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| Application Number | 11/0776/FUL | Agenda Item | |
| Date Received | 11th July 2011 | Officer | Mr John Evans |
| Target Date | 5th September 2011 | | |
| Ward | West Chesterton | | |
| Site | Land To Rear Of 43 - 59 Elizabeth Way Cambridge Cambridgeshire CB4 1DB | | |
| Proposal | Construction of five new family homes on land to the rear of 43-59 Elizabeth Way following the demolition of number 57 Elizabeth Way and existing outbuilding. | | |
| Applicant | 3A Abbeygate Street Bury St Edmonds Suffolk IP33 1UL | | |

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is an irregular shaped backland area of land, some 0.20 hectares in area, situated on the western side of Elizabeth Way. Elizabeth Way forms part of the Cambridge ring road, the A1134, and is characterised by detached and semi detached residential properties, many of which are houses in multiple occupation (HMO's). The site has been formed by the gradual acquisition and consolidation of various garden plots of the residential properties along Elizabeth Way and Montague Road.
- 1.2 The site would take access from Elizabeth Way, through a new access created by the demolition of the existing number 57 Elizabeth Way, the southern half of a pair of semi-detached houses. The new flank wall of 59 Elizabeth Way will be 'made good' to its new flank wall, which will be rendered and stand adjacent to the proposed access.
- 1.3 To the west of the application site is the currently vacant development land in Sandy Lane, which has approval for residential development. The western boundary of the application site would be adjacent to where a terrace of

townhouses of a Victorian character has been approved. This previous approval on the adjoining Sandy Lane development site has been implemented through site drainage works, but works have yet to commence.

- 1.4 To the west of 51 Elizabeth Way, and within what is now the application site (previously the garden of 51 Elizabeth Way), is a rectangular outbuilding. It is substantial in size in relation to other outbuildings and appears to be used for storage purposes. The outbuilding is not illustrated on the submitted plans, and I have assumed that it would be demolished to accommodate the car parking and turning area of the proposed development.
- 1.5 The site is not within a Conservation Area, although it is adjacent to the De Freville Conservation Area, the boundary of which is defined by the common boundary of the site with the rear gardens of Montague Road.
- 1.6 There are no Protected Trees on the site.

2.0 THE PROPOSAL

- 2.1 This application seeks consent for the erection of three 5 bedroom dwellings and two 4 bedroom dwellings. Plots 1 and 2 are orientated with their front elevation facing the main access to the east. Plots 3 to 5 are sited at right angles, with their principle elevations facing north west. Plots 1, 2 and 5 are 10.2m in width, have an eaves height of 5.4m with an overall ridge height of 8.8m. Plots 3 and 4 are similar in design and appearance, with a width of 13.1m, an eaves height of 5.2m and an overall ridge height of 8.9m.
- 2.2 The houses are to be constructed in a buff brick and have projecting bay window features with stone cills and lintels.
- 2.3 The application involves the demolition of number 57 Elizabeth Way, (and outbuilding) and the making good of number 59 Elizabeth Way. The application proposes hard and soft landscaping landscaping to the new accessway.
- 2.4 Refuse and bicycle storage is to be accommodated within the rear garden of each new dwelling.

2.5 The application is accompanied by the following supporting information:

1. Design and access Statement
2. Planning Statement
3. Site Waste Management Plan
4. Transport Statement

3.0 SITE HISTORY

Sandy

Lane site

Reference

C/03/0406

Description

Erection of 18No. 4 and 5 bedroom dwellings following demolition of existing workshops.

Outcome

Refused, allowed at appeal

03/01241/F
P

Erection of five dwelling houses

Approved

08/0915/FU
L

Provision of two mews style two storey apartments, parking, bin and bike stores.

Approved

Application site

10/1071/FU
L

Development of 3 storey building with basement to provide student accommodation comprising 44 bedrooms (39 student rooms, 4 mobility assisted rooms and 1 warden room) following demolition of no. 57 Elizabeth Way.

Withdrawn

4.0 PUBLICITY

| | | |
|-----|------------------------|-----|
| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |
| | Site Notice Displayed: | Yes |

5.0 POLICY

5.1 Central Government Advice

5.2 Planning Policy Statement 1: Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **Planning Policy Statement 3: Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)
- 5.5 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.
- 5.6 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to

encourage walking, cycling and the use of public transport.

- 5.7 **Planning Policy Statement 22: Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.8 **Planning Policy Guidance 24 - Planning and Noise (1994):** States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.
- 5.9 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.10 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (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.

