
MAIN CASE

Reference No: 15/01543/FUL

Proposal: Proposed chalet bungalow & associated site works with new vehicular access. New boundary fence. Demolition of existing rear conservatory and lowering of existing sun room roof.

Site Address: 90 West Fen Road Ely Cambridgeshire CB6 3AA

Applicant: Mr & Mrs Garner

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Ely

Ward: Ely West
Ward Councillor/s: Councillor Sue Austen
Councillor Neil Hitchin

Date Received: 16 December 2015 **Expiry Date:** 4 March 2016

[Q210]

1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Site Characterisation
- 5 Reporting Unexpected Contamination
- 6 Surface water drainage
- 7 Construction times
- 8 Access drainage
- 9 Access material
- 10 Pedestrian visibility splays
- 11 Creation of new access
- 12 Parking for new dwelling
- 13 PD - Extensions and outbuildings
- 14 Restrictions on new window openings

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for the construction of a chalet bungalow together with associated site works, including the creation of a new vehicular access for No. 90 West Fen Road, the demolition of an existing rear conservatory and the reduction in height of an existing sun room.
- 2.2 The proposed one-and-a-half storey dwelling is to occupy a footprint of 8.2m by 6m, have a ridge height of 6.8m and an eaves height of 2.4m. The plot has a site area of 201m², with the site coverage of the proposed dwelling being 25%. The proposed dwelling will be located approximately 1.8m from the boundary with No.1a Mayfield Close and approximately 1.6m from the boundary with the host dwelling. The applicants intend to construct a 2m high close boarded fence on the boundary with the host dwelling and along the length of the remaining boundary of the host dwelling where it adjoins Mayfield Close.
- 2.3 The proposal includes the demolition of a conservatory to the rear of the host dwelling and the reduction in height of the existing sun room on the host dwelling by 600mm. A new access is to be created over the verge on West Fen Road, with the provision of two parking spaces to the front of the host dwelling.
- 2.4 The application has been made following the refusal of a similar scheme by the Planning Committee in November 2015. A copy of the Committee Report, an extract from the minutes of Planning Committee on 6 November 2015 and Decision Notice for reference 15/01071/OUT is attached as Appendices 2, 3 and 4.
- 2.5 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|-----------------------------------|----------|------------|
| 98/00606/FUL | Conservatory to side of property | Approved | 02.09.1998 |
| 15/00073/OUT | Proposed Detached Chalet Bungalow | Refused | 01.04.2015 |
| 15/01071/OUT | Proposed Detached Chalet Bungalow | Refused | 06.11.2015 |

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within the established development envelope of Ely and comprises a parking area and part of the garden to the rear of No. 90 West Fen Road. The site is accessed via Mayfield Close. The site is located in a residential area made up of ex-local authority stock housing with interspersed infill and new

dwellings. The dwelling immediately to the north of the site is a modern one-and-a-half storey dwelling, constructed within the former curtilage of 1 Mayfield Close. A close-boarded fence separates the parking area from the rear garden serving the host dwelling. The remainder of the garden to the host dwelling is screened from Mayfield Close and West Fen Road by a low level brick wall with mature hedge over. The host dwelling has been extended in the past with a conservatory to the rear and a separate conservatory/sun room to the side.

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.

City of Ely Council – Recommend refusal of this application on the grounds of dangerous access on to West Fen Road, which is also too close to the Mayfield Close junction.

Ward Councillors - No comments received.

Local Highways Authority – No objection in principle to this application subject to conditions regarding the construction of the accesses and provision of visibility splays.

CCC Growth & Development - No comments received.

Waste Strategy (ECDC) – East Cambs 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 on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

5.2 Neighbours – Site notice posted and 4 neighbouring properties were notified. The responses received are summarised below. A full copy of the responses are available on the Council's website.

Responses received from 1, 1A, 2, 3, 13, 16 and 20 Mayfield Close.

