

Application Number	14/1228/FUL	Agenda Item	
Date Received	30th July 2014	Officer	Mr Amit Patel
Target Date	24th September 2014		
Ward	East Chesterton		
Site	184 Kendal Way Cambridge CB4 1LU		
Proposal	Proposed two new flats - a one bed flat on ground floor and a two bed flat on 1st floor and in the roof space		
Applicant	Mr Robert Symth 184 Kendal Way Cambridge CB4 1LU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It will not have a significant amenity impact on the adjoining neighbours</p> <p>There is sufficient bins and bike storage</p> <p>There is sufficient car parking spaces</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is 184 Kendal Way located to the north of the City Centre. The area is characterised by two-storey residential dwellings with garden areas to the front and back. 184 addresses a change in road direction and has land to the side of it.
- 1.2 The site falls outside a Conservation Area. The building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal is for the erection of a two-storey building which will contain a one-bed unit on the ground floor and a two-bed unit on the first and second floors.
- 2.2 There will be separate gardens for each of the two flats with bike storage in the respective gardens. Four car parking spaces will be provided, two on each side of the frontage area. Waste and recycling bins will be stored immediately behind a landscaped area on the common boundary with the footway.
- 2.3 Amended plans have been received which show a new layout for the bins to the front of the property and secure cycle storage to the rear of the properties. The new plans also show the relationship of the new flats and the neighbouring kitchen window.
- 2.4 The application is accompanied by the following supporting information:

1. Plans

3.0 SITE HISTORY

No previous planning history for the site.

4.0 PUBLICITY

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

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Guidance	Planning Obligation Strategy (March 2010)
Material Considerations	<u>Citywide:</u> Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account,

especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan which are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposed use of the gravel finish to the driveway is unacceptable and a bonded material shall be provided. The car parking spaces shall be 2.5m by 5m. There is a conflict with cycle parking and car parking on the submitted plans. A pedestrian visibility splay shall be provided. Conditions are requested regarding the materials finish of the driveway, a prohibition of gates, the construction specification of the vehicle crossing, drainage, visibility splays, the implementation and retention of the manoeuvring space, and maintenance of the access free of obstruction, and informatives are recommended regarding works in the public highway, encroachment and public utilities.

Head of Refuse and Environment

- 6.2 No objection to the application subject to condition restricting construction hours.
- 6.3 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:

- 186 Kendal Way

7.2 The representations can be summarised as follows:

- There will be a loss of light to the kitchen
- There will be more competition for car parking

7.3 The neighbour has seen the amended plans and has commented that the concern about the loss of light still stands.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of Development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where:

- a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;

- b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties;
- c) they detract from the prevailing character and appearance of the area;
- d) they adversely affect the setting of Listed Buildings;
- e) there is an adverse impact upon trees, wildlife or architectural features within or close to the site; or
- f) development prejudices the comprehensive development of the wider area, of which the site forms part.

The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), nor are there any listed buildings or other features in close proximity to the site in accordance with 3/10 (d) or (e). The character and amenity sections of policy 3/10: (a) (b) and (c), are considered in the relevant subsections below.

- 8.4 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and 3/10 Cambridge Local Plan 2006 and Cambridge City Council Guidance on Development which Affects Private Gardens (June 2011).

