

Application Number	11/0078/FUL	Agenda Item	
Date Received	7th February 2011	Officer	Miss Sophie Pain
Target Date	4th April 2011		
Ward	West Chesterton		
Site	56 Hawthorn Way Cambridge Cambridgeshire CB4 1AX		
Proposal	The sub-division of an existing residential plot to provide a new two bedroom private dwelling house.		
Applicant	Mr Yousif Khalifa 74 Elizabeth Way Cambridge CB4 1AY		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 56 Hawthorn Way is located at the eastern end of the cul-de-sac adjacent to Elizabeth Way. At this end of Hawthorn Way there is no vehicular access onto Elizabeth Way with a turning area, which is currently utilised as additional residents parking. There are pedestrian and cycle routes though onto Elizabeth Way.
- 1.2 The site is currently part of the garden of what was a semi-detached property, which has been significantly extended and converted to provide 4 studio units by permission C/02/1199/FP. The site, part of the former garden, is south east of the dwelling. It tapers so that although a maximum 9 metres wide at the north-west end, it is only 4m wide at the south east end; it is about 18m in length. Inside the site is an incomplete structure, which is currently used for some storage.
- 1.3 Hawthorn Way is predominantly semi-detached residential properties which have long narrow gardens, which contain domestic sheds and garages for ancillary uses. Elizabeth Way has terraced inter-war housing which sits back from the pavement behind front gardens which are short but do provide some buffer between the highway and the houses.

- 1.4 Elizabeth Way is a busy vehicular route which creates a physical barrier between the east and west sides of the road. To the south-east of the site is the Hester Adrian Centre (which is part of the Papworth Trust) and is a modern single storey building set back a little from the frontage behind railings and some planting and then a two-storey form built hard on the back of the pavement.
- 1.5 The site does not fall within a Conservation Area and there are no tree preservation orders on the site.

2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission for the erection of a two bedroom dwelling on land to the rear of 56 Hawthorn Way. The proposed dwelling will be orientated so that the frontage addresses Elizabeth Way.
- 2.2 The proposed design is for a 2-storey dwelling, which will be 5 metres to the eaves and 7.1 metres to the ridge. The building will be hipped on the northern elevation with a projecting gable on the Elizabeth Way frontage. On the southern elevation there is a small single storey lean-to extension, which provides additional internal space for the kitchen. There are no off street car parking spaces provided for the proposed dwelling. Three car parking spaces will be retained to the front of No. 56, for use by the occupants of that building.
- 2.3 This application follows a recent refusal on the site, which was upheld at appeal. The previous application sought a 3 bed dwelling over 2 ½ storeys and measured 6.5 metres to the eaves and 9.2 metres to the ridge. The footprint was larger and the dwelling sat hard up against the north, south and west boundaries. The application was refused for its design, impact upon neighbour amenity, lack of car parking and the lack of a completed Section 106 agreement. The Inspector upheld the appeal on the first reason only. A copy of the decision notice for the previous application and the Inspectors Decision Notice are attached.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement

2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
10/0050/FUL	Erection of a new three-bed dwelling on land to the rear of 56 Hawthorn Way.	Refused and appeal dismissed
C/02/1199	Erection of two-storey side extension and two storey rear extension to convert existing dwelling house into 4No studio units.	APC
C/02/0662	Erection of two-storey side extension and 2 storey rear extension to convert existing dwellinghouse into 6no studio units.	Refused
C/91/1130	Extension to house (erection of single side extension and erection of covered play area) and change of use from single family residence to day nursery.	Refused
C/87/0903	Erection of two storey side extension to existing dwelling house	APC
C/79/1037	Erection of single-storey garage and first floor extension	APC

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 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 (PPS 3) Housing:** 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.