- Cars almost always parked at the entrance to Mayfield Close making it hazardous turning into the close.
- Vans and refuse vehicles have little space to turn in.
- A new house positioned between 1A and 90 West Fen will damage feeling of space and will block light into 1A's kitchen.
- Removal of one conservatory and reducing the sun room will severely impact the garden to 90 West Fen Road.
- Proposal may involve resiting of existing sheds – would not want to see these from 1 Mayfield Close.
- Any footprint which protrudes beyond 1A will affect light reaching 1 Mayfield Close.
- Concerns that gas supply and sewerage system would not be sufficient.

- Properties in Mayfield Close should have been notified directly of application. Those driving in and out are unlikely to see the site notice.
- Light to kitchen windows of 1A will be reduced considerably. The back garden will have no sunshine for many hours, 12 to dusk.
- The entrance to Mayfield Close is congested by parking.
- The site is below the guideline minimum of 300 square metres.
- House is smaller and of a markedly different style and is not in keeping with the area.
- The proposed dwelling looks cramped on the site and reduces amenity space of 90 West Fen Road.
- Vehicle entrance is too tight and difficult to use.
- Loss of hedges and replacement with fence will reduce visual appeal of entrance as well as biodiversity.
- Insufficient capacity in foul drainage system.
- Proposed house will overlook 2 Mayfield Close and its garden.
- New access for 90 West Fen Road is not comparable with development outside No. 80 West Fen Road. Entrance to Upherds Lane is significantly wider than entrance to Mayfield Close, and the area is significantly less populated.
- Hard to see justification for building of a single dwelling in such a confined space, with stress on infrastructure it would inevitably bring.
- Off-road parking proposed will not be sufficient.
- Loss of privacy and light to 20 Mayfield Close – already affected by 1a Mayfield Close.
- Residents of West Fen Road regularly use the access road of the Close for parking.

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
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, the impact of the proposal on visual amenity and residential amenity and highway safety.

7.2 Principle of development

7.2.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.2 The benefits of this application are considered to be: the provision of a residential dwelling built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

7.2.3 The site is located within the established development framework of Ely, in a built-up residential area close to the facilities and services on offer in the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore considered to be in a sustainable location.

7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.3 Visual amenity

7.3.1 The site is located within a predominately residential area, generally characterised by pairs of ex-local authority housing stock set within generous plots. There are examples of extensions to dwellings and the occasional infill development such as 1A Mayfield Close which has been relatively recently constructed on land formerly part of 1 Mayfield Close. This one-and-a-half storey dwelling sits comfortably within the streetscene with the north facing side elevation some 7 metres from the rear of 1 Mayfield Close. No. 1A spans the width of its plot with approximately 1 metre either side to its boundaries.

7.3.2 Following the Planning Committee's decision to refuse outline planning permission for the construction of a dwelling on this site in November 2015, the applicants have made a number of changes to the proposal.

7.3.3 The plot has been increased in size from 187m² to 201m². The boundary between the plot and the existing outbuilding to 90 West Fen Road has been moved to within 0.9m and will allow access from the conservatory to be retained and the area of the

conservatory to be demolished. The proposed dwelling will now be located 2.9m from the flank wall to 1A Mayfield Close.

7.3.4 The application site now includes the host dwelling and the new access to be created over the verge on West Fen Road. The applicants have indicated on the plans that the roof on the existing conservatory/sun room is to be lowered by 600mm and that a 2m close boarded fence is to be constructed on the boundary with the plot and between the low brick wall and the Leylandi hedge on the boundary with Mayfield Close. As these elements of the proposal are within the application site 'red line', they can be controlled by way of condition.

7.3.5 The effect of the changes on the visual amenity of the area are small, but will be noticeable. The width of the front of the plot has been increased by 0.8m and the distance between the proposed dwelling and 1A Mayfield Close has been increased by 0.5m. Combined with the reduction in height of the existing sun room/conservatory on the host dwelling and the installation of a 2m fence close to the boundary, the proposed dwelling will appear slightly less cramped within the street scene.

7.3.6 The size of the plot has also been increased by 14m². This change is marginal and the size of the plot is still well below that of 300m² as set out in the East Cambridgeshire Design Guide SPD. The footprint of the proposed dwelling equates to a site coverage of 25% and amenity space in excess of 50m² is being provided. Both of these elements therefore comply with the Design Guide SPD.