Context of site, design and external spaces

- 8.5 The new dwelling would be to the east side of the house. This will fill the gap between the existing house and common boundary with number 186. There are other properties along Kendal Way that have filled this gap and due to the different designs of properties along Kendal Way the proposal does not detract from the prevailing character of the area. The proposed new house will have a sizeable garden comparable to the existing properties in the immediate area and there is room for off-street car parking and access to the bins and bikes and I consider that, subject to the use of materials the proposal is acceptable (condition 3).
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (b) and (c), 3/11, 3/12 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The Environmental Health team have commented that the proposal is acceptable subject to construction hours condition. I agree with their advice and recommend condition 5.
- 8.8 The proposed new flats will come closer to the neighbour at 186 Kendal Way. There will be a separation gap between the proposed two flats and this neighbour. The new building will be part two-storey and part-single storey. The two-storey element is the element that is likely to have the most impact on this neighbour. However, this element does not project past the side kitchen window of N^o. 186, and will still leave open views to the south and west from this window.
- 8.9 This is the only window serving the kitchen and I note that the occupiers have commented that they would lose light to this window. Although this may be the case in the late evening as the sun is setting they would already suffer from this as the intervening boundary will cause some impact upon this window. The two-storey element will be visible looking north from this window but I consider that this is acceptable as the views to the south and west will still remain open and in light of this and the fact that the proposed building is stepped away from the boundary I consider this relationship acceptable.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.11 The proposal creates a new building containing two flats. Each flat will have some amenity space as well as bins and bike storage. The proposed layout is acceptable and will provide the necessary amenity to each flat and I consider the development provides a high quality living environment.
- 8.12 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.13 The amended plans show space for bins to the front of the existing house behind a screen. I consider that subject to the screen being of an appropriate design the proposal is acceptable and I recommend condition 4 to secure these details.
- 8.14 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 There are concerns raised regarding the use of the material for the car parking area. The applicants have now confirmed that a bonded material will be used and the highway authority is satisfied subject to a condition. I agree with their advice and recommend condition 6. The local highway authority has recommended other conditions. I agree with their advice and recommend these conditions as 7 to 12. There is also a recommendation for informatives covering works in public highway, encroachment and public utilities which I also recommend.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.17 There are 4 car parking spaces proposed. This conforms with the Cambridge Local Plan (2006) Car Parking Guide for the existing and proposed units.
- 8.18 There will be individual spaces to the rear of the properties to accommodate cycle parking. This will be accessed from the side of the proposed flats. It will be in a secure location and provides ample space to accommodate the numbers required for each dwelling.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 The third party concerns have been addressed in the main body of the report above under the section headed residential amenity.

Planning Obligation Strategy

Planning Obligations

- 8.21 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.22 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities,

informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

- 8.23 The application proposes the erection of 1 two-bedroom flat and 1 one-bedroom flat, so the net total of additional residential units is 2. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	1	357
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					833

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					941.50

Informal open space					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	1	363
2-bed	2	242	484	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					847

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
Total					632

8.24 The S106 Unilateral Undertaking was completed on 19th September 2014 and secures the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.25 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£ per unit	Number of such units	Total £
1 bed	1256	1	1256
2-bed	1256	1	1256
3-bed	1882		
4-bed	1882		
Total			2512

8.26 The S106 Unilateral Undertaking was completed on 19th September 2014 and secures the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

8.27 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£ per unit	Number of such units	Total £
House	75		
Flat	150	2	300
Total			300

8.28 The S106 Unilateral Undertaking was completed on 19th September 2014 and secures the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

8.29 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at

Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.30 For this application a monitoring fee of 303.28 is required to cover monitoring of Council obligations plus the County Council monitoring fee. The S106 Unilateral Undertaking was completed on 19th September 2014 and secures the requirements for monitoring costs.

Planning Obligations Conclusion

- 8.31 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The proposal seeks to create two flats adjacent to the existing house. The flats will have their own private space for cycle parking and car parking with a communal bin store. The proposal will come close to the common boundary with the neighbour but I do not consider that the proposal will have a significant impact upon this neighbour and I recommend APPROVAL subject to conditions.

10.0 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. Prior to the commencement of development the enclosure to the bin store shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved plans.

Reason: To ensure the visual impact of the enclosure is appropriate. (Cambridge Local Plan (2006) policies 3/4 and 3/7).

5. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours 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 2006 policy 4/13)

6. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

7. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

8. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site. (Cambridge Local Plan (2006) policy 8/2).

9. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway. (Cambridge Local Plan (2006) policy 8/2).

10. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

11. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

12. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.