

MAIN CASE

Reference No: 16/00943/FUL

Proposal: Construction of 2No. semi-detached dwellings with associated landscaping and access arrangements, and alterations to 13 Bernard Street.

Site Address: 11 Bernard Street Ely Cambridgeshire CB6 1AU

Applicant: Mr Chris Senior

Case Officer: Gareth Pritchard, Planning Officer

Parish: Ely

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

Date Received: 27 July 2016 **Expiry Date:** 12th October 2016
[R105]

1.0 **RECOMMENDATION**

1.1 Members are requested to refuse this application for the following reasons:

1. The proposal will result in the loss of the historic parking arrangements for numbers 11 and 13 Bernard Street, and fails to provide any parking for the two new dwellings. The resultant reduction in parking and introduction of additional dwellings will significantly increase pressure for on-street parking in the immediate vicinity. Bernard Street is a narrow, no-through road with very limited space for on-street parking, with the increasing pressure for on-street parking likely to have detrimental impact to highways safety on Bernard Street. As a result the application fails to comply with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the construction of a pair of semi-detached dwellings on land formerly belonging to 11 and 13 Bernard Street. The dwellings occupy a maximum footprint of 9.4 metres by 12.4 metres, with a ridge height of 6.9 metres and eaves of 5 metres. The dwellings will have single storey rear lean-to elements to serve a living area. The dwellings are of a cottage style appearance, similar to other dwellings on Bernard Street, and the dwellings sit on the back edge of the highway in the same way the existing built form on Bernard Street. The application also includes the removal of a window on the side elevation at 13

Bernard Street currently serving the dining room, and internal works to create a more open plan ground floor. Amended plans have been submitted by the applicant which reduced the depth of the proposed dwelling on Plot 1.

- 2.2 It should be noted that this application is a resubmission of a similar scheme which was refused at Planning Committee (15/00400/FUL). The application was refused due to design, impact on the conservation, impact on residential amenity, parking and highways safety. The subsequent appeal was dismissed on design, impact on the conservation area and residential amenity grounds.
- 2.3 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 This application has been called before the Planning Committee at the discretion of the Planning Manager given the history on the site, with a previous application being refused by the committee last year.

3.0 PLANNING HISTORY

3.1

15/00254/PDR	Replacement windows to front elevation from UPVC casement to timber sliding sash. The works include the lowering of the cills heights to allow for the correct proportions	Approved	05.05.2015
15/00400/FUL	Erection of 2No. semi-detached dwellings with associated parking, landscaping and access arrangements	Refused Appeal Dismissed	05.08.2015

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located in the established development framework for Ely and within the conservation area, and compromises part of the curtilage of 11 and 13 Bernard Street, formerly used for parking and as residential garden. There is a new 1.8 metre panel fence along the adjoining boundaries with 11 and 13 Bernard Street and a large conifer tree to the rear of the site. The site is currently sealed off from Bernard Street by Heras fencing. The dwellings of 11 and 13 Bernard Street are two storey, semi-detached dwellings. Bernard Street is a narrow, no-through road, located in a residential area close to the town centre. Victorian Style houses that have been modernised front onto either side of Bernard Street with the front elevations of the dwellings on the back edge of the footpath.

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.

Local Highways Authority – The Highway Authority has no objection to the principle of this application.

Should the application gain the benefit of planning permission it is highly likely that the new occupiers of these dwellings will require vehicle parking. As there is no parking provision for this it will therefore have to be on the street which will likely have a negative impact on the immediate area and surrounding road, as the increase in demand for on street parking will rise.

CCC Growth & Development - No Comments Received

Environmental Health – Recommend conditions relating to contaminated land are attached to any grant of permission.

Recommend that times of construction and deliveries to the site are limited to certain hours, and that no burning of waste on site during construction/clearance phases takes place.

Waste Strategy (ECDC) – The collections supervisor has raised serious concerns regarding this application due to on-going collection issues in Bernard Street due to the width of the road and cars parked along it, on approximately one week in two at least one collection crew has to make at least one return journey to access the road due to parked cars, and on some occasions collections have not been possible until the next day; therefore to allow two new properties without adequate off-road parking will only serve to compound or increase these issues.

It is noted that the Transport Study undertaken makes note of Servicing Arrangements (section 4.4) but fails to measure or take into account early morning movements that have caused the issues for services, usually meaning the vehicles cannot gain access to part or all of Bernard Street.