7.3.7 The applicants have sought to overcome the reason for refusal of the previous application by making these changes to the proposal and it is considered that any adverse effect on the visual amenity of the area has been reduced, although not entirely removed. The area is in part characterised by generous plots and this proposal will still, to some extent, appear cramped in the street scene. The increase in distance between the proposed dwelling and 1A Mayfield Close will however improve the relationship between the two dwellings and within the street scene generally. The National Planning Policy Framework is clear in that when assessing applications in the context of the presumption in favour of sustainable development that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of a scheme. In this case it is considered that the proposal would not now have a significant and demonstrable adverse effect on the character and appearance of the area such that would outweigh the benefits of the proposal. On this basis the proposal is considered to comply with Policy ENV2 of the Local Plan in this regard.

7.4 Residential amenity

7.4.1 Policy ENV2 also requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers of new buildings enjoy high standards of amenity.

7.4.2 The applicants have responded to concerns previously that the host dwelling, due to past extensions and alterations, would not retain sufficient private amenity space to the rear following the loss of the plot. The applicants propose to demolish a conservatory attached to the rear of the dwelling in order to provide additional

amenity space. The indicative layout suggests that sufficient amenity space could therefore be provided at the rear of the proposed dwelling for future occupiers.

7.4.3 The layout shows that the footprint of the proposed dwelling is within the footprint of 1A Mayfield Close. The proposed dwelling would not therefore have any impact on the amenity of the occupiers of 1 Mayfield Close and would not reduce sunlight reaching their rear garden. Concerns have been raised by the occupiers of 1A Mayfield Close that the proposed dwelling will lead to a loss of light into their rear garden and photographs have been submitted showing sunlight currently reaching the rear garden. The proposed dwelling will have an impact on the availability of sunlight at certain times of the day and year, however due to the orientation of the dwellings and the fact that the proposed dwelling does not extend beyond the rear of 1A, it is considered that any impact will not be significantly detrimental.

7.4.4 1A Mayfield Close also has a kitchen window in the side elevation facing towards the application site. Views from this window are currently obscured by an existing 1.8 metre close boarded fence and the presence of a dwelling on the application site, approximately 2.9m away is not considered to be overbearing. Plans held on record for 1A also indicate that the kitchen is also served by a set of doors on the rear elevation that would provide light into the room.

7.4.5 The layout of the proposed dwelling shows that the windows proposed at first floor level in the rear elevation are to serve a bathroom and dressing area, both of which are not considered to be habitable rooms and would not lead to an unacceptable level of overlooking. There are two dormer windows on the rear of 1A, with obscure views of the rear amenity space serving the proposed dwelling possible from one of the dormers. This is not considered to give rise to an unacceptable level of overlooking or loss of privacy. The first floor windows on the rear of the host dwelling will face towards the garden area to the rear of the proposed dwelling, however, these would be located approximately 7 metres from the boundary of the site and would not be considered to introduce an unacceptable level of overlooking in a residential area such as this. Any future occupiers of the proposed dwelling would be aware of the proximity of the neighbouring dwellings prior to occupation. Given the restricted nature of the site is considered appropriate to restrict permitted development rights in relation to any extensions or alterations to the dwelling, including new window openings.

7.4.6 On balance the proposal is not considered to have a significantly detrimental impact on the residential amenity of the occupiers of nearby dwellings. Whilst the amenity of future occupiers of the proposed dwelling will be affected by neighbouring development, it is considered that on balance the proposal complies with policy ENV2 of the Local Plan in respect of residential amenity.

7.5 Highway safety

7.5.1 A number of concerns have been raised by local residents regarding the impact of the proposal on highway safety and vehicles being parked on the highway. The occupiers of 1 Mayfield Close have submitted a number of photographs showing vehicles being parked on the highway and several residents have cited difficulties in entering and leaving Mayfield Close.

- 7.5.2 The Local Highway Authority has been consulted once again on the proposal and is satisfied that the proposal would not have a significant adverse effect on the public highway. On this basis the proposal is considered to comply with policy COM7 in relation to the provision of safe and convenient access to the public highway.
- 7.5.3 The proposal includes the provision of two car parking spaces to the front of the proposed dwelling, in accordance with policy COM8 of the Local Plan. The plans submitted also indicate that there is sufficient space to park two vehicles to the front of the host dwelling, to replace the parking area being lost by this development. The proposal now includes the provision of the new access to 90 West Fen Road and the creation of the parking spaces can be controlled by condition.
- 7.5.4 Parking arrangements on Mayfield Close will remain broadly the same, with the space currently used by the occupiers of 90 West Fen Road to be utilised by future occupiers of the proposed dwelling. With the creation of the access and parking spaces to the front of 90 West Fen Road there is no additional pressure on on-street parking. As detailed above, the Local Highway Authority is satisfied that any additional traffic generated by the road network.
- 7.6 Other material matters
- 7.6.1 The site is not located within a flood risk area, however, the local planning authority is responsible for ensuring that suitable surface water drainage measures are implemented on all new development and this can be secured by condition. The requirement to submit a contaminated land assessment can also be secured by way of a condition.
- 7.6.2 Local residents have raised concerns regarding the capacity of the sewerage network in the locality and the ability to connect to the gas supply. These matters do not form material planning considerations and the applicants (or future developers) would need to make enquiries with the relevant service providers to establish whether there is capacity to connect to the mains network.
- 7.7 Planning balance
- 7.7.1 The proposal would give rise to an important benefit in the provision of an additional dwelling to the district's housing stock, which should be afforded significant weight in the planning balance. The proposal would also give rise to direct and indirect economic benefits, which should also be given weight. These benefits have to be set against the harm that would arise if the proposal was to go ahead. The proposal will have an impact on the character and appearance of the area, with the loss of the open area to the rear of 9 West Fen Road. However, the changes made to this proposal, following the previous refusal of planning permission, increase both the size of the plot and the distance between the proposed dwelling and 1A Mayfield Close. With the proposed changes to the built form to the rear of 90 West Fen Road, it is considered that the proposed dwelling will appear less cramped and contrived and as such any adverse effects on visual amenity do not outweigh the benefits of the proposal. The proposal will not have a significantly detrimental impact on the residential amenity of nearby occupiers or future occupiers and the proposal does not raise any issues in relation to highway safety and parking that

cannot be controlled by condition. On balance the application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Draft Conditions

Appendix 2 – Committee Report 15/01071/OUT

Appendix 3 – Minutes of the Planning Committee 6 November 2015 (in relation to 15/01071/OUT)

Appendix 4 – Decision Notice 15/01071/OUT

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01543/FUL	Julie Barrow	Julie Barrow
98/00606/FUL	Room No. 011	Senior Planning
15/00073/OUT	The Grange	Officer
15/01071/OUT	Ely	01353 616307 julie.barrow@eastca mbs.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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1 – Draft planning conditions

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

Plan Reference	Version No	Date Received
EDG/14/49/4	A	16th December 2015

- 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 above ground construction shall take place on site until details of the materials 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.
- 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 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 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.
- 6 No development shall take place until a scheme to dispose of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 6 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 the details of the surface water drainage system need to be approved prior to any work commencing on site that may render a scheme unachievable.
- 7 Construction times and deliveries, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 12:00 Saturdays and none on Sundays or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.
- 8 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015.
- 9 The accesses shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation visibility splays of pedestrian visibility splays measuring 2.0 x 2.0m shall be provided each side of the vehicular accesses . Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footpath.

- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the commencement of development on the dwelling hereby approved, the new access and parking spaces to serve 90 West Fen Road, as shown on Drawing No. EDG/14/49/1C shall be constructed and laid out. The parking spaces shall not thereafter be used for any other purpose.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the occupation of the dwelling hereby approved the car parking spaces shown on Drawing No. EDG/14/49/1C shall be laid out. Such space shall not thereafter be used for any other purpose.
- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the rear or side elevations.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.