Planning Policy Statement 3 (PPS3): 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)

- 5.4 **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.
- 5.5 **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.
- 5.6 **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.
- 5.7 **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.
- 5.8 **East of England Plan 2008**

SS1: Achieving Sustainable Development

H1: Regional Housing Provision 2001 to 2021

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/10 Subdivision of existing plots

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

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 realm, public art, environmental aspects*)

5.11 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

5.12 **Material Considerations**

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.

Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;
- (v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure

sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

City Wide Guidance

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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No parking layout has been provided, whilst it is stated that 3 parking spaces are retained within the site.

Please require the applicant to provide a layout showing the parking provision, and information detailing the allocation of parking provision between the residents of the two dwellings.

If approval is recommended, a number of informatives have been recommended.

Head of Environmental Services

- 6.2 Our Scientific Team have commented that the development site is in an AQMA (air quality management area) and is located along heavily trafficked road where air quality is poor (above the national objectives). Therefore a condition has been recommended for a scheme of ventilation for the façade of the building which fronts onto Elizabeth Way.

This will protect the amenity of future occupants of this residential unit from exhaust fumes and or odours from the road.

This is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the elevation of the development away from the road. Such ventilation may also be

required to achieve the internal noise levels required by PPG 24.

In addition to the above the property is to incorporate habitable rooms facing onto Elizabeth Way, a major thoroughfare road, which is known to be extremely busy with traffic. When Elizabeth Way was constructed and altered in the past some properties were given noise insulation grants to provide additional acoustic insulation. The future occupants of these rooms are likely to be subjected to a high level of road traffic noise and amenity should be considered.

Ideally, an assessment of the impact of the traffic noise in accordance with PPG 24 『Planning and Noise』 should be undertaken prior to the granting of planning permission. As the existing use is residential, it is unlikely that the noise from traffic would preclude use of the site for residential (Category D – PPG 24). However, the assessment is likely to indicate that a high degree of noise insulation coupled with acoustic ventilation would be required to reduce the impact of external noise sources such as traffic noise.

This issue could be approached in two ways. Firstly, require by condition, a PPG 24 noise survey to be undertaken to determine the acoustic performance of a noise insulation scheme, which should be submitted and approved as necessary.

Secondly and as an alternative, a condition could require that a scheme for the insulation for the habitable rooms with acoustic glazing and acoustically treated ventilation be submitted for approval.

Trees

- 6.3 Awaiting comments, these will be reported on the amendment sheet.
- 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 owners/occupiers of the following addresses have made representations:

- 44 Hawthorn Way

Letters of support were submitted as part of the planning application from the following addresses;

- 64 Elizabeth Way
- 68 Elizabeth Way
- 73 Elizabeth Way
- 79 Elizabeth Way
- 40 Hawthorn Way
- 50 Hawthorn Way
- 54 Hawthorn Way
- Papworth Trust Centre

7.2 The representations can be summarised as follows:

- This proposal would make good use of a disused space;
- The proposed dwelling will enhance the area; and
- The proposal will not negatively impact upon the surrounding area.

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. 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) explains that provision is to be made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban extensions, development of additional residential units on sites such as this will be permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 Policy 3/10 of the Cambridge Local Plan (2006), makes it clear that in order to be acceptable, a housing proposal which involves the subdivision of an existing residential curtilage must meet six criteria. Two of these criteria (the wish to promote comprehensive development, and impact on listed buildings or buildings of local interest) are not relevant to this site. To be acceptable under this policy, this proposal must show that it meets the remaining four criteria:
- No adverse impact on the residential amenity of neighbours
 - No adverse impact on trees, wildlife features or architectural features of local interest
 - No detracting from the character and appearance of the area
 - Adequate amenity space, vehicular access and car parking space for the new and existing houses
- 8.4 I test the proposal against the first of these criteria under the heading of residential amenity below, and the other three under the heading of context and design below.
- 8.5 The Secretary of State's letter to Chief Planning Officers of 15th June 2010 states that the objective of the changes made to PPS3 are 'to give local authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden-grabbing''. The letter does not define the term 'garden-grabbing', but there is no indication in the letter, or in the revisions to PPS3, that development in private residential gardens should be prohibited. The major change relevant to this application in the revised PPS3 is that the definition of 'previously-developed land' in the guidance now specifically excludes the gardens of existing residential curtilages.

- 8.6 I consider that this site can be defined as 'previously developed' as there are the foundations and walls for an outbuilding, which has never been completed and presently used for general storage. Furthermore, justification has been provided with the application that given the arrangement of the site, whose north-eastern boundary fully fronts onto Elizabeth Way with an independent access, ensures that there is no common approach through existing residential development.
- 8.7 Therefore, I consider that the principal of this proposal is acceptable and is in accordance with the revised PPS3 (2010) and Cambridge Local Plan 2008 policies 3/10 and 5/1.

Context of site, design and external spaces

- 8.8 The site forms part of the garden of a semi-detached property that is situated at the eastern end of Hawthorn Way and has frontages on both Hawthorn Way and Elizabeth Way. The overall frontage onto Elizabeth Way is approximately 30 metres and is enclosed by a red brick wall, which stands at 2 metres. The site tapers towards the southern end and contains a brick structure with foundations and walls which has long been disused.
- 8.9 It is proposed that the property will address the frontage with Elizabeth Way and will take its pedestrian access from this highway. The design of the property has been influenced by the recent extensions to No.56 (under permission C/02/1199/FP), and the appeal decision for the previous application 10/0050/FUL, which considered that the scale and massing of the proposed house was significantly different in comparison to the simple proportions of the neighbouring houses to the north and the single storey Hester Adrian Centre to the south. In response to this, the design of the proposed building has been reduced in scale, reducing the overall height from 9.2 metres to 7.1 metres as well as reducing the proposed footprint, in order to create a building, which I consider to relate more closely with the simple proportions of the houses to the north.
- 8.10 In her appeal decision (paragraph 3), the Inspector notes that Hawthorn Way, together with the adjacent section of Elizabeth Way and Laburnum Close, are characterised by simple terraced and semi-detached houses, set back from the road with small

front gardens. The interwar terraces to the north of the site have gardens of 5 metres in depth, which provide a good degree of defensible space and the Inspector considers that this contributes an important characterising feature to this section of Elizabeth Way.

8.11 In the previous application, the dwelling was designed to take advantage of the depth of the plot by building on or close to all the available boundaries, but one. In order to address this shortcoming of the previous design, the revised application has attempted to pull the building back from these boundaries, including a set back on the Elizabeth Way frontage. This application includes a front garden of between 0.5 metres and 1 metre in depth. While I appreciate that the tapered nature of the site limits alternative positions of the dwelling, I do not consider that such a minimal set back will register within the street scene and that the dwelling will still be perceived as being at the back of the pavement.

8.12 Furthermore, Officers were concerned in the previous application that the proposed dwelling would be intrusive and bulky and would have a dominating presence in the street that would inevitably erode the sense of space experienced as one travels from the Chesterton Road roundabout towards Milton Road. This sense of space is created by the Hester Adrian Centre, to the south of the site, which is built in a buff brick, being set back from the frontage at an angle, behind railings and planting and only single storey in height. Opposite is the open frontage of Elizabeth House and then gardens of the first house in Laburnum Close, which is set quite well back from the road. The open space on the two sides of the road is an important visual break from the roundabout and before the housing of Hawthorn Way and then that fronting Elizabeth Way to the north. The Inspector agrees in the decision that the long rear gardens of No.56 and the neighbouring houses, coupled with the expanse of roadway and the roundabout junction gives this end of Elizabeth Way a characterising open appearance.

8.13 The Inspector goes on to say in paragraph 5, that the proposed house would erode the open character of this part of Elizabeth Way. While the revised design submitted for this application goes some way to address the concerns relating to character and context, I still consider that the construction of a dwelling in

the previously proposed location will still result in an erosion of the open character of this section of Elizabeth Way.

- 8.14 Despite the revised design of the proposed dwelling and the reduction in height and massing and given the Inspectors decision, my view remains that the appearance of the proposed dwelling is uncharacteristic of the local area due to its incursion into the 'open frontage,' which will make an intrusive addition to the street scene. The location of a dwelling on this site erodes the open character of this part of Elizabeth Way, which the long rear gardens of No.56 and the neighbouring properties afford the area. Furthermore, the attempt at creating a set back from Elizabeth Way, which is considered to be a characterising feature of the vicinity, is likely to go un-noticed considering it is only one fifth of the depth of the front gardens of properties to the north. In my opinion the proposal will not have a positive impact on its setting and would not provide the attractive, high quality stimulating environment the Local Plan requires, but an over-intensive use of the land. For these reasons the proposal fails to demonstrate that it has responded to its context and drawn inspiration from the key characteristics of its surroundings. For these reasons the proposal constitutes poor design and is contrary to East of England Plan 2008 policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12 and advice on design in Planning Policy Statement 1 (2005).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 The proposal is utilising a piece of land which, although it is considered to be previously developed, does not have a built form which protrudes above the existing two metre boundary walls and therefore from the road appears undeveloped. This application would introduce a new built form, intensifying the use of the site and as a result, this proposal has the potential to impact upon the occupants of 56 Hawthorn Way and neighbours to the west of the site. I do not consider that the proposal will affect the occupants of the Hester Adrian Centre immediately to the south due to the mature planting and the significant distance of 35 metres between buildings.

- 8.16 There are a number of windows on the rear elevation of No. 56, which look out over the existing garden. The proposed building has been designed so that there is one window at first floor level on the northern elevation, looking back towards the existing property, which serves an en-suite. This window can be obscure glazed. Given the distance of 18m between the properties, I do not consider that there is the potential for overlooking into either of the properties. On the rear (south-west) elevation of the building, there are two slit windows, one above the stairs and the second serving the bathroom. If required, these windows can be obscure glazed and I do not consider that the presence of these windows will erode the amenity of the neighbouring occupiers. The access proposed is from Elizabeth Way, and does not seek right of way along the side of No.56, which would have had the potential to create noise and disturbance to occupiers of the ground floor apartments.
- 8.17 In the previous application, Officers were concerned that the scale and massing of the building would create a sense of enclosure in the end third of the neighbouring gardens and would reduce the level of enjoyment that an occupier would expect to have from their property. This reason for refusal was not upheld by the Inspector, who considered that given the length of the gardens, such a building would be at a distance great enough that it would not unacceptably intrude into the outlook of the residents of the existing nearby dwellings.
- 8.18 Given that the proposed dwelling, which is the subject of this application, has been reduced in height from 9.2 metres to 7.1 metres (measured to the ridge) and offset by 0.3 metres from the neighbouring boundary, along with the Inspectors previous decision means that I consider the relationship of the dwelling to the neighbouring properties is acceptable and that it will not lead to a sense of enclosure in the latter third of the neighbouring properties gardens.
- 8.19 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

- 8.20 Considering the size of the proposed dwelling, I consider that the room sizes are relatively generous. Although there are windows at first floor level on No.56, I am of the opinion that given the distance (about 18m) between the properties there will not be a loss of privacy to the future occupiers of the dwelling or the limited amenity space.
- 8.21 With limits on outlook to the south-west and south east and the limited openings in the north-west elevation facing 56, the focus for most of the openings is directly onto the very busy road frontage. The Environmental Health Officer has confirmed that the site is located within an Air Quality Management Area and in order to protect the amenity of future occupants from exhaust fumes and odours from the road a condition is recommended if the application were to be approved. This condition would require details of a ventilation scheme for the front façade fronting Elizabeth Way prior to the commencement of development.
- 8.22 Furthermore, the layout of the proposed dwelling incorporates habitable rooms, which face onto Elizabeth Way. The future occupants of these rooms are likely to be subjected to a high level of road traffic noise and their amenity needs to be considered. A noise report was not submitted as part of this application, however, it is the view of the Environmental Health Officer that given the existing residential use on the site, it is unlikely that the noise from the traffic would preclude the use of this site for residential. However, a noise report is likely to indicate that a high degree of noise insulation coupled with acoustic ventilation would be required in order to reduce the impact of external noise sources such as road traffic noise. As a result, if the application were to be approved, a condition would be required that a noise report is undertaken and the necessary mitigation measures submitted to and approved in writing prior to the commencement of development.
- 8.23 In my opinion, if the application were approved and conditions imposed to address traffic noise and fumes, I consider that the proposal provides an acceptable 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

- 8.24 Provision has been made in the application for waste storage to the right of the pedestrian gate into the site from Elizabeth Way. There is sufficient space for three bins and it is close to the highway for refuse collections.
- 8.25 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.26 The application does not propose any car parking provision for the proposed dwelling. There are three existing off-street car parking spaces to the front of 56 Hawthorn Way, which will be retained and used by occupants of the four flats in that building; they will not be available for occupants of the proposed dwelling.
- 8.27 The outcome of the appeal following the local planning authority's recommendation of refusal has determined that the proposal to provide no off-street parking is acceptable, although the local planning authority's concerns about the use the Hawthorn Way turning area as a parking area remain. The Highway Authority shares these views.
- 8.28 The new development is required to accommodate space for at least three cycles in accordance with the cycle parking requirements set out in the Cambridge Local Plan 2006. The application states that this will be provided by way of an enclosure in the north of the garden. A condition could have been included to secure this provision had the recommendation been one of approval.
- 8.29 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.30 The majority of the points raised by supporters of the application have been covered in my report. Regarding the

points relating to improved security for the area. Policy 3/7 of the Cambridge Local Plan 2006 does refer to the need for buildings and spaces to be designed in a way, which improves the security of an area. While security is important in the design of buildings, I do not consider that what is proposed here, particularly if the windows in the south-west elevation need to be obscure glazed, will do anything to enhance security, although the physical presence of a building will assist in preventing access to the rear gardens of Hawthorn Way from Elizabeth Way.

Planning Obligation Strategy

8.31 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. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.32 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.

8.33 The application proposes the erection of a two-bedroom house. No residential units would be removed, so the net total of additional residential units is one. 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 children's play space 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		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					476

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		
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					538

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		

2-bed	2	242	484	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					484

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

8.34 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

8.35 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		
2-bed	1256	1	1256
3-bed	1882		
4-bed	1882		
Total			1256

8.36 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Waste

8.37 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	1	75
Flat	150		
Total			75

8.38 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

Monitoring

8.39 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Conclusion

8.40 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 proposal proposes a residential property on an area of land, which is considered to be previously developed land, within the curtilage of an existing residential property. In my opinion this proposal meets the requirements of policy 3/10 and guidance provided within PPS3 (2010). However, given the Inspectors decision, I consider that the proposed dwelling will still not overcome concerns that a built form in this location will erode the open character of the area and that such a proposal will result in a built form which would be dominant and obtrusive.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by virtue of its relationship with the street frontage to Elizabeth Way and its location which erodes the open character of the area, would be a dominant and obtrusive form of development that would be out of character with the streetscene. In so doing the development fails to respond positively to the site context and constraints and would result in the loss of the open character of the area which positively enhances the public realm adjacent to the site. For this reason the proposal constitutes poor design and is contrary to East of England Plan 2008 policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12 and advice on design in Planning Policy Statement 1 (2005).
2. The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning in accordance with the following policies, 3/7,3/8, 3/12, 5/14, 8/3 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