5.11 **East of England Plan 2008**

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

5.12 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

5.13 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/4 Trees

4/11 Conservation Areas

4/13 Pollution and amenity

5/1 Housing provision

5/4 Loss of housing

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/12 The Design of New Buildings (*waste and recycling*)

5/14 Provision of community facilities through new development

8/3 Mitigating measures (*transport*)

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public art*)

5.14 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended

design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

Cambridge City Council (March 2010) – Planning Obligation Strategy: provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

Cambridge City Council (January 2010) - Public Art: This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

5.15 Material Considerations

Draft National Planning Policy Framework (July 2011)

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

City Wide Guidance

Cambridge City Wildlife Sites Register (2005) – Details of the City and County Wildlife Sites.

Strategic Flood Risk Assessment (2005) – Study assessing the risk of flooding in Cambridge.

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

Cycle Parking Guide for New Residential Developments (2010) – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

Area Guidelines

Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

De Freville Conservation Area Appraisal (2009) An assessment about what is special about the De Freville Estate and environs.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 No objections in principle.

- The accessway should be a minimum of 5m wide for the first 10m of the carriageway
- The access should be provided with splays to allow turning.
- 5 houses is the accepted maximum that can be served off a shared private drive; more would normally be served by a public highway or private road.
- Dimensions for the car parking spaces must be shown.

Head of Environmental Services

6.2 No objections in principle.

- Construction related conditions recommended.
- The Scientific Team have commented that as the site borders a large area occupied historically by a builders yard a contaminated land condition is required.

Historic Environment Manager

6.3 The proposed houses appear to have taken their references from the Victorian/Edwardian properties in the De Freville area. However, as the layout as submitted is not typical of that era,

and the site is accessed from Elizabeth Way where the properties are of a different style, it may not be the most appropriate form. If this style of building is accepted, the designs are of appropriate proportions and detail provided that good quality materials are used.

The garages do not appear to be big enough for modern family cars. The width on plan measure 2.2m. which looks to be too narrow, especially when other items may also be stored in them resulting in areas difficult to access and use appropriately. With the size of the garages, and their separation from the houses, there may be a propensity for the owners to park in the road outside their property which could be detrimental to the character of the area. What is the proposed landscaping to the front of the houses? Will it be used to discourage owners from parking directly in front of their property?

What is the proposed boundary treatment between each plot and the surrounding properties?

Conclusion

The demolition of 57 Elizabeth Way to give access to this site is not supported as it will imbalance the streetscene. The land should be accessed from Sandy Lane and the buildings should be incorporated into a revised scheme for that site.

The style of the buildings may be appropriate subject to appropriate materials and details, a good brick, natural slate for the roofs, timber windows and doors.

Cambridgeshire County Council Education

- 6.4 Contributions required towards education provision.

Cambridgeshire County Council Archaeology

- 6.5 The site lies in an area of high archaeological importance near to the 17th century Chesterton Hall and St Andrew's Church. Site investigations are required.

6.6 Cambridge City Council Landscape Team

We generally support the concept of a residential scheme on

this site, however we do require further design resolution in the interests of high quality development. We would therefore suggest that the following matters need to be addressed before this application can be fully considered.

The arrival experience of entering this site requires further consideration of the following three points.

- The proposal to literally to 'chop in half' Numbers 57 & 59, and leave the new exposed façade of No. 57 blank is not acceptable. In the interests of improving the street scene of Elizabeth Way this façade needs to be activated with windows and if possible a door.
- The proposed site plan needs to be realistic about the proposed tree and shrub planting either side of the driveway. Whilst planting along the driveway is supported, given the proximity of the houses either side, the species choice needs to be carefully considered.
- We would suggest one of the front bays of either Unit 1 or 2 should align with the centre of the driveway in order to address and contribute to the street scene of Elizabeth Way.
- Landscape conditions recommended.

6.7 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: 168a Chesterton Road, 53/55 Elizabeth Way, Murfits Patch Sandy Lane,

7.2 The representations can be summarised as follows:

Design comments

- The proposed development is a vast improvement compared with the previous application for student accommodation and blends in well with the surroundings.
- No objections in principle.

Amenity comments

- The proposed access will cause a negative impact upon the amenities of number 53/55 Elizabeth Way.
- Number 59 will suffer maximum disruption from noise, fumes and vibration.
- Student accommodation next to number 53/55 already erodes their quality of life.

