

Application Number	15/0201/FUL	Agenda Item	
Date Received	9th February 2015	Officer	Mr Sav Patel
Target Date	6th April 2015		
Ward	East Chesterton		
Site	101 Kendal Way Cambridge Cambridgeshire CB4 1LP		
Proposal	RESUBMISSION OF PLANNING APPLICATION 13/0718/FUL FOR THE ERECTION OF 4 BED DWELLING WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOLLOWING THE DEMOLITION OF A SIDE AND REAR EXTENSION		
Applicant	C/O Agent United Kingdom		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a rectangular shaped plot of land situated on the northeast side of Kendal Way. The site is formed from what was once the side and rear garden of number 101 Kendal Way.
- 1.2 The site is not within a Conservation Area and there are no protected trees.

2.0 THE PROPOSAL

- 2.1 The current planning application is a resubmission of a previous planning application (11/1508/FUL) for a new house on adjacent to 101 Kendal Way, which was approved on 13 April 2012. A subsequent application was made and approved to amend the 2011 permission under planning permission 13/0718/FUL (dated 3 September 2013).
- 2.2 The 2011 application required a unilateral undertaking to secure planning obligations totalling £6,539.00. The purpose of this current application is to avoid making this payment. This follows on from changes to planning legislation (see paragraph 8.17) which removed the Council's ability to secure planning contributions to anything other than major planning applications

(10 or more residential units or 1000sqm or more of new floor space). Essentially, a planning application for a new residential unit such as that proposed can no longer require/attract planning contributions.

- 2.3 Having checked the planning application, nothing has changed in terms of the design or layout from the amended 2013 permission.

3.0 SITE HISTORY

Reference	Description	Outcome
11/1508/FUL	ERECTION OF A 3 BED DWELLING WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOR THE PROPOSED AND EXISTING DWELLING, FOLLOWING THE DEMOLITION OF AN EXISTING SIDE AND REAR EXTENSION AT 101 KENDAL WAY.	APPROVED
13/0718/FUL	AMENDED APPLICATION FOLLOWING APPROVAL OF APPLICATION 11/1508/FUL RELATING TO THE ERECTION OF A 4 BED DWELLING OF A REVISED DESIGN WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOR THE PROPOSED AND EXISTING DWELLING, FOLLOWING THE DEMOLITION OF AN EXISTING SIDE AND REAR EXTENSION AT 101 KENDAL WAY.	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

Ministerial Statement (1 December 2014) by Brandon Lewis
Minister of State for Housing and Planning (Department of
Communities and Local Government)

5.2 Cambridge Local Plan 2006

3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
3/12 The design of new buildings
4/4 Trees
5/1 Housing Provision
8/6 Cycle parking
8/10 Off-street car parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Conditions and informative on visibility splays, driveway level, bound material on drive and works to and on highway requires separate consent.

Head of Refuse and Environment

- 6.2 No objections to the principle subject to conditions and informatives relating to construction hours, collection and delivery hours, plant noise (sub-station), dust and waste.

Landscape

- 6.3 No objections submitted to conditions on soft and hard landscape details.

- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owner/occupier of the following address has made representations:

- 192 Kendal Way

- 7.2 The representations can be summarised as follows:

- Disturbance from building and delivery vehicles;
- Additional car parking causing congestion and noise;

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

8.0 ASSESSMENT

Principle of Development

- 8.1 The principle of the development has already been established from the 2011 and 2013 permissions.
- 8.2 The principle of the development is therefore acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

- 8.3 There are no material changes to the design or layout of dwelling that was granted planning permission in 2013.
- 8.4 The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.5 The proposal has not changed from that which was approved in 2013 and no additional windows have been installed that would

cause any additional impact over and above that which was have resulted from the consented schemes. The site context has also not materially changed such that further considerations would need to be given to the proposal and its impact on the side site context.

- 8.6 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

- 8.7 The proposed dwelling has not changed from that which was permitted in the 2013 permission. The proposed house is suitable for family occupation and benefits from a generous rear garden.
- 8.8 The EDF energy substation has now been removed from the site, so there will be no noise nuisance from this unit.
- 8.9 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

- 8.10 Two refuse receptacles have been proposed however the Council operates a 3-stream system for waste and recycling. As there is sufficient provision to accommodate an additional bin, I have recommended a waste informative to ensure the applicant is aware of the Council waste system. The location of the bin store; in a back to back location on the common boundary behind the cycle store is considered to be acceptable. They would also be located close proximity to the shared accessway.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.12 No change to the car or cycle parking provision from the original 2011 permission. The existing and proposed dwelling would have one off street parking space each and a cycle store to in the rear garden.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.14 I set out below my response to each of the concerns raised in the third party representation received for this application:

Disturbance from building and delivery vehicles

- 8.15 I have recommended a construction hours conditions and a condition to restrict collection and delivery hours. This should help to mitigate the impact from the temporary construction stage of the development.

Additional car parking causing congestion and noise

- 8.16 The proposal includes provision for one off street parking space for the proposed dwelling and one for the existing. This is consistent with many of the existing dwellings within Kendal Way and also with the Council's car parking policy which has no minimum requirement for car parking.

Planning Obligation Strategy

Planning Obligations

- 8.17 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not

possible to seek planning obligations to secure community infrastructure in this case.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 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. The curtilage of the property hereby approved shall be fully laid out and finished in accordance with the approved plans, including a 1.8m fence around its curtilage, prior to the occupation of the dwelling or in accordance with a timetable agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).

4. 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)

5. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday ' Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 3/4.

6. The two 2.0 x 2.0 metres pedestrian visibility splays shown on drawing number 11:012 Rev. E shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety

7. 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

8. 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. The scheme shall thereafter be implemented in accordance with approved details.

Reason: To prevent surface water discharging to the highway.

INFORMATIVE: 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: The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:-

<https://www.cambridge.gov.uk/waste-and-recycling-provision-information-developers>

INFORMATIVE: The demolition may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

- o Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf

- o Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp