

23/00737/FUL

30-36 Market Street

Ely

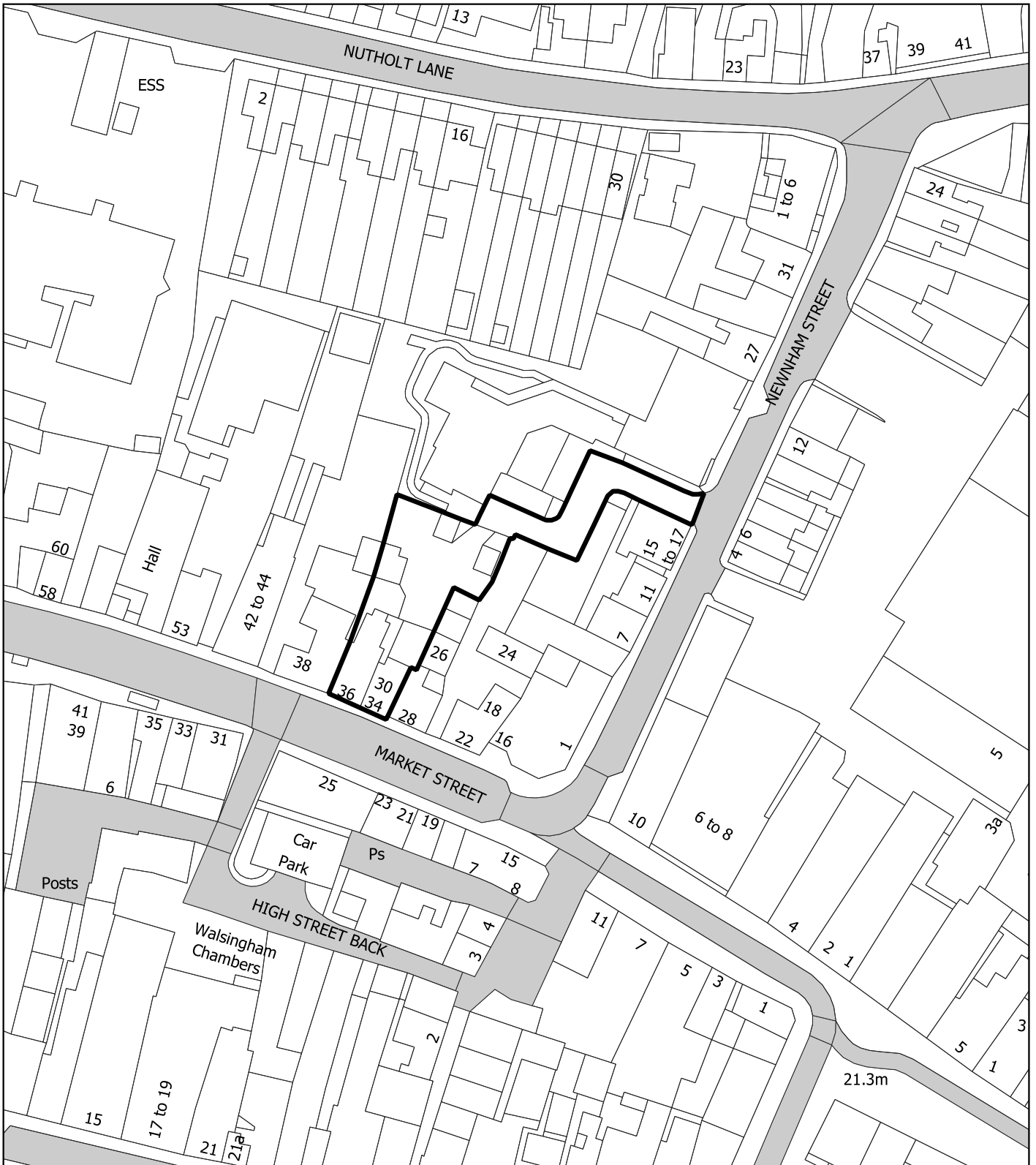
CB7 4LS

Demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RX2P0ZGGLP900>





23/00737/FUL

30-36 Market Street
Ely



East Cambridgeshire
District Council

Date: 20/09/2023
Scale: 1:1,000



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TITLE: 23/00737/FUL

Committee: Planning Committee

Date: 04 October 2023

Author: Senior Planning Officer

Report No: Y60

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Site Address: 30-36 Market Street Ely Cambridgeshire CB7 4LS

Proposal: Demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works

Applicant: Aitus Associates Ltd

Parish: Ely

Ward: Ely East

Ward Councillor/s: Kathrin Holtzmann
Mary Wade

Date Received: 30 June 2023

Expiry Date: 06 October 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below: The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit (3 years)
- 3 Submission of remediation scheme
- 4 Implement of approved remediation scheme
- 5 Construction Environmental Management Plan
- 6 Piling foundations
- 7 Foul and Surface water drainage
- 8 Written Scheme of Investigation (Archaeology)
- 9 Sample materials
- 10 Detailed design
- 11 Parking, serving, etc

- 12 Hard landscaping scheme
- 13 Soft landscaping scheme
- 14 Boundary Treatments
- 15 Construction times - Standard hours
- 16 Demolition of Existing Structures
- 17 Biodiversity Improvements
- 18 Bin and Cycle Store Details
- 19 Air Source Heat Pump Noise Level
- 20 Permitted Development Removal
- 21 Permitted Development Removal - Fences etc

2.0 **SUMMARY OF APPLICATION**

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 The proposal seeks consent for the erection of a pair of semi-detached one-bedroom dwellings and the conversion and extension of an existing store within No.30 Market Street, to facilitate the creation of a single studio flat. Associated works include the demolition of existing outbuildings within the application site, and relocation of the existing staircase to the flat of No. 32 Market Street above No.30-36 Market Street.
- 2.3 The existing brick outbuilding closest to the Woolpack Yard development within the application site to be demolished measures c.4.3 metres (c.14ft) to ridge, c.3.6 metres (c.12ft) in width and c.4.6 metres (c.15ft) in depth.
- 2.4 A summary of the proposed semi-detached dwellings is outlined below in the following Table 1.

	Proposed Building	Feet
Ridge	c.4.5 metres	c.14.8 feet
Eaves	c.2.2 metres	c.7.2 feet
Depth	c.17.4 metres	c.57 feet
Width	c.6.9 metres	c.22.6 feet

Table 1 – Measurements of the proposed semi-detached dwellings

- 2.5 A summary of the proposed internal space standards of the proposed dwellings and flat is also outlined within Table 2 below:

	Proposed Internal Space Standard	Square Feet
Dwelling 1	c.42 sqm	c.452 square feet
Dwelling 2	c.42 sqm	c.452 square feet
Flat 3	c.35 sqm	c.377 square feet

Table 2 – Proposed internal floorspace of the proposed development

- 2.6 All properties as shown are single-bedroom units, with Flat 3 comprising a 'studio', whereby the kitchen-diner and bedroom are shown to be in an open-plan arrangement. It is noted that the proposed studio (Flat 3) falls below the minimum

space standard of 37sqm (c.398sqft) established by the Nationally Described Space Standards (NDSS) (March 2015).

- 2.7 In addition to the proposed flats, a central landscaped courtyard area is to be shown, with four parking spaces provided for the existing commercial units along Market Street. The proposed development itself is to be car-free as confirmed by the Agent.
- 2.8 New boundary treatments are also proposed, including brick-wall infills enclosing the eastern boundary of the application site, although no specific details have been provided with the application. An electronic, automated sliding 3-bar gate is also proposed at the site's access with the Woolpack Yard car park to the north. A new pedestrian gate is also proposed, providing access from Newnham Street.
- 2.9 The application follows an earlier refusal for a similar development scheme, which was refused at Planning Committee in December 2022, for reasons relating to significantly detrimental residential amenity impacts upon occupiers of the Woolpack Yard development to the north of the application site (**Appendix 2 – Committee Report LPA Ref. 21/01832/FUL / Appendix 3 – Decision Notice LPA Ref. 21/01832/FUL**). The current proposals have removed a flat from the development proposal, reducing the overall scale of the development since the previous refusal, and re-siting the development within the application site so that it is further away from the Woolpack Yard development.
- 2.10 In accordance with the Council's Constitution, the application has been referred to Planning Committee for determination following discussion with the Chair of the Committee. This is on the basis of the previous determination at Planning Committee, and given that the current application seeks to address the main areas of concern raised under the previous refusal.

3.0 PLANNING HISTORY

- 3.1 **21/01832/FUL**
Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works
Refused
8 December 2022

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an area of hardstanding to the rear of No.30-36 Market Street, Ely, within the defined development envelope for Ely and directly adjoining the town centre boundary. The site is accessed via Newnham Street via the internal access road and car parking area associated with the Woolpack Yard development. The main body of the application site totals c.450 square metres in size (c.0.045 hectares), excluding 30-36 Market Street and the access road from Newnham Street.
- 4.2 The site is currently used for the parking of vehicles and contains three brick and timber outbuildings to be demolished to facilitate the proposals.

- 4.3 To the north of the application site lies the Woolpack Yard development, with a number of flats associated with the development facing onto the application site; these flats are across three-storeys. An area of outdoor space and connecting footpath associated with the flats directly adjoins the application site to the north, and is separated by a low level mesh fence. This amenity space and footpath appear to be maintained and in use, as corroborated by multiple site visits and consultation responses received from residents of the Woolpack Yard development under the previous application.
- 4.4 To the east of the application site lies No.26 Market Street, an existing dwelling with a small courtyard/parking space attached to its north. A high level rear kitchen window faces onto the application site.
- 4.5 To the south of the application site lies No.30-36 Market Street, in use as a barbers and dry cleaners. Two flats are located above these properties, facing onto the application site.
- 4.6 To the west of the application site lies 38-40 Market Street. Under LPA Ref. 17/00429/FUL, the creation of a flat above No.38 Market Street was permitted, following the conversion of existing office space. No.40 Market Street – a two storey dwelling – lies behind No.38 and benefits from its own private amenity space.
- 4.7 The application site lies within Ely Conservation Area. There are no listed buildings immediately adjoining the application site, nor are there any listed structures or monuments nearby. Ely Cathedral is nevertheless visible in views from within the application site.
- 4.8 The application site also lies within the Goose and Swan Functional Land Impact Risk Zone (IRZ) and a Green Risk Zone for Great Crested Newts (GCN) (low risk).
- 4.9 The whole application site lies within an area of low flood risk (Flood Zone 1) and does not lie within an area at high risk of surface water flooding.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Cambridgeshire Archaeology - 6 July 2023

States: "Our records indicate that the site lies in an area of high archaeological potential, situated in the medieval core of the City of Ely, roughly 100m to the north of the grounds of Ely Abbey and Cathedral Precinct (Cambridgeshire Historic Environment Record reference 07322). Archaeological investigations carried out in 1987 within the north range of the Norman Cathedral revealed extensive evidence of occupation from the 10th century, including structural remains and a ditch interpreted as an early precinct boundary (Holton-Krayenbuhl, Cocke & Malim 1989, Ely Cathedral Precincts: The North Range. In PCAS Volume LXXVIII). Archaeological monitoring at the Cross Green Swale in 2014 revealed twenty inhumation burials, three potential walls and multiple demolition layers, which possibly relate to the 14th century parish church of Holy Cross (CHER ref ECB4375). In addition, an archaeological monitoring at the Old Library, adjacent to

the Cathedral south choir side identified mortar and stone foundations layers for the construction of the first two eastern bays for use as chapels in the 12th century. The last main phase of activity relate to the conversion of the two chapels into one large cell (CHER ref. ECB4482).

Previous archaeological investigations a short distance to the east of the proposed development on land between Newnham Street and Brays Lane identified evidence of Neolithic, Bronze Age, Iron Age, Roman and Saxon occupation as well as medieval features, including a well backfilled with demolition material and boundary ditches. It seems likely that these related to the estate of the Bray family in the later C13 and early C14. In c 1322 the estate was left to Ely Cathedral and the field system was reorganised (CHER ref. ECB2454). In addition, other archaeological investigations in the vicinity, for example at the site of the former White Hart (CHER ref. MCB16067), and 80m south-east of the site at Market Place (CHER ref. CB14654) have revealed further evidence of medieval and post-medieval occupation.

We have commented on previous applications within the same bounds (21/01832/FUL) and advise that our previous recommendations still apply. Due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI."

Environmental Health - 6 July 2023

States: "I would advise that demolition and construction times and deliveries during the demolition and construction phases are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

The previous application included the provision for ASHPs. It is not known if this application also intends to use ASHPs but I would recommend the following condition regardless -

"The specific rated noise level emitted from any external mechanical plant shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

I have also attached some guidance on ASHPs which I would ask the applicant to take on board when selecting, siting and installing them.

Finally, as the property consists of flats we would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

No other comments to make at this time but please send out the environmental notes.”

Conservation Officer - 10 July 2023

States: “The application site is a commercial building of C17 origins on the north side of Market Street, within the Ely conservation area. Since the 2021 application the building has been identified through the ongoing Cambridgeshire Local Heritage Project as a candidate for the ECDC local list, described thus:

'House. Late C17, converted to shops C19 and to shops and flats mid C20. Timber frame, clad with C19 gault brick; plain tiled roofs. 2 storeys; 3-window range. 2 early C20 plate-glass shop display windows, that to No. 32 with glazed door. Between display windows is main entrance to former house: recessed half-glazed door. Hood on scrolled acanthus consoles. 3 2/2 horned sashes to first floor. Saw-toothed eaves cornice. Stacks removed. East gable head with some exposed framing with brick nogging. INTERIOR: No 30 with reused double-wave-moulded bridging beam with run-out stops to ground floor. Boxed bridging beams elsewhere. No. 32 with large blocked fireplace in rear room.'

<https://local-heritage-list.org.uk/cambridgeshire>

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states: 'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, relationship to adjacent assets [and] use of materials...It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.'

Historic map evidence shows that there were relatively few rear service buildings behind Market Street so the proposed new block is purely speculative in this location. Nevertheless its form, scale and language reference the kind of buildings (eg stables, coach houses etc) characteristically found in backland locations, and its crisp use of materials and detailing is complimentary without descending to pastiche. This fulfills Advice Note 2's criteria for development in historic settings.

Recommendation - no objection subject to following conditions:

MT1A Samples of brick & slate

MT4A Details of external doors & windows.”

Parish - 18 July 2023

States: “The City of Ely Council has no concerns with regards to this application but note the comments made by the archaeological consultant.”

Environmental Health - 25 July 2023

States: “I commented on the contamination related information submitted with the previous application 21/01832/FUL on 5th December 2022. In my previous response I advised that "any asbestos containing material in the buildings must be removed and disposed of safely in compliance with the Control of Asbestos regulations 2012". There appears to be asbestos containing material on the site. Asbestos removal when not carried out correctly has the potential to cause harm to human health and soil contamination and there are residents living in close proximity to the site who could be affected. Therefore, I recommend that a planning

condition is included to control the asbestos removal. I recommend that standard contaminated land conditions 2, 3, and 4 are attached to any grant of permission.”

Local Highways Authority - 20 September 2023

States: “I do not foresee any highway safety issues which could arise from a car free development in this central location. Should a future resident wish to own a car, they will need to abide by the same on-street / private car park restrictions as anyone else.

By formalising the commercial car parking, a turning / manoeuvring area has been provided which appears suitable for most day to day uses. If an occasional larger vehicle needs access to the site, then it would likely need to be from Newnham Street but this would most likely be an inconvenience to other road users rather than a hazard.

While a bin store has been provided in the courtyard area, this is quite a distance from the public highway so you would need to check with your own waste collection team to see if they are willing to enter Woolpack Yard, a private street with restrictive geometry, for collection.

As no additional car parking is proposed, there will be no vehicular intensification of use of the site access, so I wouldn't seek to object to the application but I do recommend bin collection is clarified.”

CCC Growth & Development -

No Comments Received

Ward Councillors -

No Comments Received

Consultee For Other Wards In Parish -

No Comments Received

5.2 A site notice was displayed near the site on 14 July 2023 and a press advert was published in the Cambridge Evening News on 13 July 2023.

5.3 Neighbours – 71 neighbouring properties were notified and the six responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerns over acceptability of vehicular access;
- Concerns over parking availability for carers;
- Concerns over conflicts between vehicles and mobility scooters and visibility;
- Concerns over emergency vehicle access;
- Concerns over delivery vehicles;
- Concerns over electronic gates and noise;
- Accuracy of plans;
- Affects a Right of Access
- Affects a Right of Way
- Affects street scene
- Highway safety

- Loss of privacy
- Loss of public amenity
- Noise sensitive / concerns for heating units/air source heat pump
- Over bearing
- Over-looking
- Parking and Turning
- Pollution issues

6.0 **THE PLANNING POLICY CONTEXT**

The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 14	Sites of archaeological interest
COM 2	Retail uses in town centres
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- Design Guide
- Contaminated Land
- Flood and Water
- Natural Environment
- Climate Change
- Ely Conservation Area Appraisal

6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

Technical Housing Standards – Nationally Described Space Standards (March 2015)

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 The application site lies wholly within the development envelope for Ely, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.4 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 As set out within the Design Guide SPD, back-land development such as that proposed will only be considered to be acceptable if the following criterion are met:

- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
- There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
- Adequate protection against noise and disturbance must be provided for the host dwelling;
- Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;

- There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.

- 7.6 Paragraph 119 of the NPPF sets out that, *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”* This is caveated by Footnote 47, insofar that this presumption in favour of brownfield development does not apply *“where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.”*
- 7.7 Whilst not located within the defined town centre, Paragraph 86(f) of the NPPF sets out that planning policies should *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*
- 7.8 Following a contextual analysis of the application site and surrounding development, it is considered that the introduction of development in this location would not be uncharacteristic for this area of Market Street. There are a number of dwellings and buildings ‘in-depth’ to the rear of Market Street, and dwellings are commonplace above retail units. The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.9 The proposed development is therefore acknowledged to comprise residential infill in a sustainable location adjoining the town centre boundary, and by virtue of its location has the potential to support the vitality of the town centre. On this basis, the Local Planning Authority (LPA) consider the principle of the proposed development is acceptable and accords with the general thrust of the policies of the Local Plan 2015, the Design Guide SPD and the NPPF on a locational basis.
- 7.10 The proposed dwellings would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.
- 7.11 With regard to the loss of the existing cold store to the rear of No.30 Market Street, this loss and change of use is not considered to conflict with the objectives of Policy COM 2 in retaining retail uses within the town centre boundary. As part of the city’s primary shopping frontage, No.30-36 Market Street are being retained as retail units. The loss of the small cold store is not considered to impinge upon the function of these retail units, measuring less than c.4 square metres, and is considered to result in a negligible loss of retail floorspace.
- 7.12 On the above basis, the principle of the proposed development is considered to be acceptable on a locational basis, and the development is considered to be acceptable in principle in accordance with Policies GROWTH 2, GROWTH 5 and COM 2 of the ECDC Local Plan 2015 and the guidance contained within the National Planning Policy Framework.

7.13 Residential Amenity

7.14 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The impacts of the proposed development on separate existing and prospective occupiers is discussed in turn as follows.

Residential Amenity for Prospective Occupiers of the Proposed Dwellings and Flat

7.15 The proposal includes the provision of three flats (2 x 1-bedroom flats and 1 x studio flat). Flats 1 – 2 measure c.42 sqm internally (c.452 sqft) and Flat 3 measures c.35 sqm internally (c.377 sqft ft).

7.16 Flats 1 and 2 will satisfy the minimum requirements of the Nationally Described Space Standards (NDSS) (March 2015) for a single occupancy, single storey development, this being 37sqm (c.398 sqft). Whilst all drawings show a double bed (thereby suggesting double occupancy), this cannot be presumed, and therefore the minimum 37sqm standard is considered to be the accepted baseline.

7.17 Whilst Flat 3 falls below the baseline size expected for a single occupancy flat, it is acknowledged that it is a studio apartment not reflected within the NDSS. However, it should also be noted that elsewhere in Government Legislation, namely the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no permitted development rights are afforded to a change of use that would result in the creation of a dwelling of less than 37sqm (c.398sqft). The proposed development is therefore considered to result in the provision of a dwelling of a sub-standard level of accommodation that weighs against the application.

7.18 The NDSS is nevertheless a material consideration in the decision-making process, but does not form part of a specific policy within the Local Plan 2015. Compliance with the NDSS is therefore expected, but not mandated by policy. Whilst the provision of a sub-standard level of accommodation therefore weighs against the application, it would be unreasonable for the LPA to refuse the application on this basis.

7.19 It is acknowledged that the driving force of the development proposals is to provide compact accommodation within the city centre, and it has been demonstrated that, whilst falling below the accepted minimum standard, all dwellings and flat could provide an acceptable level of internal amenity.

7.20 The proposed flat and dwellings will benefit from a communal landscaped courtyard and this is considered to be a high quality and acceptable level of shared amenity space for the properties within the denser city centre context.

7.21 It is acknowledged that the two dwellings would not benefit from their own private amenity space, as is often expected. However, private amenity spaces are not common-place within the context of the application site, which is characterised by

retail frontages with flats above. Given the size of the properties proposed (one-bedroom) it is not considered that the absence of private amenity space is to the significant detriment of residential amenity, particularly given that a secure play-space for children is not expected. The accessibility of local parks within 100 – 300 metres (0.06 - 0.19 miles) of the application site is also considered to justify a relaxation of the Design Guide SPD requirements, which anticipates most dwellings to benefit from a minimum of 50sqm private amenity space.

- 7.22 The ground floor flat and two dwellings will also benefit from an acceptable level of defensible space around the ground floor windows to protect the residential amenity of prospective occupiers. It is further acknowledged that the site is not publicly accessible, and this will limit the amount of pedestrian and vehicular traffic in close proximity to the proposed development.
- 7.23 On the above basis, the proposed flats are considered to benefit from an acceptable level of internal and external residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015 and the NPPF.

Impacts of the Proposed Development on Market Street Residential Occupiers

- 7.24 For the purposes of this assessment, 'Market Street residential properties' is taken to include No.26 Market Street; No.28 Market Street; the flats above No.30-36 and 38 Market Street; and 40 Market Street. These are the immediate residential properties adjoining the application site along Market Street.
- 7.25 The proposed Flat 3 (conversion of the existing ground floor store to No.30 Market Street) is not considered to result in any significantly detrimental residential amenity effects upon surrounding Market Street residential properties in terms of overlooking, overbearing, overshadowing, loss of light or loss of privacy by virtue of its location and design.
- 7.26 The proposed pair of semi-detached dwellings (Dwellings 1 and 2) are not considered to result in any significantly detrimental residential amenity effects upon the nearby Market Street residential properties in terms of overshadowing, overbearing, overlooking, loss of light and loss of privacy by virtue of their siting, scale and design.
- 7.27 The modest scale of development along the shared western boundary with No.40 Market Street in particular is considered to preclude any detrimental impacts in terms of overbearing, overshadowing or loss of light to No.40 Market Street and its rear private amenity space. The high level roof lights will also preclude any significantly detrimental overlooking of this rear amenity space.

Impacts of the Proposed Development on Woolpack Yard Development

- 7.28 For the purposes of this assessment, 'Woolpack Yard development' is taken to include the south/south-west facing residential flats across three-storeys immediately adjoining the application site to the north. This includes the outdoor amenity space and footpath associated with the development.

- 7.29 As to be noted at Appendix 2 (previous Committee Report for LPA Ref. 21/01832/FUL), concern was previously raised by Officers regarding northernmost two-storey element of the previously proposed development block, containing three-flats in total. This element of the development was proposed to be located only c.4.4 metres (c.14.1 feet) from the south/south-west facing elevation of the Woolpack Yard development, and c.50 centimetres (c.1.7 feet) from the existing mesh fencing of the outdoor amenity space associated with the Woolpack development. These measurements were taken at their closest points to the Woolpack Yard development, with the widest point of separation measuring c.4.8 metres (c.16 feet).
- 7.30 The previous development was subsequently refused for reasons relating to significantly detrimental residential amenity effects upon Woolpack Yard occupiers, given the scale and siting of the development.
- 7.31 The current submission comprises a re-worked scheme that seeks to address the previous concerns raised. The development proposed is now entirely single-storey in its scale, measuring a maximum of c.4.5 metres to ridge (c.14.8 feet). The development is also now sited a further c.1.4 metres (c.4.6 feet) from the ground floor of the Woolpack Yard development, totalling 5.8 metres (c.19 feet), with the widest point measuring c.6.3 metres (c.21 feet).
- 7.32 The introduction of the proposed development in its revised form is considered to have addressed previous concerns regarding physical enclosure of the Woolpack Yard development, as well as concerns over significantly detrimental overbearing, oppressive development and poor outlook. This is on the basis of the notably lowered scale and increased separation of the proposed development from the Woolpack Yard development.
- 7.33 Whilst the development will still introduce new development in closer proximity to the main outlooks, habitable windows (and patio doors), and outdoor amenity space to the Woolpack Yard development, the scale of development proposed is commensurate with existing outbuildings within the application site (proposed to be removed), and likewise is of a more domestic scale that is considered to be acceptable in proximity to the Woolpack Yard development. The scale and proximity of the proposed development to the Woolpack Yard development is no longer therefore considered to result in significantly detrimental residential amenity effects upon the occupiers of the adjoining development by virtue of overbearing, oppressive or poor outlook.
- 7.34 It is also acknowledged that the removal of existing outbuildings within the application site will assist in opening up the application site more generally, reducing the enclosure of the Woolpack Yard development. This is particularly the case with the removal of the existing boiler room, currently c.3.6 metres (c.11.8 feet) from the ground floor of the Woolpack Yard development. This is considered to be a betterment to the Woolpack Yard development and its occupiers, and will go some way to offsetting any impacts of introducing the new development proposed.
- 7.35 The revised proposals are therefore considered to accord with the objectives of the Local Plan 2015 and the NPPF in ensuring no significantly detrimental effects on

the residential amenity of nearby occupiers; providing healthy and safe communities; well-designed and beautiful places; and development that support communities' health and social well-being. The proposal is considered to be in accordance with the objectives of Policy ENV 2 of the ECDC Local Plan 2015 and the guidance contained within the NPPF by virtue of its siting, scale and design.

7.36 Character and Appearance

- 7.37 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.38 Policy ENV 11 of the ECDC Local Plan 2015 requires that proposed development within a Conservation Area be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.39 Policy ENV 14 states that, development proposals at or affecting all sites of known or potential archaeological interest will not be permitted where the proposals would cause substantial harm to new or known nationally important sites.
- 7.40 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.41 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size.
- 7.42 The National Planning Policy Framework (September 2023) sets a higher bar for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.43 With regard to plot density and the impact this would have on the character and appearance of the area, it is acknowledged that development to the rear of Market Street has grown organically, meaning that plot sizes and density are varied. Development along Market Street extends linearly to the north, with associated extensions and outbuildings. The introduction of the application proposals is not therefore considered to be uncharacteristic of the pattern of development within this area of Market Street.

- 7.44 The proposed development is considered to represent a high quality design, that respects and enhances the character and appearance of the area. The proposed pair of semi-detached dwellings follows the linear pattern of existing development along Market Street which extends back into the application site, and respects the overall scale, massing and form of the properties front Market Street in its width and scale.
- 7.45 By virtue of the site's location, the proposed development would be screened from view along Market Street by existing development. Whilst there are breaks in development along Market Street, given the scale of the proposed development and depth of existing development along Market Street, views of the proposed scheme are unlikely to be afforded.
- 7.46 The proposed development would be visible from Newnham Street given breaks in development within the street-scene. Notwithstanding, existing development is currently visible behind development along Newnham Street, and the introduction of additional development is not therefore considered to be inherently harmful or enclose important views. Indeed, by virtue of its design, siting and scale, the proposed development is considered to enhance the street-scene and the character and appearance of the area.
- 7.47 With regard to the heritage impacts of the proposed development, as noted within the Conservation Officer's formal consultation comments, historically there is no precedent for service buildings to the rear of Market Street. However, the Conservation Officer notes that the form, scale and architectural language of the proposed development is commensurate to that of buildings characteristically found in such back-land locations.
- 7.48 It is acknowledged that the site itself, whilst not untidy, is a by-product of multiple extensions and developments along Market Street, resulting in the introduction of a collection of utilitarian outbuildings and a patchwork of hard landscaping and boundary treatments.
- 7.49 The proposed development is therefore considered to result in a net enhancement to the Conservation Area, by introducing a high quality and comprehensively designed development proposal. This aligns strongly with the objectives of Policy ENV 11. The proposed development is not considered to have any impact upon the setting or significance of Ely Cathedral.
- 7.50 The detailed materials of the proposed development have not been provided with the application itself, and it is critical that these are of a high quality to ensure the successful delivery of a high quality scheme. The indicative materials shown are considered to be generally acceptable in their assimilation with existing development. Nevertheless, specific materials would need to be secured via a condition upon any grant of planning approval, as well as specific details of external doors and windows to ensure this quality is universal throughout the development.
- 7.51 It is also considered pertinent to remove permitted development rights for the extension and alteration of the dwellings proposed, given the heritage sensitivities of the application site, and the compact nature of the development within a

physically constrained site. It is considered that the utilisation of permitted development rights could undermine the design integrity of the proposals, as well as the open courtyard layout of the development. This would likely be to the detriment to the character and appearance of the area, and to neighbour amenity also by bringing development closer to the site's boundaries.

- 7.52 With regard to archaeological heritage assets, the County Council Historic Environment Team raise no objections to the proposed development, subject to a pre-commencement condition being imposed to secure an archaeological investigation within the application site. This is a standard conditional approach for areas of high archaeological potential, such as the application site, and the development proposals are therefore considered to be acceptable subject to the imposition of such a condition in accordance with Policy ENV 14 of the ECDC Local Plan 2015 and the NPPF.
- 7.53 For the above reasons, the introduction of the proposed development is considered to result in a complementary form of development that enhances the character or appearance of the area, and would provide a net enhancement to the setting and significance of the Ely Conservation Area. The proposals are therefore considered to comply with Policies ENV 1, ENV 2, ENV 11, ENV 14 and HOU 2 of the ECDC Local Plan 2015, the Design Guide SPD, the Ely Conservation Area Appraisal and the NPPF.
- 7.54 Highways, Parking and Access
- 7.55 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.56 The application site is currently used for the informal parking of staff vehicles associated with the retail uses within 30-36 Market Street. Four parking spaces have been formally shown on the submitted plans to serve the retained retail uses.
- 7.57 As clarified with the Applicant's Agent, the four parking spaces proposed are to re-provide the existing parking provision for the commercial uses, and on the basis of the requirements set out within Policy COM 8, this level of parking is considered to be acceptable.
- 7.58 The proposed development is to be a car-free development, as clarified with the Applicant's Agent. Policy COM 8 states that: *"In appropriate circumstances, parking standards may be relaxed in order to reflect accessibility of by non-car modes, and/or if lower levels of provision would protect or enhance the character of Conservation Areas or other sensitive locations. Car free development may be considered acceptable where there is clear justification having regard to the location and the current and proposed availability of alternative transport modes."*
- 7.59 It is accepted that, on the basis of the size of the dwellings; their central location within the City of Ely and its services; and their proximity to a high number of alternative modes of transport, the principle of a car-free development is

acceptable within the application site. It is also to be noted that a secure cycle store is denoted on the plans for the benefit of prospective occupiers. Whilst specific details of the cycle store have not been put forward, these could be secured via a condition.

- 7.60 As a car-free development, there is to be no increase in vehicle movements associated with the site with the exception of deliveries to the proposed flats. The four parking spaces for the retained retail uses are to be retained, and therefore vehicular movements associated with the retail uses are expected to remain unchanged.
- 7.61 With regard to deliveries, there are existing dwellings above No.30-36 Market Street (including those to the rear of the site), and it is expected that the delivery arrangements for the proposed dwellings will be comparable to these existing properties.
- 7.62 It is noted that the Local Highways Authority have provided comments on the application, raising no objections to the proposed development, albeit seeking clarification regarding waste collection.
- 7.63 Under the previous application, the Waste Team raised no objections to the proposed development in terms of collection of waste from the proposed dwellings. This was on the basis that waste collections are already being made behind the properties along Market Street, meaning that this relationship can continue so as to serve the proposed development. Specific details of the bin store could be secured via a condition, as these details have not been provided within the submission. No comments from the Waste Team have been provided under this application.
- 7.64 Concerns have been raised by residents of the Woolpack Yard development regarding highway safety and vulnerable individuals or those of impaired mobility. Concerns have also been raised in relation to emergency service access. For the reasons outlined above, it is expected that the vehicle movements associated with the proposed development are to be comparable to those existing, with the exception of a slight increase in deliveries to the site. Emergency vehicle access to Woolpack Yard remains unchanged. It is not therefore considered that the proposed development would result in an increased risk to highway or pedestrian safety, or access for emergency services, to warrant a reason for refusal on this basis.
- 7.65 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.
- 7.66 Ecology, Trees and Biodiversity
- 7.67 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals

should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

- 7.68 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.69 The application site comprises existing hard-standing and a number of outbuildings.
- 7.70 The submitted Preliminary Ecological Appraisal (PEA) concludes the following: *“The Site is not covered by any statutory or non-statutory wildlife site designation and does not comprise ancient woodland. The Site comprised man-made habitats of negligible conservation or biodiversity value that do not present a significant development constraint.”*
- 7.71 The submitted PEA also concludes in relation to fauna: *“With the exception of the potential presence of small numbers of nesting birds using the residential building (not to be affected by the proposed Development) the Site was considered to be of negligible value to protected species. 4.4 The buildings proposed for removal to enable development were assessed, in line with best practice guidance, as being of negligible bat roost suitability.”*
- 7.72 The conclusions of the PEA are not disputed by the LPA, and the PEA goes on to set out a number of enhancement opportunities within the application site. These amount to:
- 130 mm square gaps at the base of any replacement or new boundary walls or fences to allow passage of hedgehogs through the Site;
 - The provision of integrated bat roost boxes into new buildings
- 7.73 The enhancement measures are considered to be limited, and it is considered that a full soft landscaping strategy would also need to be secured via a condition to further provide a biodiversity enhancement. It is considered that the site provides sufficient opportunity to facilitate this.
- 7.74 The proposed development would not result in the loss of or impact upon any trees.
- 7.75 Whilst located within the Goose and Swan Functional Land Impact Risk Zone (IRZ), it is not considered that the proposed development would impinge upon the availability of suitable habitat for geese and swan given the nature and location of the application site within the built up development envelope of Ely.
- 7.76 On the above basis, the proposed development is considered to be acceptable in accordance with Policy ENV 7 of the ECDC Local Plan 2015, the Natural Environment SPD and the NPPF subject to securing the identified enhancement opportunities and soft landscaping via appropriately worded conditions.

7.77 Flood Risk and Drainage

7.78 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.

7.79 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.

7.80 No details of the proposed foul or surface water details have been submitted with the application proposals. As such, a condition would need to be imposed to secure these details.

7.81 For these reasons, subject to the imposition of an appropriately worded condition, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.

7.82 Other Material Matters

7.83 The Environmental Health Officer has recommended the imposition of a site investigation and remediation scheme for contamination on the basis that the end use of the application site is susceptible to contamination. Subject to the imposition of a site investigation condition, the proposal is therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.

7.84 The Environmental Health Officer has also recommended the imposition of conditions upon any grant of consent relating to a restriction upon hours of construction; a restriction upon ground piling; the provision of a Construction Environmental Management Plan (CEMP); and a control over the noise limits from the proposed Air Source Heat Pump (ASHP). All conditions are considered necessary in the interests of residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015.

7.85 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals. As the total number of units proposed does not total five or more, there is no policy requirement for a detailed energy strategy. Notwithstanding, it is acknowledged that the proposals are located in a sustainable location and would benefit from an ASHP to provide a renewable form of energy generation. Subject to conditions, the proposals could also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed

7.86 Within comments provided, concern has been raised by Woolpack Yard residents regarding the noise impacts of the electronic automated gate provided. No specific details of this system have been submitted with the application, and will be secured via a condition. The noise impacts of the gate can be assessed at condition discharge stage, although such impacts are generally considered to be minimal

upon neighbouring residential amenity, particularly with the likely infrequent use of these gates.

- 7.87 In the neighbour comments received, concerns were also raised over the accuracy and quality of the submitted plans. Whilst the plans do not show the relationship of the proposed development with the habitable windows of the Woolpack Yard development, the plans are considered to provide an accurate relationship between existing and proposed development. Visits to the site have also informed Officer opinions of this relationship.
- 7.88 Planning Balance
- 7.89 The application site is located within the development envelope for Ely, and proposes the erection of a pair of semi-detached dwellings, as well as the conversion and extension of an existing store, to form the creation of one flat. The principle of the proposed development in a sustainable location is considered to be acceptable on a locational basis, and the proposals are not considered to result in significantly detrimental residential amenity effects upon the existing and prospective occupiers of the Woolpack Yard development. The proposed development is also considered to enhance the character or appearance of the area, and provide a net enhancement to the setting and significance of the Ely Conservation Area.
- 7.90 The proposal would in all other respects provide a safe and acceptable means of vehicular and pedestrian access and incorporate measures to deliver a biodiversity net. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination.
- 7.91 For the above reason, the application is therefore recommended for approval, on the basis that it complies with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

8.0 APPENDICES

APPENDIX 1 - 23/00737/FUL Conditions

APPENDIX 2 – Committee Report LPA Ref. 21/01832/FUL

APPENDIX 3 – Decision Notice LPA Ref. 21/01832/FUL

Background Documents

23/00737/FUL

21/01832/FUL

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 23/00737/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
001	Rev A	30th June 2023
005	Rev A	30th June 2023
012	Rev B	30th June 2023
015	Rev B	30th June 2023
34588NOLS-01		30th June 2023
34588NOLS-02		30th June 2023
ELY-01-21-A		30th June 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Prior to the commencement of any development, the remediation scheme approved in Condition 3 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with

policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of the hereby approved development.
- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 8 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a. The statement of significance and research objectives;
 - b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c. The timetable for the field investigation as part of the development programme;
 - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

- 8 REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 No above ground construction shall take place on site until details of the external bricks and slates to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction shall take place on site until details of the external doors and windows to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 10 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan Ref. 21-816-3-012 Rev B and thereafter retained for that specific use.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include parking and turning areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details

of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 13 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the boundary treatments (including vehicular and pedestrian access gates) shown on Drawing Ref. 21-816-3-012 Rev B have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the hereby approved development.
- 14 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, and to safeguard residential amenity, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 15 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 The existing outbuildings on the site as shown in a dashed outline on Drawing Ref. 21-816-3-012 Rev B shall be demolished in their entirety prior to first occupation of the hereby approved development.
- 16 Reason: The application has been assessed as acceptable on this basis in accordance with Policies GROWTH 2, ENV 1, ENV 2, ENV 11, ENV 12, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and the NPPF.
- 17 Prior to first occupation the scheme of biodiversity improvements (bat boxes and hedgehog holes) shown on Drawing Ref. 21-816-3-012 Rev B and 21-816-3-015 Rev B shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 18 Prior to above ground construction, details of the bin and cycle stores shown on Drawing Ref. 21-816-3-012 Rev B shall be submitted to and agreed in writing by the Local Planning Authority. The bin and cycle stores shall be in-situ in accordance with the approved details prior to first occupation of the hereby approved development and thereafter retained.

- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, and in the interests of highway safety, in accordance with policies ENV2, ENV11, ENV12, COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 19 The specific rated noise level emitted from any external mechanical plant shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, C and D of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 20 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no fences, gates or walls shall be erected within the site, other than those expressly authorised by Condition 14 of this consent.
- 21 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

21/01832/FUL

Rear Of 30-36 Market Street

Ely

Cambridgeshire

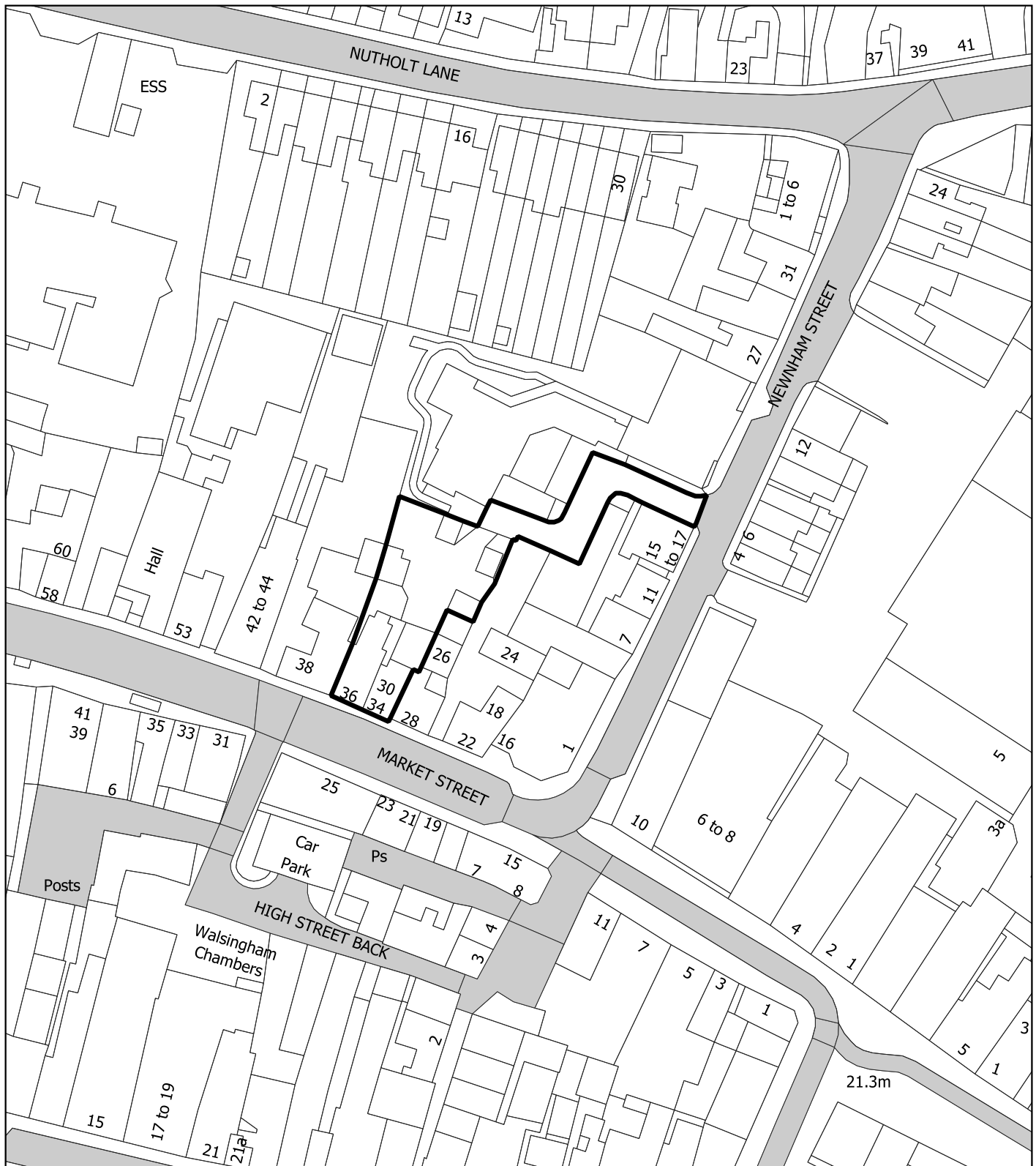
CB7 4LS

Demolition of outbuildings, change of use of cold store, erection of four flats,
and associated works

To view all of the public access documents relating to this application please use the
following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4H2BAGGJA800>





21/01832/FUL

Rear Of 30-36 Market Street
Ely



East Cambridgeshire
District Council

Date: 24/11/2022
Scale: 1:1,000



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21-01832-FUL Committee Report

Reference No: 21/01832/FUL

Proposal: Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works

Site Address: Rear Of 30-36 Market Street Ely Cambridgeshire CB7 4LS

Applicant: Aitus Associates Ltd

Case Officer: Holly Chapman Senior Planning Officer

Parish: Ely

Ward: Ely East
 Ward Councillor/s: Matthew Downey
 Lis Every

Date Received: 21 December 2021 **Expiry Date:** 15 February 2022
Report Number [X123]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **REFUSE** the application for the following reasons:

- 1 The application proposal seeks to introduce a part single-storey and part two-storey detached flat block in close proximity to the southern/southwestern elevations of the existing flats and outdoor amenity space associated with the Woolpack Yard development. The proposed development is considered to result in significantly detrimental residential amenity effects upon existing and prospective occupiers of this section of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 2 On the basis of the potentially significant inaccuracy of the submitted sun studies, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental residential amenity effects in terms of overshadowing and loss of light to the southern/southwestern elevations

of the existing flats and outdoor amenity space associated with the Woolpack Yard development. This is considered to be contrary to the objectives of Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>.
- 2.2 The application has been called in by Cllr. Every for the following reason: *“There is a great need for small flat living accommodation in the centre of Ely. This application is for additional flats behind flats in Market Street already owned by the applicant and will add 3 flats to our housing stock in an infill site. It is being called in for the Planning Committee to determine if the benefits outweigh any issues of possible harm.”*
- 2.3 The proposal seeks consent for the erection of a detached part single-storey and part two-storey building, and the conversion and extension of an existing store within No.30 Market Street, to facilitate the creation of four flats. Associated works include the demolition of existing outbuildings within the application site, and relocation of the existing staircase to the flat of No. 32 Market Street above No.30-36 Market Street.
- 2.4 The existing brick outbuilding closest to the Woolpack Yard development within the application site to be demolished measures c.4.3 metres to ridge, c.3.6 metres in width and c.4.6 metres in depth.
- 2.5 A summary of the proposed development is outlined below in the following Table 1.

	Proposed Building	Feet
Ridge	c.6.6 metres	c.22 feet
Eaves	c.2.3 – 4.3 metres	c.7.5 to c.14 feet
Depth	c.18.8 metres	c.62 feet
Width	c.6.9 metres	c.23 feet

Table 1 – Measurements of the proposed development

- 2.6 A summary of the proposed internal space standards of the proposed flats is also outlined within Table 2 below:

Flat	Proposed Internal Space Standard	Square Feet
Flat 1	c.42 sqm	c.452 square feet
Flat 2	c.42 sqm	c.452 square feet
Flat 3	c.42 sqm	c.452 square feet
Flat 4	c.29 sqm	c.312 square feet

Table 2 – Proposed internal floorspace of the proposed flats

- 2.7 All flats as shown are single-bedroom flats, with Flat 4 comprising a 'studio', whereby the kitchen-diner and bedroom are shown to be in an open-plan arrangement. It is noted that the proposed studio (Flat 4) falls below the minimum space standard of 37sqm (c.398sqft) established by the Nationally Described Space Standards (NDSS) (March 2015).
- 2.8 In addition to the proposed flats, a central landscaped courtyard area is to be shown, with four parking spaces provided for the existing commercial units along Market Street. The proposed residential element of the proposal is to be car free.
- 2.9 It is important to note that the application proposals have been revised during the course of the application in response to Officer concerns. These revisions included:
- Amendment to the roof form of the proposed two-storey element of the proposed flat block from a pitched roof to hipped roof/cat-slide roof, with the introduction of a blank box dormer facing north;
 - Provision of sun-study;
 - Provision of CGIs;
- 2.10 Whilst a number of Officer concerns have been addressed through design revisions and clarification, an acceptable solution has unfortunately not been agreed upon with regard to the overall design of the proposed flat block. The reasons for this are to be outlined within this report.

3.0 PLANNING HISTORY

3.1

11/00863/FUL	Replacement door & window to front of shop (Retrospective)	Refused	14.11.2011
81/00695/FUL	CHANGE OF USE FROM RECORD SHOP TO ELECTRICAL AMUSEMENT PREMISES	Approved	25.09.1981
85/00135/FUL	CHANGE OF USE TO PHOTOGRAPHIC PROCESSING SALES AND RECEPTION	Approved	18.04.1985

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an area of hardstanding to the rear of No.30-36 Market Street, Ely, within the defined development envelope for Ely and directly adjoining the town centre boundary. The site is accessed via Newnham Street via the internal access road and car parking area associated with the Woolpack Yard development. The main body of the application site totals c.450 square metres in size (c.0.045 hectares), excluding the access road from Newnham Street.

- 4.2 The site is currently used for the parking of vehicles and contains three brick and timber outbuildings to be demolished to facilitate the proposals.
- 4.3 To the north of the application site lies the Woolpack Yard development, with a number of flats associated with the development facing onto the application site; these flats are across three-storeys. An area of outdoor space and connecting footpath associated with the flats directly adjoins the application site to the north, and is separated by a low level mesh fence. This amenity space and footpath appear to be maintained and in use, as corroborated by consultation responses received from residents of the Woolpack Yard development.
- 4.4 To the east of the application site lies No.26 Market Street, an existing dwelling with a small courtyard/parking space attached to its north. A high level rear kitchen window faces onto the application site.
- 4.5 To the south of the application site lies No.30-36 Market Street, in use as a barbers and dry cleaners. Two flats are located above these properties, facing onto the application site.
- 4.6 To the west of the application site lies 38-40 Market Street. Under LPA Ref. 17/00429/FUL, the creation of a flat above No.38 Market Street was permitted, following the conversion of existing office space. No.40 Market Street – a two storey dwelling – lies behind No.38 and benefits from its own private amenity space.
- 4.7 The application site lies within Ely Conservation Area. There are no listed buildings immediately adjoining the application site, nor are there any listed structures or monuments nearby. Ely Cathedral is nevertheless visible in views from within the application site.
- 4.8 The application site also lies within the Goose and Swan Functional Land Impact Risk Zone (IRZ) and a Green Risk Zone for Great Crested Newts (GCN) (low risk).
- 4.9 The whole application site lies within an area of low flood risk (Flood Zone 1) and does not lie within an area at high risk of surface water flooding.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Environmental Health - 5 January 2022

States: "As stated in Section 7 of the application form, where land is known to be contaminated, where contamination is suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required with the application. The applicant will need to supply an appropriate contamination assessment with the application. In addition, due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

The Planning Statement advises that the flats will be heated by ASHPs. I would recommend the following condition to control any noise associated with the ASHPs -

"The specific rated noise level emitted shall not exceed the existing background noise level by more than 5 dB. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009."

Finally, as the property consists of flats we would advise the developer to gain advice from the Fire Authority to ensure the correct precautions are in place.

No other comments to make at this time but please send out the environmental notes."

Cambridgeshire Archaeology - 17 January 2022

States: "Our records indicate that the site lies in an area of high archaeological potential, situated in the medieval core of the City of Ely, roughly 100m to the north of the grounds of Ely Abbey and Cathedral Precinct (Cambridgeshire Historic Environment Record reference 07322). Archaeological investigations carried out in 1987 within the north range of the Norman Cathedral revealed extensive evidence of occupation from the 10th century, including structural remains and a ditch interpreted as an early precinct boundary (Holton-Krayenbuhl, Cocke & Malim 1989,

Ely Cathedral Precincts: The North Range. In PCAS Volume LXXVIII). Archaeological monitoring at the Cross Green Swale in 2014 revealed twenty inhumation burials, three potential walls and multiple demolition layers, which possibly relate to the 14th century parish church of Holy Cross (CHER ref ECB4375). In addition, an archaeological monitoring at the Old Library, adjacent to the Cathedral south choir side identified mortar and stone foundations layers for the construction of the first two eastern bays for use as chapels in the 12th century. The last main phase of activity relate to the conversion of the two chapels into one large cell. (ECB4482).

Previous archaeological investigations a short distance to the east of the proposed development on land between Newnham Street and Brays Lane identified evidence of Neolithic, Bronze Age, Iron Age, Roman and Saxon occupation as well as medieval features, including a well backfilled with demolition material and boundary ditches. It seems likely that these related to the estate of the Bray family in the later C13 and early C14. In c 1322 the estate was left to Ely Cathedral and the field system was reorganised (ECB2454). In addition, other archaeological investigations in the vicinity, for example at the site of the former White Hart (MCB16067), and 80m south-east of the site at Market Place (CB14654) have revealed further evidence of medieval and post-medieval occupation.

