15kg/m<sup>2</sup>.



Line the underside of the stair within the cupboard below with plasterboard of minimum mass per unit area of 10kg/m<sup>2</sup> and an absorbent layer of mineral wool (minimum density 10kg/m<sup>3</sup>) within the space above the lining.

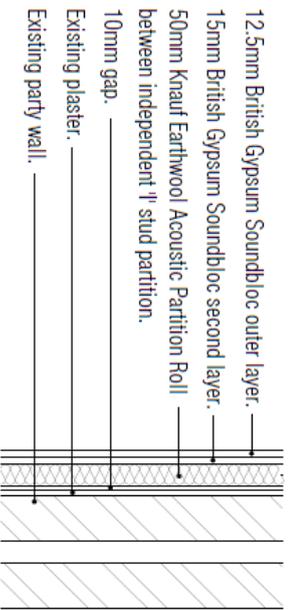
## Stair Sound Insulation

These details to be used unless otherwise agreed with the Building Control Officer.

12 Cawardon  
Stantonbury  
Milton Keynes  
Buckinghamshire  
for  
Mr A Clewer

## Floor Sound Insulation

## Pipe Sound Insulation



This construction comes from Knauf Residential Refurbishment 3.6.1 Separating walls and complies with Wall Treatment 1 in section 4 of Approved Document E.



## Party Wall Sound Insulation for the first floor Lounge/Kitchen

Sound Insulation Details  
11:10  
15/16/03b  
August 2016

Adrian Foster  
Architectural Technician  
3 Weybourne Close  
Harpenden  
Herts  
AL5 5RE  
07941 817520 01582 460235  
afdes@gn5-z7@btinternet.com

## **Appendix to 16/01546/FUL**

### **A1.0 RELEVANT PLANNING HISTORY**

*(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)*

#### **A1.1 16/00476/FUL**

The conversion of the existing ground floor annexe into a separate dwelling (retrospective) and the conversion of the existing house into two flats.  
Withdrawn 20.04.2016

### **A2.0 ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

#### **A2.1 None.**

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

#### **Comments**

#### **Officer Response**

##### **A3.1 Parish – Stantonbury**

This is a three bedroom house with large annexe built for a former seriously disabled owner. This annex has already been let as a separate dwelling without planning permission. The further division of the house into two flats means there will be three separate dwellings instead of one, causing extra noise and parking issues.

The Parish Council objects to the creation of a house in multiple occupancy at this location. This will generate increased noise and vehicle movements to the detriment of neighbouring residents.

The Parish Council also objects to the retrospective nature of this application. The subdivision of a home without prior permission is an unacceptable violation of due procedure and of the right of neighbouring residents to comment. Permission should not be granted in light of the disregard this shows for neighbouring properties.

The Parish Council is not convinced that adequate sound insulation has been provided in accordance with Saved Local Plan Policy H10, which requires that effective measures are proposed to minimise the effects of noise and

The failure to obtain planning permission is not an offence, with planning legislation allowing for retrospective planning applications on a without prejudice basis.

Parking and noise issues are addressed in paragraphs 5.6-5.7, but in summary the proposal meets the Parking Standards and the Environmental Health Officer is satisfied by the insulation details proposed.

The proposal is for flats not a House in Multiple Occupation.

As detailed above, it is not an offence to undertake works without planning permission. Although any works undertaken without planning permission are done so at the land owner's own risk. The retrospective nature of an application is therefore no a valid ground for refusal.

Sound insulation details have been provided during the course of the application and the Environmental Health officer has confirmed that these are acceptable; see Paragraph 5.4 above.

disturbance.

Saved Local Plan Policy H10 also requires that off-street manoeuvring space be provided. Given the location of this property at the end of a cul-de-sac and the possibility that the residents of the units will have more than one car, the Parish Council feels that the increased demand on parking will cause problems for local residents manoeuvring at the end of the street. The proposals, in the Parish Council's view, do not do enough to address this.

While the development does meet the requirements for parking set out in the Parking Standards SPD, it is likely that residents and visitors will bring additional vehicles which will disrupt vehicle movements at this already constrained location. This would especially cause problems if vehicles were parked in the turning head adjacent to the property.

The proposal meets the Parking Standards as detailed in paragraph 5.7 above.

Additional parking beyond the Parking Standards cannot be reasonably sought.

A3.2 Ward - Stantonbury - Cllr Burke

No comments received.

A3.3 Ward - Stantonbury - Cllr Petchey

No comments received.

A3.4 Ward - Stantonbury - Cllr Walker

No comments received.

A3.5

Environmental Health Officer

Noted

No objections subject to a condition requiring the provision of the insulation details on the submitted plans.

A3.6 Highway Engineer

Noted.

As the proposal is in accordance with the Council's Parking Standards, I have no objections subject to conditions relating to:

1. Parking provision
2. Alter access

A3.7 Local Residents

The occupiers of the following properties were notified of the application:

- Stantonbury Parish Council 126 Kingsfold Bradville Milton Keynes
- 37 Thane Court Stantonbury Milton Keynes MK14 6AL
- 36 Thane Court Stantonbury Milton Keynes
- 35 Thane Court Stantonbury Milton Keynes
- 14 Cawarden Stantonbury Milton Keynes

A site notice was also posted to publicise the application.

A3.8 **Three letters of objections** have been received from the occupiers of No. 14 Cawarden and No. 36 Thane Court. The letters include the following points:

- The road does not have pavements for residents and is therefore already hazardous

The Highway Engineer does not object to the proposal as detailed in paragraph 5.7.

- Existing properties on the street do not benefit from enough parking and, as a result street parking is already overused and it is hit and miss as to whether you will get a parking space outside your house. The proposal meets the Parking Standard as detailed in paragraph 5.7.
- The existing parking problems would be multiplied and would eliminate turning areas. The proposal meets the Parking Standard as detailed in paragraph 5.7.
- There are already three cars associated with No. 12 Cawarden which is causing parking problems as the property only benefits from two parking spaces. The proposal meets the Parking Standard as detailed in paragraph 5.7.
- Neighbours would have objected to the conversion of the annexe to a dwelling has they been aware. Noted. See comments on retrospective applications under paragraph A3.1.
- The road is already busy with vehicles coming up and down all day, any more movements will cause safety issues. The Highway Engineer does not object to the proposal as detailed in paragraph 5.7.
- There are a variety of age groups of people living on the road, including children and elderly people. Noted
- The parking area on the street is for use by the flats and is always full. The proposal meets the Parking Standard as detailed in paragraph 5.7.
- The fence on the site has extended out onto public land to make room for access to the annexe. See paragraph 5.11
- The adjoining wall between No. 12 and 14 is paper thin and you can clearly hear day-to-day noise including washing machines. The proposal would result in two households sharing the party wall with Sound insulation details have been provided during the course of the application and Environmental Health have confirmed that these are acceptable; see Paragraphs 5.3 above.

No. 14 and the bedrooms of No. 14 would be exposed to the upper floor flat day-to-day noise.

- The conversion of the house into two flats would be disharmonious compared to the rest of the street. The proposal would not significantly alter the appearance of the property.
- The flat would overlook the garden of No. 14. See paragraph 5.10.
- The additional parking spaces proposed would not be sufficient as three households would need six parking spaces. The proposal meets the Parking Standard as detailed in paragraph 5.7.
- There are no similar conversions in the area. Noted.