Highways concerns

- The proposed access of Elizabeth Way gives some concern. The access off Sandy Lane has been lobbied for closure for many years.
- Why is the developer not using Sandy Lane for access?
- The removal of number 59, a perfectly sound house is totally unacceptable.
- Access through the adjoining site to the west would allow child friendly access avoiding Elizabeth Way.
- The long standing policy of not allowing new accesses onto Elizabeth Way should not be relaxed.

- 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

- 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. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Disabled access
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. 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 The revised PPS3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. Following several recent appeal decisions the Council has drafted an advice note on development affecting private gardens (June 2011). The key points from these changes are; a) more intensive development within residential curtilages remains possible; b) because residential gardens lie outside the 'previously developed land' which is a priority for development, any proposal to use garden land must be fully justified and explained, and c) considerable weight should be given to the 'open aspect' of residential gardens when assessing proposals against policies 3/4, 3/10 and 3/12.
- 8.4 The site has been formed by the gradual acquisition of gardens of the residential properties that front onto Elizabeth Way and has been sub divided as a separate land parcel for some years. In principle, policy 3/10, allows for proposals involving the sub-division of existing plots in the garden area or curtilage of existing dwellings. 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) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms a part. The scheme represents a 'windfall' development and would not

prejudice the larger approved scheme to the West. The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

- 8.5 Local Plan policy 3/6 seeks to ensure co-coordinated development of a site or part of a site in order to safeguard future development. The wider Sandy Lane development site has the benefit of an implemented planning permission, with construction expected to begin in the spring 2011. As such, this site is a standalone, 'windfall' proposal from land assembled from the garden plots along Elizabeth Way. While it is regrettable this proposal does not enjoy any access connections with the adjacent scheme, given the planning status and timing of this application, it is acceptable.
- 8.6 In my opinion, the principle of development is acceptable in accordance with policies 3/6, 3/10 and 5/1 of the Cambridge Local Plan 2006 and advice in Planning Policy Statement 3 (2010).

Context of site, design and external spaces

- 8.7 The key design issue is the design and appearance of the proposed dwellings within their setting.
- 8.8 Local Plan policy 3/12 states that new buildings should have a positive impact on their setting in terms of location on the site, height, scale, form, materials, detailing and wider townscape views. The proposed dwellings occupy 5 subdivided plots and are orientated in a logical fashion. The front elevations of plots 1 and 2, which will be partially visible from Elizabeth Way, will provide a positive, attractive frontage to the development and provide surveillance to the accessway. I note comments from the Landscape Team and Conservation Team that it would be more appropriate to align a single house in the centre of the driveway, to give a better visual connection, and to engender a sense of discovery for passers by. In my view the proposed layout of plots 1 and 2 with their staggered siting, articulation and detailing, would successfully fulfil this aspiration in a different way.
- 8.9 Car parking has been positioned to minimise its prominence and will not dominate the inner street scene. I note concerns from the Council's Conservation Officer that the layout of the

buildings is not typical of the era. Clearly, this 'windfall' site, which does not have a street frontage, does not lend itself to the more regimented, grid plan of the De Freville Conservation Area. This notwithstanding, the relatively low density of the scheme results in a layout and plot size which is in character with the layout of adjacent streets. The revised PPS3 removes minimum densities, and on this basis I consider the relatively low density of the proposed development acceptable.

- 8.10 The scale and mass of the buildings is consistent with the approved dwellings on the adjacent site to the west. Whereas the previous application for student accommodation proposed a modern contrasting design, the continuation of traditional pitched roof dwellings is a more successful approach in this location. Plots 1 and 2 have a similar eaves line with the future development to the immediate west. The height and scale of the proposed houses would not in my view compete with the domestic 2 storey Elizabeth Way frontage or the taller proposed townhouses within the unimplemented development to the west.
- 8.11 The site is immediately adjacent to the De Freville Conservation Area, so an assessment of the impact upon its character, appearance and setting is also necessary. This site is landlocked and requires the removal of the existing number 57 Elizabeth Way to gain access. There will be limited views of the dwellings from outside of the site, but no completely open aspects. The buildings will be visible in glimpsing views between houses along Montague Road, but I do not consider that the character, appearance or setting of the Conservation Area as a Designated Heritage Asset will be significantly adversely affected.
- 8.12 The demolition of 57 Elizabeth Way, which is half of a pair of semi-detached dwellings is of some concern. While I recognise that the environmental quality and character of Elizabeth Way is already adversely affected by the heavy traffic associated with what is part of the City Ring Road, nonetheless the removal of number 59 needs to be carefully considered. Following my site visit I recognise that the gap created will be most apparent when viewed head on and the void is likely to merge with other buildings from more oblique views further along the street. I also note the applicants willingness to create a high quality hard landscaping scheme and as such, I do not consider the harm to be so great as to justify refusal.