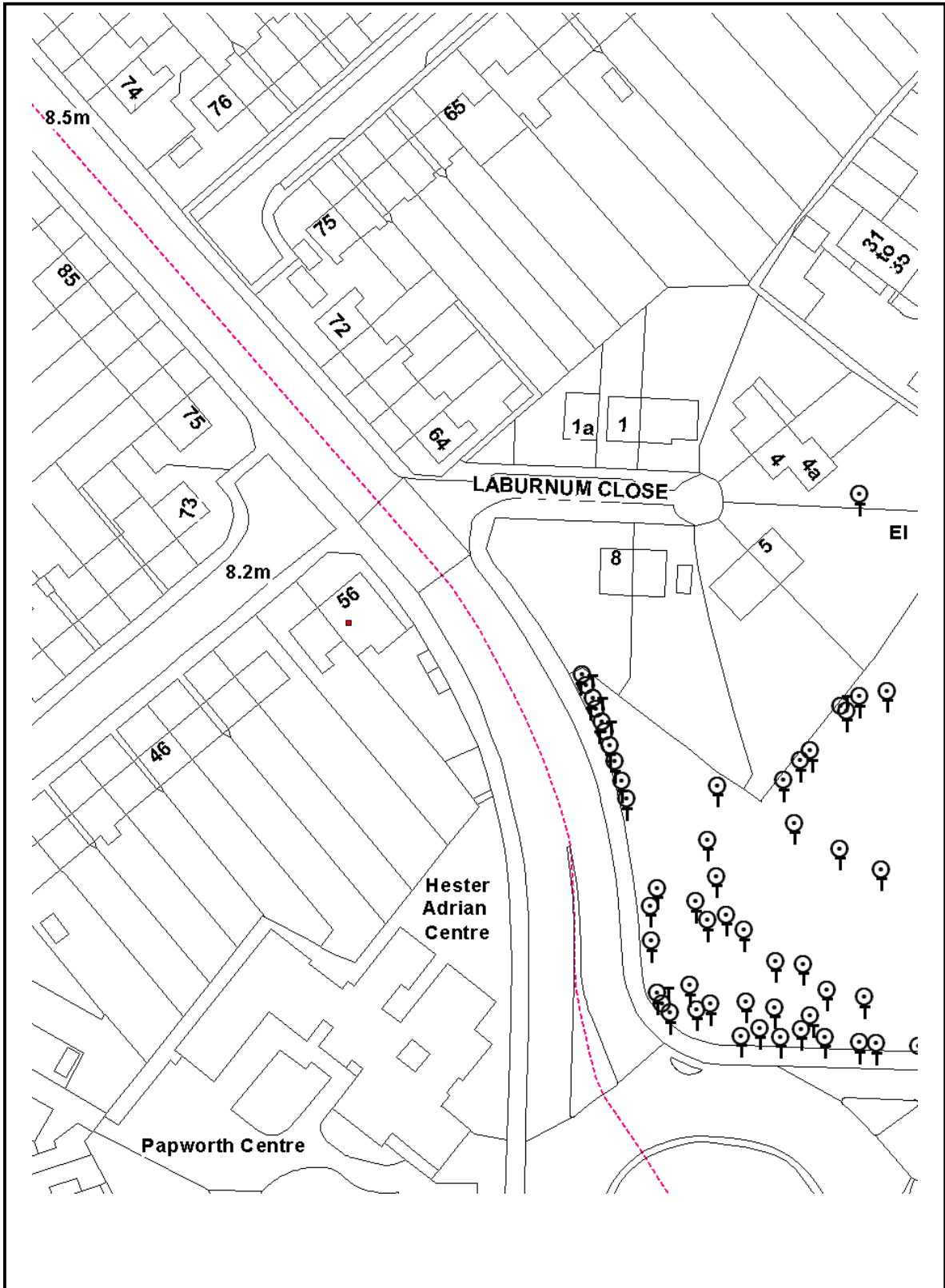
3. **In the event that an appeal is lodged against a decision to refuse this application, DELEGATED AUTHORITY is given to Officers to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy.**

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.



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