The City of Ely Council – Recommended refusal. Despite evidence provided in the traffic survey, Members felt it should be refused on the grounds of inadequate parking spaces on the street, for these two dwellings.

Ward Councillors - No Comments Received

Conservation Officer – The application affects a site located within Ely conservation area and as such any development should take care to preserve or enhance the character or appearance of the area and not have a detrimental impact.

The proposal seeks consent for the construction of two dwellings, following the refusal of a previous application of a similar nature. However, the proposal now submitted seeks consent for a pair of semi-detached properties that sit on the back edge of the footpath which is in keeping with the surrounding built form of the street.

The two dwellings are of a traditional design and have been designed to complement the existing street scene. The proposal would not cause harm to the significance of the conservation area. No objections from a conservation viewpoint subject to necessary conditions.

County Archaeology - Records indicate that the site lies in an area of high archaeological potential, located on the western edge of the historic core of Ely. Archaeological investigations 20m to the north revealed evidence of Roman, Saxon, Medieval and Post-Medieval occupation (Historic Environment Record reference MCB15534). To the south and east archaeological investigations have revealed evidence of Iron Age, Roman Saxon, Medieval and Post-Medieval occupation (ECB76, ECB382, ECB61). In addition the remains of the Medieval hospitals of St Mary Magdalene and St John the Baptist now form the present day St John's Farm and its outbuildings (MCB8867), 13th century Holy Trinity and Saint Mary's Church (MCB14833), Ely Abbey & Cathedral: The Old Bishop's Palace (MCB14085) and the gardens of the Bishops Palace (MCB14462) are also present.

Have commented on this in recent years and would recommend that the same archaeological standard condition is placed on the development as was for prior application (15/00400/FUL) within the same bounds, that is:

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 model condition 'number 55' contained in DoE Planning Circular 11/95:

"No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority."

This will secure the preservation of the archaeological interest of the area either by record or *in situ* as appropriate.

The model condition also indicates:

Developers will wish to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme.

A brief for the archaeological work can be obtained from this office upon request.

5.2 Neighbours – 17 neighbouring properties and an advert placed in the Cambridge Evening News were notified and the responses received from 9, 11 and 16 Bernard Street, are summarised below. A full copy of the responses are available on the Council's website.

- Parking in Bernard Street – does not have capacity for new dwellings
- Do not feel Traffic Survey is reflect of actual conditions

- Traffic Survey seeks to state occupants will not have cars so will not cause a problem, but will need one.
- In favour of site being developed but only one dwelling with remaining space for off road parking.
- New application more in keeping with the street scene
- Overdevelopment
- Removing off street parking for numbers 11 and 13 Bernard Street
- Precedence's being set

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
GROWTH 1	Levels of housing, employment and retail growth

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Ely Conservation Area

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 12 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.0.1 The main issues to consider in the determination of this application are the principle of development; impacts of the proposal on visual amenity; impact on the historic conservation area; residential amenity; highways safety and parking provision.

7.1 **Principle of Development**

7.1.1 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.

- 7.1.2 The benefits of this application are considered to be the provision for two additional dwellings to Ely's housing stock and the positive contribution to the local and wider economy in the short term through construction work.
- 7.1.3 The site is located within the established development framework for Ely. The site is located closely to the Ely town centre, and therefore closely located to goods and services. As such the application is considered to be in a sustainable location.

7.2 Visual Amenity and the Historic Environment

- 7.2.1 The site is located within Ely Conservation Area where, in accordance with Local Plan policy ENV11, development proposals should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area. Bernard Street is characterised by its rows of terraced and detached properties which are located on the back edge of the footpath. The street itself is a narrow, no-through road and on-street parking is a defining feature of the area. The application site is a prominent 'gap' in the street scene with historic images of the street indicating that a garage once stood on the land adjacent to No.11 and the area adjacent to No.13 was also utilised for parking. The historic use of the site for parking has been confirmed in a letter of representation received from a local resident.
- 7.2.2 In addition to ensuring that the proposals preserve or enhance the character or appearance of a conservation area, developments are also expected, in accordance with Local Plan policy ENV2, to ensure that the location, layout, scale and form of a proposal relates sympathetically to the surrounding area.
- 7.2.3 The previously refused application (15/00400/FUL) proposed dwellings that were to be set back by 6 metres from the edge of the highway. In the subsequent appeal decision the planning inspector commented that *'the set back position of the dwellings would appear out of place and significantly detract from the established pattern and layout of built form, characterised by the consistent build lines to each side of Bernard Street... As a consequence, the development would be harmful to the character and appearance of the street scene, given it would not relate sympathetically to the local distinctiveness of surrounding properties or the characteristic sense of place within Bernard Street.'*
- 7.2.4 The applicant has looked to overcome these concerns by positioning the dwellings on the back edge of the footpath to match the built form of Bernard Street. The ridge height has been lowered from the previous application to match that of the dwellings adjoining at No's. 11 and 13. This has helped ensure the visual continuity of the proposal, compared to that previously refused.