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.”

Local Highways Authority - 17 January 2022

States: “This proposed development is accessed from private highway. The connection to the public highway at Woolpark Yard is not to current highway standards with the main item which may impact upon highway safety being restricted inter-vehicular visibility and pedestrian visibility (recommended 2m x 2m to back of footway) to the south.

These proposals include four dwellings, each with a single vehicle parking space. The current level of parking is difficult to quantify given the ad-hoc nature of the site's existing use. Should this development result in a measurable increase in vehicular trips to and from the site, then the applicant should demonstrate that appropriate level of pedestrian visibility are achievable at the junction onto Newnham Street. I welcome further clarification from the applicant.

A 6.5m turning area has been provided to the rear of the proposed parking area. While this is suitable for domestic vehicles, I would recommend that the applicant provide suitable turning, free from the public highway, for modest sized delivery vehicles which may regularly access the site, primarily for the purpose of deliveries to the new dwellings. Turning should be appropriate for a modest delivery vehicle such as a panel or box van.

Please consult with Cambridgeshire Fire & Rescue regarding compliance with Building Regulations Part B5 (access and facilities for the fire service).

I also recommend that you consult with East Cambridgeshire District Council's Waste Team. While bin storage is proposed, I am unsure how/where bins will be collected. Should a bin collection point be required, it will need to be free from the public highway where it could otherwise cause an obstruction within this City centre location.

Upon receipt of further information from the application, please re-consult the LHA so that I can provide additional commentary or recommend conditions if appropriate.”

Conservation Officer - 18 January 2022

States: “The application site is an unlisted C19 commercial building on the north side of Market Street, within the Ely conservation area. Its rear ranges correspond to footprints shown on historic mapping but are themselves C20 postwar additions, and the outbuildings slated for demolition are utilitarian C20 structures. Market Street is part of the medieval core of Ely and the 2009 conservation area appraisal ascribes it to the same character zone as the High Street (zone E). Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states: 'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, relationship to adjacent assets [and] use of materials...It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate.' Historic map evidence shows

that there were relatively few rear service buildings behind Market Street so the proposed new block is purely speculative in this location. Nevertheless its form, scale and language reference the kind of buildings (eg stables, coach houses) characteristically found in backland locations, and its crisp use of materials and detailing is complimentary without descending to pastiche. This fulfills Advice Note 2's criteria for development in historic settings. Recommendation - no objection subject to following conditions:

Recommendation - no objection subject to following conditions.”

In their full response, the Conservation Officer recommends conditions relating to the provision of samples of brick and slate, as well as details of external doors and windows.”

City of Ely Council – 25 January 2022

States: “The City of Ely Council has no concerns with regards to this application.”

City of Ely Council - 6 September 2022

States: “The City of Ely Council had no concerns regarding the amendments to this application.”

Waste Strategy (ECDC) – 6 April 2022

States: “• East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- I would ask that the waste presentation point be put along the main highway, either Market Street or Newham Street as it would be very difficult for the dust carts to enter and turn in the backstreet.
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.”

Waste Strategy (ECDC) – 6 July 2022 (in an email to the Applicant)

States: “I spoke to our team this morning, as collections are happening from the rear of the flats at the moment, we are happy to continue with that rather than they bring the bins to Newham Street.”

Cllr. Liz Every (Ward Councillor for the Ely East Ward) – 3 November 2022

States: ““There is a great need for small flat living accommodation in the centre of Ely. This application is for additional flats behind flats in Market Street already owned by the applicant and will add 3 flats to our housing stock in an infill site. It is being called in for the Planning Committee to determine if the benefits outweigh any issues of possible harm.”

Consultee For Other Wards In Parish - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

CCC Growth & Development - No Comments Received

Building Control - East Cambridgeshire District Council - No Comments Received

5.2 A site notice was displayed near the site on 6 January 2022 and a press advert was published in the Cambridge Evening News on 13 January 2022.

5.3 Neighbours – 9 neighbouring properties were notified and the responses received are summarised below. Full copies of the responses are available on the Council’s website.

Objecting (9 comments)

- Concerns over air conditioning unit and noise;
- Poor quality of plans – do not show Woolpack Yard development windows and doors in relation to proposed development;
- Concerns over building work, vehicles and disruption;
- Concerns over loss of privacy for Woolpack Yard residents;
- Loss of views for Woolpack Yard development;
- Affects public views / loss of views to Cathedral;
- Highway safety and dangerous for those using mobility scooters/limited mobility;
- Loss of privacy;
- Noise sensitive;
- Over bearing;
- Over looking;
- Affects right of access;
- Affects right of way;
- Over shadowing
- Parking and turning, narrowness of the access roadway;
- Increased traffic;
- Pollution issues, dust;
- Loss of daylight and sunshine;
- Privacy lost when outside gardening or sitting outside the flat(s);
- Concerns over electronic gates and noise
- Concerns over access for ambulance services;
- Concerns over deliveries;
- Concerns over fire access for proposed development;
- Queries over bin store placement;
- Incorrect notification of Sanctuary Housing;
- Loss of light to private garden areas;

- Removal of designated parking space;

Support (2 comments)

- Chronic shortage of rental properties within Ely;
- Ideal starter homes;

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy
 GROWTH 3 Infrastructure requirements
 GROWTH 5 Presumption in favour of sustainable development
 HOU 2 Housing density
 ENV 1 Landscape and settlement character
 ENV 2 Design
 ENV 4 Energy and water efficiency and renewable energy in construction
 ENV 7 Biodiversity and geology
 ENV 8 Flood risk
 ENV 9 Pollution
 ENV 11 Conservation Areas
 ENV 14 Sites of archaeological interest
 COM 2 Retail uses in town centres
 COM 7 Transport impact
 COM 8 Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land
 Flood and Water
 Natural Environment
 Climate Change
 Ely Conservation Area Appraisal

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development
 4 Decision-making
 6 Building a strong, competitive economy
 7 Ensuring the vitality of town centres
 8 Promoting healthy and safe communities
 9 Promoting sustainable transport
 11 Making effective use of land
 12 Achieving well-designed places
 14 Meeting the challenge of climate change, flooding and coastal change
 15 Conserving and enhancing the natural environment
 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

Technical Housing Standards – Nationally Described Space Standards (March

2015)

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 The application site lies wholly within the development envelope for Ely, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.4 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 As set out within the Design Guide SPD, back-land development such as that proposed will only be considered to be acceptable if the following criterion are met:

- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
- There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
- Adequate protection against noise and disturbance must be provided for the host dwelling;
- Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
- There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.

7.6 Paragraph 119 of the NPPF sets out that, *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy*

living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land." This is caveated by Footnote 47, insofar that this presumption in favour of brownfield development does not apply "where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity."

- 7.7 Whilst not located within the defined town centre, Paragraph 86(f) of the NPPF sets out that planning policies should *"recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites."*
- 7.8 Following a contextual analysis of the application site and surrounding development, it is considered that the introduction of development in this location would not be uncharacteristic for this area of Market Street. There are number of dwellings and buildings 'in-depth' to the rear of Market Street, and dwellings are commonplace above retail units. The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.9 The proposed development is therefore acknowledged to comprise residential infill in a sustainable location adjoining the town centre boundary, and by virtue of its location has the potential to support the vitality of the town centre. On this basis, the Local Planning Authority (LPA) consider the principle of the proposed development is acceptable and accords with the general thrust of the policies of the Local Plan 2015, the Design Guide SPD and the NPPF on a locational basis.
- 7.10 The proposed dwellings would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.
- 7.11 With regard to the loss of the existing cold store to the rear of No.30 Market Street, this loss and change of use is not considered to conflict with the objectives of Policy COM 2 in retaining retail uses within the town centre boundary. As part of the city's primary shopping frontage, No.30-36 Market Street are being retained as retail units. The loss of the small cold store is not considered to impinge upon the function of these retail units, measuring less than c.4 square metres, and is considered to result in a negligible loss of retail floorspace.
- 7.12 Notwithstanding the above, for the reasons to be set out within the following section of this report, it is not considered that the development proposal accords with the objectives of the Local Plan 2015 or NPPF in terms of securing a healthy living conditions and improving the social conditions in the area.
- 7.13 On the above basis, whilst the principle of the proposed development is considered to be generally acceptable on a locational basis, for the reasons to be set out within the following section of this report, the proposed development is not considered to be acceptable in principle in accordance with Policies GROWTH 2 and GROWTH 5 of the EDC Local Plan 2015 and the guidance contained within the National Planning Policy Framework.

7.14 Residential Amenity

7.15 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The impacts of the proposed development on separate existing and prospective occupiers is discussed in turn as follows.

Residential Amenity for Prospective Occupiers of the Proposed Flats

7.16 The proposal includes the provision of four flats (3 x 1-bedroom flats and 1 x studio flat). Flats 1 – 3 measure c.42 sqm internally (c.452 sqft) and Flat 4 measures c.29 sqm internally (c.312 sqft).

7.17 Within the submitted Planning Statement, it is stated that all flats (with the exception of the proposed studio) will satisfy the requirements of the Nationally Described Space Standards (NDSS) (March 2015) for a single occupancy, single storey development, this being 37sqm (c.398 sqft). Whilst all drawings show a double bed (thereby suggesting double occupancy), this cannot be presumed, and therefore the minimum 37sqm standard is considered to be the accepted baseline.

7.18 Whilst Flat 4 falls below the baseline size expected for a single occupancy flat, it is acknowledged that it is a studio apartment not reflected within the NDSS. However, it should also be noted that elsewhere in Government Legislation, namely the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no permitted development rights are afforded to a change of use that would result in the creation of a dwelling of less than 37sqm (c.398sqft). The proposed development is therefore considered to result in the provision of a dwelling of a sub-standard level of accommodation that weighs against the application.

7.19 The NDSS is nevertheless a material consideration in the decision-making process, but does not form part of a specific policy within the Local Plan 2015. Compliance with the NDSS is therefore expected, but not mandated by policy. Whilst the provision of a sub-standard level of accommodation therefore weighs against the application, it would be unreasonable for the LPA to refuse the application on this basis.

7.20 It is acknowledged that the driving force of the development proposals is to provide compact accommodation within the city centre, and it has been demonstrated that, whilst falling below the accepted minimum standard, all flats could provide an acceptable level of internal amenity.

7.21 The proposed flats will benefit from a communal landscaped courtyard and this is considered to be a high quality and acceptable level of shared amenity space for the proposed flats within the city centre.