- 8.13 In terms of detailing, the dwellings have taken appropriate positive references from the Victorian and Edwardian properties in the DeFreville Area. This is through the use of square and canted front bay features, arched door surround detailing, sash windows, traditional cill and lintel details and natural slate roofs. I do not agree with the Council's Conservation Officer that because the accessway is from Elizabeth Way, the proposed architecture may not be the most appropriate form. The residential properties along Elizabeth Way have no overriding character; in contrast the proposed development will positively contribute to local distinctiveness drawing from the qualities of the adjacent Conservation Area, a principle of Local Plan policy 3/12 and Government Guidance contained within in PPS1.
- 8.14 With regard to external spaces, the Council's landscape officer raises some concerns with the arrangement of car parking. I do not agree that the location of car parking suggests an overdevelopment of the site. The irregular dimensions of the site has required a more bespoke solution. However, the 5 car parking spaces provided closely relate to each house they serve and do not dominate the new street scene. I do not consider the proposed position of the car port for plot number 5 unacceptable within the curtilage of plot number 2. I do recognise that careful consideration is required on the package of landscaping, including the retention of trees, which can be ensured through the imposition of suitable planning conditions.
- 8.15 In my opinion the development would be an acceptable subdivision of what was previously garden land. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 The proposed development will have some impact upon the occupants of number 53/55 Elizabeth Way and number 59 Elizabeth Way, through general comings and goings of future occupiers of the new dwellings. The previous application for 44 student bedrooms was considered to result in acute noise disturbance for the current occupiers of number 53/55 and 59 Elizabeth Way. However the impact of the 5 family homes is in

my view, very different. The estimated trip numbers would be greatly reduced from 176 from the 2 previously proposed student blocks to just 42, which in my view would not create significant noise and disturbance for residential properties either side of the access.

- 8.17 There is likely to be some overlooking from the upper floor windows of plot 2 and plot 5, upon the nearest gardens of the proposed town houses to the west. However, given the overall distance of 11m from plot 2 to the western boundary, and given that plot 5 does not directly overlook the end dwelling of the adjacent proposal, I do not consider the harm so significant as to recommend refusal.
- 8.18 The residential properties along Montague Road are separated by approximately 25m (at the closest point) from the rear 2 storey south elevation of the proposed plot 5. The properties along Montague Road are elevated on slightly higher ground than the application site which will mean the proposed buildings will appear less of an imposition. The first floor of plot 5 has a false window and the relatively small upper floor windows of plots 3 and 4 are over 30m from the rear elevation of the houses along Montague Road. I do not consider the proposed houses in plots 3 to 5 to result in any material overlooking or visual impact.
- 8.19 To the east, number 53/55 Elizabeth Way will experience some overlooking from the upper floor bedroom of plot 2. However, given the overall distance of some 29m from the rear of number 53/55 and 14m to the western boundary of their garden, I do not consider the harm to be so great as to justify refusal.
- 8.20 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.21 The proposed development will provide a good level of amenity for future occupiers. Garden sizes are very generous by current standards, some of which are larger in size than the residential properties along Montague Road. The gardens can adequately provide a suitable outbuilding for refuse and bicycles, which can

be ensured through the imposition of a suitable planning condition. The bay windows will be desirable features improving natural daylight in each house.

- 8.22 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 7/7.

Refuse Arrangements

- 8.23 Refuse storage is provided within the generous rear gardens of each dwelling. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 The County Council Highways Authority has considered this scheme and do not object to the proposed access onto Elizabeth Way. It is recognised that in the past policy sought to prevent new accesses onto what is a relatively congested City ring road. The likely vehicle traffic movements are not considered to be so significant as to be detrimental to highway safety. I am advised that the revised *Manual for Streets* has a more relaxed position on creating new accesses onto main roads such as Elizabeth Way. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The scheme provides 5 car parking spaces which would accord with adopted standards. The applicant has provided revised plans showing the internal dimensions of each garage outbuilding, which are adequate in size. This addresses those concerns raised by the Council's Conservation Officer.
- 8.26 Bicycle parking can be provided in a suitable outbuilding to the rear of each dwelling. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Disabled access

- 8.27 The scheme will be compliant with Part M of the Building Regulations. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Planning Obligations

- 8.28 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 Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). 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

- 8.29 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.