- 7.2.5 The removal of the window on the ground floor, side elevation of 13 Bernard Street is considered to have a negligible impact on the surrounding area including the conservation area.
- 7.2.6 Subject to necessary conditioning of window, door and material details the proposed is considered to comply with Local Plan policies ENV2 and ENV11.
- 7.3 **Residential amenity**
- 7.3.1 Local Plan policy ENV2 requires development proposals to ensure that there is no significantly detrimental impact upon the residential amenity of future occupiers or nearby occupiers. The plot sizes fall below the 300 square metre guidelines set out in the East Cambridgeshire Design Guide SPD and the footprint of the proposed dwellings exceed the guide of approximately one third of the plot size. However given the close proximity of the site to the town centre and the form and character of development in the locality, and on this occasion it is considered that this deviation from the LPA's design guidelines is acceptable. In addition, it is considered that the rear amenity space on offer for the two proposed dwellings, and that retained for No's 11 and 13 provides a satisfactory level of amenity for future occupiers of the dwellings.
- 7.3.2 The previously refused application (15/00400/FUL) raised concerns in respect of the proposed dwelling at Plot 1 and its relationship with 11 Bernard Street with the expanse of brickwork at such close proximity being overbearing on the ground floor dining room and first floor bedroom. A similar situation arose with Plot 2's relationship with 13 Bernard Street and the proposal being overbearing on the dining room window found on the ground floor side elevation.
- 7.3.3 The applicant has looked to overcome these concerns in the following ways. The applicant will make alterations to the existing dwelling No.13 by bricking up the existing side elevation window that serves the dining room, and make the ground floor more open plan, and increase the fenestration on the rear to allow more light into the ground floor. The dwelling will still have two windows on the side elevation facing the proposed Plot 2. These windows will serve the landing and a bathroom. While there is a considered impact, as these are not habitable rooms any impact is considered to be minimal to the occupier at No.13.
- 7.3.4 In bringing the proposed dwellings forwards to the back edge of the footpath the applicant has sought to reduce the overbearing impact on the occupiers of No.11. Drawing PL2(90)01 Rev A was an amended plan submitted by the applicant. It reduced the depth of the proposed dwelling on Plot 1 and shows an indicative 45 degree from centre of rear windows of No.11, it should be noted that the amended plan results in removing the two storey element Plot 1 from the 45 degree field of vision. As a result only the single storey lean-to element will fall within the 45 degrees. To a certain extent the proposal will have an element of being overbearing on the occupier at No.11 due to the single storey element. However, this is not considered to be significantly detrimental as to warrant refusal.
- 7.3.5 There will be approximately 13 metres between the two storey elements of the proposed dwellings and rear boundary, which is considered to comply with the East Cambridgeshire Design Guide SPD, and minimises the impact through loss of

privacy to 22D Chiefs Street. No concerns were raised over this relationship during the previous application with the dwellings set back further in the site, and this proposal would only be considered to improve said relationship.

- 7.3.6 The layout of the proposed dwellings indicates that there will be a side facing window opening in each of the dwellings, facing towards the neighbouring dwellings. These window openings are to serve bathrooms and, provided they are fixed shut below 1.7 metres and obscure glazed, they would not lead to a loss of privacy.
- 7.3.7 As a result of the points raised above and in the absence of significant detrimental harm to residential amenity, this application is considered on balance to comply with the residential amenity aspect of Local Plan policy ENV2.