7.22 The ground floor flats will also benefit from an acceptable level of defensible space around the ground floor windows to protect the residential amenity of prospective

occupiers. It is further acknowledged that the site is not publicly accessible, and this will limit the amount of pedestrian and vehicular traffic in close proximity to the proposed development.

- 7.23 On the above basis, the proposed flats are considered to benefit from an acceptable level of internal and external residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015 and the NPPF.

Impacts of the Proposed Development on Market Street Residential Occupiers

- 7.24 For the purposes of this assessment, 'Market Street residential properties' is taken to include No.26 Market Street; No.28 Market Street; the flats above No.30-36 and 38 Market Street; and 40 Market Street. These are the immediate residential properties adjoining the application site along Market Street.
- 7.25 The proposed Flat 4 (conversion of the existing ground floor store to No.30 Market Street) is not considered to result in any significantly detrimental residential amenity effects upon surrounding Market Street residential properties in terms of overlooking, overbearing, overshadowing, loss of light or loss of privacy by virtue of its location and design.
- 7.26 The proposed flat block (Flats 1 – 3) in its revised form is not considered to result in any significantly detrimental residential amenity effects upon the nearby Market Street residential properties in terms of overshadowing, overbearing, overlooking, loss of light and loss of privacy by virtue of its siting, scale and design.
- 7.27 The modest scale of development along the shared western boundary with No.40 Market Street in particular is considered to preclude any detrimental impacts in terms of overbearing, overshadowing or loss of light to No.40 Market Street and its rear private amenity space. The high level roof lights will also preclude any significantly detrimental overlooking of this rear amenity space.

Impacts of the Proposed Development on Woolpack Yard Development

- 7.28 For the purposes of this assessment, 'Woolpack Yard development' is taken to include the south/south-west facing residential flats across three-storeys immediately adjoining the application site to the north. This includes the outdoor amenity space and footpath associated with the development.
- 7.29 During consideration of the application, the Applicant's agent was advised of concerns regarding the proximity and scale of the proposal to the Woolpack Yard development.
- 7.30 This concern related specifically to the northernmost two-storey element of the proposed flat block. This element of the flat block is proposed to be located c.4.4 metres (c.14.1 feet) from the south/south-west facing elevation of the Woolpack Yard development, and c.50 centimetres (c.1.7 feet) from the existing mesh fencing of the outdoor amenity space associated with this development. These measurements are taken at their closest points to the Woolpack Yard development, with the widest point of separation measuring c.4.8 metres (c.15.7 feet).

- 7.31 In response to Officer concerns, the Applicant provided amended plans altering the roof form of the proposed two-storey element of the flat block, as well as a sun study. Whilst the revision has made a minor change to the overall massing of the proposed development, it is not considered to have resulted in a meaningful improvement to the relationship of the proposal with the Woolpack Yard development. This is particularly given that the overall scale and proximity of the proposed development has not been reduced from that originally proposed.
- 7.32 The introduction of the proposed development in its revised form is still considered to physically enclose the Woolpack Yard development, significantly impinging upon the residential amenity of the habitable space within the ground floor and first floor flats within the existing Woolpack Yard development, as well as those residents who benefit from the outdoor amenity space immediately adjoining the application site to the north.
- 7.33 It is considered that, by virtue of the proposed development's proximity and scale to the main outlook and habitable windows (and patio doors) to the Woolpack Yard development, there would be significantly detrimental residential amenity effects upon the occupiers of the Woolpack Yard development in terms of overbearing; oppressive development and poor outlook.
- 7.34 This concern also extends to the proximity of the proposed development to the outdoor amenity space used by the Woolpack Yard residents. It is acknowledged that the outdoor amenity space is communal and currently separated from the application site by a low level mesh fence; it cannot therefore be argued that this space is entirely private. Nevertheless, this space is used by the residents of the Woolpack Yard development, as evidenced by visits to the site and from responses received from the residents themselves. It is considered that the construction of the proposed two-storey flat block in such close proximity to the outdoor space contributes to the enclosure of this space through the introduction of an overbearing and oppressive form of development, impinging upon the enjoyment of this space for the occupiers of the Woolpack Yard development.
- 7.35 There are also significant concerns with the accuracy of the submitted sun studies, which differ between the spring and autumn equinoxes (March and September); this should not be the case. There are also concerns with the sun studies, given that they appear to show a notable reduction in the shading of the Woolpack Yard development when the development is constructed. With the exception of the removal of the single-storey outbuildings, there appears to be no other element of the proposals that would warrant the notably drastic improvement in the shading of the Woolpack Yard development. On the basis of the potentially significant inaccuracies of this study, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental overshadowing and loss of light to the Woolpack Yard development.
- 7.36 The Applicant has put forward an argument to suggest that there is a great need for smaller flatted accommodation within the City of Ely, and whilst no formal evidence has been put forward to corroborate this, the provision of these flats should not come at the expense of the residential amenity of existing occupiers of established smaller flatted accommodation.

- 7.37 It is also important to recognise that the Woolpack Yard development comprises assisted living for older individuals. An overarching objective of local and national policies is for new development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; there is therefore no presumption that specialist accommodation should enjoy any lower levels of residential amenity than the market dwellings proposed.
- 7.38 The creation of sub-standard accommodation is not supported by any local or national policy.
- 7.39 The Applicant's agent has also put forward in discussion that the Woolpack Yard development affected by the proposed development benefits from additional windows within its western elevation to lessen the impact of the proposals. This argument is not considered to be acceptable in this instance. On the basis of site visits and correspondence from residents of the Woolpack Yard development, the western facing side windows are considered to be secondary windows to the Woolpack Yard development, with the southern facing windows forming the main primary outlooks.
- 7.40 During discussions on the application, the removal of the existing outbuildings within the application site and their impact on the Woolpack Yard development was also considered. However, it is not considered that the removal of the northernmost single-storey brick outbuilding can be used to off-set the impacts of the proposed two-storey development on the Woolpack Yard development, insofar that the massing of the proposed development and existing brick outbuilding is not considered to be comparable; the proposed development is almost twice the width of the existing brick outbuilding, and over 2 metres (c.6.6ft) taller.
- 7.41 Members are advised that Officers are not objecting to the principle of providing smaller flatted accommodation within the application site. Indeed, the Applicant was encouraged to consider removing a unit of accommodation in an attempt to address Officer concerns on a number of occasions. Such a revision has not been forthcoming.
- 7.42 The introduction of the proposed development in such close proximity to the Woolpack Yard development is therefore considered to be entirely contrary to the objectives of the Local Plan 2015 and the NPPF in ensuring no significantly detrimental effects on the residential amenity of nearby occupiers; providing healthy and safe communities; well-designed and beautiful places; and development that support communities' health and social well-being. The proposal is considered to be in direct conflict with the objectives of Policy ENV 2 of the EDC Local Plan 2015 and the guidance contained within the NPPF by virtue of its siting, scale and design.
- 7.43 Character and Appearance
- 7.44 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the

East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.45 Policy ENV 11 of the ECDC Local Plan 2015 requires that proposed development within a Conservation Area be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.46 Policy ENV 14 states that, development proposals at or affecting all sites of known or potential archaeological interest will not be permitted where the proposals would cause substantial harm to new or known nationally important sites.
- 7.47 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.48 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), the footprint of any proposed development should be no more than approximately one third of the plot size and rear private amenity space should be 50sqm (538sqft).
- 7.49 The recent updates to the National Planning Policy Framework (July 2021) have also resulted in a higher bar being set for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.50 With regard to plot density and the impact this would have on the character and appearance of the area, it is acknowledged that development to the rear of Market Street has grown organically, meaning that plot sizes and density are varied. Development along Market Street extends linearly to the north, with associated extensions and outbuildings. The introduction of the application proposals is not therefore considered to be uncharacteristic of the pattern of development within this area of Market Street.
- 7.51 The proposed development is considered to represent a high quality design, that respects and enhances the character and appearance of the area. As acknowledged within the submitted Design Statement, the proposed flat block follows the linear pattern of existing development along Market Street which extends back into the application site, and respects the overall scale, massing and form of the properties front Market Street in its width and scale.
- 7.52 By virtue of the site's location, the proposed development would be screened from view along Market Street by existing development. Whilst there are breaks in development along Market Street, given the scale of the proposed development and depth of existing development along Market Street, views of the proposed scheme are unlikely to be afforded.

- 7.53 The proposed development would be visible from Newnham Street given breaks in development within the street-scene. Notwithstanding, existing development is currently visible behind development along Newnham Street, and the introduction of additional development is not therefore considered to be inherently harmful or enclose important views. Indeed, by virtue of its design, siting and scale, the proposed development is considered to enhance the street-scene and the character and appearance of the area.
- 7.54 With regard to the heritage impacts of the proposed development, as noted within the Conservation Officer's formal consultation comments, historically there is no precedent for service buildings to the rear of Market Street. However, the Conservation Officer notes that the form, scale and architectural language of the proposed development is commensurate to that of buildings characteristically found in such back-land locations.
- 7.55 It is acknowledged that the site itself, whilst not untidy, is a by-product of multiple extensions and developments along Market Street, resulting in the introduction of a collection of utilitarian outbuildings and a patchwork of hard landscaping and boundary treatments.
- 7.56 The proposed development is therefore considered to result in a net enhancement to the Conservation Area, by introducing a high quality and comprehensively designed development proposal. This aligns strongly with the objectives of Policy ENV 11. The proposed development is not considered to have any impact upon the setting or significance of Ely Cathedral.
- 7.57 The detailed materials of the proposed flat block have not been provided with the application itself, and it is critical that these are of a high quality to ensure the successful delivery of a high quality scheme. The indicative materials shown are considered to be generally acceptable in their assimilation with existing development. Nevertheless, specific materials would need to be secured via a condition upon any grant of planning approval, as well as specific details of external doors and windows to ensure this quality is universal throughout the development.
- 7.58 With regard to archaeological heritage assets, the County Council Historic Environment Team raise no objections to the proposed development, subject to a pre-commencement condition being imposed to secure an archaeological investigation within the application site. This is a standard conditional approach for areas of high archaeological potential, such as the application site, and the development proposals are therefore considered to be acceptable subject to the imposition of such a condition in accordance with Policy ENV 14 of the ECDC Local Plan 2015 and the NPPF.
- 7.59 For the above reasons, the introduction of the proposed development is considered to result in a complementary form of development that enhances the character or appearance of the area, and would provide a net enhancement to the setting and significance of the Ely Conservation Area. The proposals are therefore considered to comply with Policies ENV 1, ENV 2, ENV 11, ENV 14 and HOU 2 of the ECDC

Local Plan 2015, the Design Guide SPD, the Ely Conservation Area Appraisal and the NPPF.