- 8.30 The application proposes the erection of 5 four/five-bedroom houses,. One residential unit would be removed, so the net total of additional residential units is 4. 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 £ |
| 5-bed | 4 | 238 | 952 | 4 | 3,808 |
| Total | | | | | 3,808 |

| Indoor sports facilities | | | | | |
|---------------------------------|------------------|--------------|-----------|----------------------|--------------|
| Type of unit | Persons per unit | £ per person | £per unit | Number of such units | Total £ |
| 5-bed | 4 | 269 | 1076 | 4 | 4,304 |
| Total | | | | | 4,304 |

| Informal open space | | | | | |
|----------------------------|------------------|--------------|-----------|----------------------|--------------|
| Type of unit | Persons per unit | £ per person | £per unit | Number of such units | Total £ |
| 5-bed | 4 | 242 | 968 | 3,872 | 3,872 |
| Total | | | | | 3,872 |

| Provision for children and teenagers | | | | | |
|---|------------------|--------------|-----------|----------------------|-------------|
| Type of unit | Persons per unit | £ per person | £per unit | Number of such units | Total £ |
| 5-bed | 4 | 316 | 1264 | 4 | 5056 |
| Total | | | | | 5056 |

- 8.31 Subject to the completion of a S106 planning obligation to secure 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 Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, 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

- 8.32 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 £ |
| 5-bed | 1882 | 4 | 7528 |
| Total | | | 7528 |

- 8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.34 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 | 5 | 300 |
| Flat | 150 | | |
| Total | | | 300 |

- 8.35 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

- 8.36 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.37 In this case, 5 (or 4 net) additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for primary education and lifelong learning. Contributions are therefore required on the following basis.

Pre-school education

No contribution required. The County have confirmed sufficient capacity.

Primary education

| Type of unit | Persons per unit | | £per unit | Number of such units | Total £ |
|--------------|------------------|--|-----------|----------------------|-------------|
| 1 bed | 1.5 | | 0 | | |
| 2+- beds | 2 | | 1350 | 5 | 5400 |
| Total | | | | | 5400 |

Secondary education

No contribution required. The County have confirmed sufficient capacity.

Life-long learning

| Type of unit | Persons per unit | | £per unit | Number of such units | Total £ |
|--------------|------------------|--|-----------|----------------------|------------|
| 1 bed | 1.5 | | 160 | | |
| 2+- beds | 2 | | 160 | 5 | 640 |
| Total | | | | | 640 |

- 8.38 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Planning Obligations Conclusion

- 8.39 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 This revised residential scheme for 5 dwelling houses positively responds to the constraints of the site. The overall quantum of development and the resultant comings and goings would not significantly adversely affect the amenities enjoyed by number 53/55 and 59 Elizabeth Way. Approval is recommended.

10.0 RECOMMENDATION

Approve, subject to the association S106 Agreement by 1 December 2011 and 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. 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing 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)

4. 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: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.
 - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
 - (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

6. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring residents, Cambridge Local Plan 2006 policy 4/13.

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 – 1:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: In the interests of the amenities of neighbouring residents, Cambridge Local Plan 2006 policy 4/13.

8. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of the amenities of neighbouring residents, Cambridge Local Plan 2006 policy 4/13.

9. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

10. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure appropriate provision for the storage of refuse. (Cambridge Local Plan 2006 policy 3/12)

11. All joinery [window frames] is to be recessed at least 50 / 75mm back from the face of the wall / facade. The means of finishing of the reveal is to be submitted to and approved in writing by the Local Planning Authority.

In the interests of maintaining and improving the character and appearance of the area, Cambridge Local Plan policy 3/12.

12. Prior to occupation of the dwellings hereby approved, full details of both hard and soft landscape works to the public realm to be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

14. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

16. Prior to the commencement of development, details of the making good to the flank elevation of number 59 Elizabeth Way, shall be submitted to and approved in writing to the Local Planning Authority.

Reason: In the interests of maintaining the character and appearance of the street scene, Cambridge Local Plan 2006 policy 3/4.

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6, ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/1

Cambridge Local Plan (2006): 3/1, 3/4, 3/6, 3/7, 3/8, 3/10, 3/11, 3/12, 4/4, 4/11, /13, 5/1, 5/4, 5/14, 8/2, 8/4, 8/6, 8/10.

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



11/0776/FUL
Land To Rear Of 43 - 59 Elizabeth Way Cambridge

Proposed Site Plan



Title

Proposed Residential Development of Land to the rear of 43 - 59 Elizabeth Way, Cambridge

Drawn 10/06

Site Plan

Client



Scale 1:250

North Arrow

Scale 1:250

Scale 1:250