7.4 Highways Safety and Parking Provision

- 7.4.1 The Local Highways Authority has been consulted on the application and has assessed it in terms of whether it provides safe and convenient access to the highway network. The LHA has raised no objection to the application however, warned that the increase in demand for on-street parking will likely have a negative impact on the immediate and surrounding area.
- 7.4.2 Bernard Street is a narrow, no-through road with very limited space for on-street parking, with the increasing pressure for on-street parking likely to have detrimental impact to highways safety on Bernard Street. Therefore the application is considered to fail to comply with Local Plan policy COM7.
- 7.4.3 The LHA does not however assess an application in respect of its parking provision as this is a matter for the Local Planning Authority to consider and make a planning judgement on. Given the proximity of the site to Ely town centre it is accepted that the provision of one parking space per dwelling can be justified.
- 7.4.4 The previously refused application (15/00400/FUL) and subsequently dismissed appeal had parking for three vehicles at the front of the site. The LPA refused the application on parking and highways safety grounds. The planning inspector agreed that this would be a shortfall of one parking space under the Council's parking standards in Local Plan policy COM8. But commented that he had no reason to believe that the surrounding area could not accommodate a modest increase in on-street parking and refuted this reason for refusal.
- 7.4.5 This application, in moving the dwellings forward to the back edge of the highway has removed the three parking spaces, and now offers no parking spaces as part of this development. In the context of the previous application this would now result in a shortfall of four parking spaces under policy COM8 – two for the new dwellings and two for the dwellings which have historically parked on the site.
- 7.4.6 The applicant has provided a Transport Statement with studies that suggests that there is on-street parking available in the surrounding area. However the proposed would still fail to comply with Local Plan policy COM8 as it does not provide one parking space per dwelling. In addition the proposed floor plans indicate two bedroom dwellings plus a 'study'. This suggests multiple occupancy of the

dwelling and arguably even more pressure for parking. At a minimum the proposed would result in a net loss of four parking spaces given the two new dwellings and spaces for Nos. 11 and 13 historically.

- 7.4.7 The Transport Statement advises that secured cycle parking will be provided and indicatively is shown on drawing PL2(90)01, and resident travel packs provided at first occupation to advise of other travel methods. If the application were to be approved these details could be conditioned.
- 7.4.8 It should also be noted that Waste Strategy have concerns about increases in on-street parking in the area, as Bernard Street results in a return trip one in every two weeks due to its already congested on-street parking situation.
- 7.4.9 On balance the proposal is considered to be contrary to Local Plan policy COM8 which states that development should provide adequate levels of car and cycle parking. This matter attracts significant weight against the proposal.

7.5 Other Matters

- 7.5.1 It is noted there are a number of trees within the site which would be removed as a result of the proposal. However, the inspector in the previously appealed scheme commented that they offered little to the character or appearance of the Ely conservation area. They considered a condition requiring placement trees and landscaping would provide appropriate mitigation. The case officer agrees with this assessment and any decision to approve could be dealt with in this manner.
- 7.5.2 Records indicate that the site lies in an area of high archaeological potential, located on the western edge of the historic core of Ely. A condition can be attached to any approval for a program of archaeological works to take place prior to development.

7.6 Planning Balance

- 7.6.1 The proposal would give rise to important benefits in the provision of much needed housing which should be afforded significant weight. The proposal would also give rise to indirect economic benefits, which should also be given weight. The applicant has sought to overcome the detrimental impact in terms of design and to the conservation area when compared to the previously refused application. It is considered that this has been achieved, and that the location, design and scale of the dwellings are in keeping with the surrounding area of Bernard Street. In addition while there is still a considered impact to the residential amenity of the occupiers at Nos. 11 and 13, it is not considered to be significant enough as to warrant refusal. The application is therefore considered to comply with Local Plan policies ENV2 and ENV11.
- 7.6.2 However, the proposed fails to comply with Local Plan policy COM8, and does not provide any off-street parking of which should be at one per a dwelling. Given the historic use of the site as parking for Nos. 11 and 13 and the two new dwellings the application would result in a net loss of four parking spaces. This would result in an unacceptable pressure for on-street parking for occupiers and visitors.

7.6.3 As a result the application is considered to be a significant deviation from the Local Authorities parking provision, and the application is therefore on balance recommended for refusal.

8.0 Appendices

8.1 Appeal decision for previously refused application 15/00400/FUL.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00943/FUL	Gareth Pritchard Room No. 011 The Grange	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@e
15/00254/PDR 15/00400/FUL	Ely	astcambs.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>