7.60 Highways, Parking and Access

- 7.61 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.62 The application site is currently used for the informal parking of staff vehicles associated with the retail uses within 30-36 Market Street. Four parking spaces have been formally shown on the submitted plans to serve the retained retail uses.
- 7.63 Within the Applicant's Planning Statement, it is clarified that the two businesses currently each benefit from two parking spaces within the application site (four in total). The application proposals therefore seek to re-provide this provision, and on the basis of the requirements set out within Policy COM 8, this level of parking is considered to be acceptable.
- 7.64 Comments from No.32 Market Street have advised that the proposed development would preclude their use of an allocated parking space for their flat. It is considered that this is a land ownership matter outside of the formal planning application process.
- 7.65 The proposed development is to be a car-free development. Policy COM 8 states that: *"In appropriate circumstances, parking standards may be relaxed in order to reflect accessibility of by non-car modes, and/or if lower levels of provision would protect or enhance the character of Conservation Areas or other sensitive locations. Car free development may be considered acceptable where there is clear justification having regard to the location and the current and proposed availability of alternative transport modes."*
- 7.66 It is accepted that, on the basis of the size of the dwellings; their central location within the City of Ely and its services; and their proximity to a high number of alternative modes of transport, the principle of a car-free development is acceptable within the application site. It is also to be noted that a secure cycle store is denoted on the plans for the benefit of prospective occupiers. Whilst specific details of the cycle store have not been put forward, these could be secured via a condition.
- 7.67 The Local Highways Authority have provided comments on the application, raising concerns over the visibility splays of the access onto Newnham Street should there be a marked increase in vehicle trips to the site; space for delivery vehicles; and requested that the Waste Team, Building Control and Fire and Rescue Service be consulted.
- 7.68 As a car-free development, there is to be no increase in vehicle movements associated with the site with the exception of deliveries to the proposed flats. The four parking spaces for the retained retail uses are to be retained, and therefore

vehicular movements associated with the retail uses are expected to remain unchanged.

- 7.69 With regard to deliveries, there are existing dwellings above No.30-36 Market Street, and it is expected that the delivery arrangements for the proposed dwellings will be comparable to these existing properties.
- 7.70 The Waste Team have raised no objections to the proposed development in terms of collection of waste from the proposed dwellings in an email to the Applicant's agent dated 6th July 2022. This is on the basis that waste collections are already being made behind the properties along Market Street, meaning that this relationship can continue so as to serve the proposed development.
- 7.71 Building Control and the Cambridgeshire Fire and Rescue Service have been consulted on the application, and have not provided any comments.
- 7.72 Concerns have been raised by residents of the Woolpack Yard development regarding highway safety and vulnerable individuals or those of impaired mobility. Concerns have also been raised in relation to emergency service access. For the reasons outlined above, it is expected that the vehicle movements associated with the proposed development are to be comparable to those existing, with the exception of a slight increase in deliveries to the site. Emergency vehicle access to Woolpack Yard remains unchanged. It is not therefore considered that the proposed development would result in an increased risk to highway or pedestrian safety, or access for emergency services, to warrant a reason for refusal on this basis.
- 7.73 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.
- 7.74 Ecology, Trees and Biodiversity
- 7.75 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.76 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.77 The application site comprises existing hard-standing and a number of outbuildings.

- 7.78 The submitted Preliminary Ecological Appraisal (PEA) concludes the following: *“The Site comprised man-made habitats of negligible conservation or biodiversity value that do not present a significant development constraint.”*
- 7.79 The submitted PEA also concludes in relation to fauna: *“With the exception of the potential presence of small numbers of nesting birds using the residential building (not to be affected by the proposed Development) the Site was considered to be of negligible value to protected species. 4.4 The buildings proposed for removal to enable development were assessed, in line with best practice guidance, as being of negligible bat roost suitability.”*
- 7.80 The conclusions of the PEA are not disputed by the LPA, and the PEA goes on to set out a number of enhancement opportunities within the application site. These amount to:
- 130 mm square gaps at the base of any replacement or new boundary walls or fences to allow passage of hedgehogs through the Site;
 - The provision of integrated bat roost boxes into new buildings
- 7.81 The enhancement measures are considered to be limited, and it is considered that a full soft landscaping strategy would also need to be secured via a condition to further provided a biodiversity enhancement. It is considered that the site provides sufficient opportunity to facilitate this.
- 7.82 The proposed development would not result in the loss off or impact upon any trees.
- 7.83 Whilst located within the Goose and Swan Functional Land Impact Risk Zone (IRZ), it is not considered that the proposed development would impinge upon the availability of suitable habitat for geese and swan given the nature and location of the application site within the built up development envelope of Ely.
- 7.84 On the above basis, the proposed development is considered to be acceptable in accordance with Policy ENV 7 of the ECDC Local Plan 2015, the Natural Environment SPD and the NPPF subject to securing the identified enhancement opportunities and soft landscaping via appropriately worded conditions.
- 7.85 Flood Risk and Drainage
- 7.86 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.
- 7.87 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.
- 7.88 No details of the proposed foul or surface water details have been submitted with the application proposals. As such, a condition would need to be imposed to secure these details. The Planning Statement submitted with the application

proposals accepts that such a condition would be necessary upon any grant of consent.

- 7.89 For these reasons, subject to the imposition of an appropriately worded condition, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.
- 7.90 Other Material Matters
- 7.91 The Environmental Health Officer has recommended the imposition of a site investigation for contamination on the basis that the end use of the application site is susceptible to contamination. Within the submitted Planning Statement, it is acknowledged that such a condition would likely be necessary upon any grant of consent. Subject to the imposition of a site investigation condition, the proposal is therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.
- 7.92 The Environmental Health Officer has also recommended the imposition of conditions upon any grant of consent relating to a restriction upon hours of construction; a restriction upon ground piling; the provision of a Construction Environmental Management Plan (CEMP); and a control over the noise limits from the proposed Air Source Heat Pump (ASHP). All conditions are considered necessary in the interests of residential amenity in accordance with Policy ENV 2 of the ECDC Local Plan 2015.
- 7.93 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals. As the total number of units proposed does not total five or more, there is no policy requirement for a detailed energy strategy. Notwithstanding, it is acknowledged that the proposals are located in a sustainable location and would benefit from an ASHP to provide a renewable form of energy generation. Subject to conditions, the proposals could also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed
- 7.94 In the neighbour comments received, concerns were also raised over the accuracy and quality of the submitted plans and the number of individuals notified. Whilst the plans do not show the relationship of the proposed development with the habitable windows of the Woolpack Yard development, visits to the site have informed Officer opinions of this relationship. It is also relevant that a meeting with the Woolpack Yard residents was offered by the case officer on a number of occasions. However, no meeting was formally accepted by Woolpack Yard residents and did not therefore take place. Notwithstanding, it is considered that the notification and advertisement of the application has been sufficient in line with standard practice.
- 7.95 The impact of the proposed development over loss of views of the cathedral has been raised by residents of the Woolpack Yard development. This is however not a material consideration in the decision-making process.

7.96 Planning Balance

- 7.97 The application site is located within the development envelope for Ely, and proposes the erection of a detached flat block, as well as the conversion and extension of an existing store, to form the creation of four flats. Whilst the principle of the proposed development in a sustainable location is considered to be acceptable on a locational basis, the proposals are considered to result in significantly detrimental residential amenity effects upon the existing and prospective occupiers of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the ECDC Local Plan 2015 and the guidance contained within the NPPF.
- 7.98 On the basis of the potential significant inaccuracies of this study. Therefore, there is still substantial concern over the potential for the proposed development to result in greater and potentially significantly detrimental overshadowing and loss of light to the Woolpack Yard development. This is considered therefore to be contrary to the objectives of ENV 2 and the NPPF in protecting residential amenity of existing and prospective occupiers.
- 7.99 Whilst there are a number of benefits to the application proposal, the proposed development seeks to introduce additional smaller flatted accommodation at the cost of the residential amenity of existing smaller flatted accommodation. It is not therefore considered that these benefits outweigh the significantly detrimental residential amenity effects upon the residents of the Woolpack Yard development. It is also important to acknowledged that the proposed development provides a unit of accommodation that is not fully compliant with the national requirements for minimum internal space standards, which is considered to weigh against the application proposals.
- 7.100 The proposal would in all other respects provide a safe and acceptable means of vehicular and pedestrian access and incorporate measures to deliver a biodiversity net. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination.
- 7.101 For the above reason, the application is therefore recommended for refusal, on the basis that it fails to comply with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

Background Documents

Location

Contact Officer(s)

21/01832/FUL
11/00863/FUL
81/00695/FUL
85/00135/FUL

Holly Chapman
Room No. 011
The Grange
Ely

Holly Chapman
Senior Planning Officer
01353 665555
holly.chapman@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

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Aitus Associates Ltd



This matter is being dealt with by:

Holly Chapman

Telephone: 01353 616360

E-mail: holly.chapman@eastcambs.gov.uk

My Ref: 21/01832/FUL

Your ref

8th December 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: Demolition of outbuildings, change of use of cold store, erection of four flats, and associated works
Location: Rear Of 30-36 Market Street Ely Cambridgeshire CB7 4LS
Applicant: Aitus Associates Ltd

The Council hereby refuses permission for the application reference **21/01832/FUL** registered 21st December 2021.

REASONS FOR REFUSAL

- 1 The application proposal seeks to introduce a part single-storey and part two-storey detached flat block in close proximity to the southern/southwestern elevations of the existing flats and outdoor amenity space associated with the Woolpack Yard development. The proposed development is considered to result in significantly detrimental residential amenity effects upon existing and prospective occupiers of this section of the Woolpack Yard development. This is by virtue of the scale and proximity of the proposed development to the Woolpack Yard development, which is considered to result in an overbearing and oppressive form of development that results in a loss of outlook for occupiers of the Woolpack Yard development, and loss of amenity to the communal outdoor amenity space. This is contrary to the objectives of Policies GROWTH 2, GROWTH 5 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 and the guidance contained within the National Planning Policy Framework, which require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers, as well as to ensure

that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The decision to refuse this application was made by Planning Committee on 7 December 2022 having regard to the policies and proposals in the Local Development Plan and all relevant materials considerations, including the NPPF. Planning committee considered the application and the applicant or agent had the opportunity to speak to the committee and promote the application. Unfortunately this was not sufficient to overcome members concerns in regards to residential amenity.



Simon Ellis
Planning Manager

Dated: 8th December 2022