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**MAIN CASE**

**Reference No:** 17/01772/FUL

**Proposal:** Change of use to 3No studio apartments following withdrawal of 17/00213/FUL

**Site Address:** 10 Forehill Ely Cambridgeshire CB7 4AF

**Applicant:** Griffin Singh Management Co

**Case Officer:** Andrew Phillips, Senior Planning Officer

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Councillor Richard Hobbs  
Councillor Lis Every

**Date Received:** 11 October 2017 **Expiry Date:** 12 January 2018

[S208]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the following recommended conditions (can be read in full under Appendix 1):

1. Approved Plans
2. Time Frame
3. Obscure Windows
4. Unexpected contamination
5. Construction Times
6. Renewable Energy
7. Biodiversity Improvements
8. External Fenestration
9. Sound Insulation

2.0 **SUMMARY OF APPLICATION**

2.1 The proposal is for the creation of three one bedroom studio apartments above a retail unit, which also involves the alteration/creation of new fenestration and the removal of a fire escape.

2.2 The applicant is an elected Member of this Council and the Council's constitution requires that this application is determined by Planning Committee. The Councillor has made the Council's Monitoring Officer aware of the application being submitted.

- 2.3 The developer has not provided the southeast elevation proposed elevation plan. However, the submitted floor plan adequately demonstrates the impact in this case in order for a recommendation to be made. The missing elevation will be submitted by the developer prior to Planning Committee.
- 2.4 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.**

### 3.0 PLANNING HISTORY

#### 3.1

16/00158/FUL	Refurbishment and partial demolition of existing building to provide six residential townhouses and one residential flat over retained commercial unit.	Approved	09.06.2016
17/00213/FUL	New shop front & change of use of part of first floor storeroom to 2no. two bedroom flats	Withdrawn	08.03.2017
17/00827/FUL	Refurbishment and partial demolition of existing building to provide five residential townhouses and one residential apartment over retained commercial unit.	Approved	08.08.2017
17/01110/FUL	Change of Use from A1 Retail to Sui Generis to create a tattoo studio	Withdrawn	01.08.2017
17/01369/FUL	Revert 13 Fore Hill from Sui Generis (Tattoo Studio) to A1 and change 10 Fore Hill from an A1 use to Sui Generis (Tattoo Studio)	Approved	08.09.2017

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located on Forehill (that slopes southeast wards) and is currently an empty retail unit that is currently undergoing refurbishment work, as part of a recent approval to change the use to a tattoo shop.
- 4.2 To the west of the site is the Cathedral, a Grade I Listed Building, with the lantern being clearly visible. The site is also located within the Ely Conservation Area. The site may, like neighbouring properties, have developed from a 'burgage plot' with a mix of residential and commercial elements on the site. The front of the building has a traditional appearance (likely early 1900s).

#### 5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses are available on the Council's web site.

Ely City Council – (24 October 2017) It recommends refusal of this application on the grounds of no parking provision for the three flats.

Ward Councillors - No Comments Received

Conservation Officer – (20 October 2017) States that the change of use has previously been established.

Cambridgeshire Fire And Rescue Service - No Comments Received

Local Highways Authority – (25 October 2017) No objections in principle.

A minimum height of 8ft clearance must be provided between the surface of the footway and the underside of the projecting sign in order that the development may comply with the Town Police Clauses Act of 1847.

Waste Strategy (ECDC) – (13 October 2017) States there is no storage of domestic waste and recycling within the flats and seeks clarification of where waste/recycling will be kept on non-collection days.

ECDC will only collect waste from properties that pay council tax.

Provides generic general advice regarding provision of waste/recycling bins.

Environmental Health – (24 October 2017) The Environmental Health Officer states that studio 3 does not appear to have a door to the WC – this will be required and assumes that studio 2 has a sliding door to the WC. If not again a door will be required.

If the premises above Abbots is residential use rather than commercial, I would recommend conditions NS5A (Construction Environmental Management Plan) and NS6A (Construction Times), as the properties are adjoining.

Has spoken to the Senior Environmental Health Officer regarding the size of the flats and there is no concern to raise.

There will be an element of noise to the front of the property with the road and city centre location. However this application repositions the bedrooms further away and whilst there may still be noise in the living rooms/kitchens it will be less significant than if the windows served a bedroom where residents were trying to sleep. It would still be advisable to utilize glazing that would offer adequate protection to users of the room.

Trees Officer – (3 November 2017) With previous applications at this location the only trees likely to be affected are to the rear of the site and this the primary site access for large materials.

Can the applicant confirm that no trees are impacted by the access issue.

CCC Growth & Development - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Anglian Water Services Ltd - No Comments Received

- 5.2 Neighbours – 3 neighbouring properties were notified and no responses were received at the time of writing. A full copy of the responses is available on the Council's website.

A notice was put in the press on the 19 October 2017 and a site notice put up on the 8 November 2017.

Consultation ends on the 27 December 2017.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
EMP 1	Retention of existing employment sites and allocations
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
ENV 12	Listed Buildings

COM 1	Location of retail and town centre uses
COM 2	Retail uses in town centres
COM 7	Transport impact
COM 8	Parking provision

## 6.2 Supplementary Planning Documents

Design Guide  
Developer Contributions  
Ely Conservation Area  
Cambridgeshire Flood and Water

## 6.3 National Planning Policy Framework 2012

Chapter 2 Ensuring the vitality of town centres  
Chapter 4 Promoting sustainable transport  
Chapter 6 Delivering a wide choice of high quality homes  
Chapter 7 Requiring good design  
Chapter 12 Conserving and enhancing the historic environment

## 6.4 Proposed Submission Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP14	Retail and Other Main Town Centre Uses
LP15	Retail Uses in Town Centres
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.2 The previous residential approved scheme on the site is covered by planning application 17/00827/FUL, which included one 3 bedroom property above the retail unit. This permission is still implementable and for this reason has significant weight in the determination of this proposal for three studio flats.

7.3 With the proposal being within the centre of Ely, which is one of the most sustainable locations of development within the district it complies with policy

GROWTH 2 of the Local Plan Adopted April 2015 and policies LP2 and LP3 of the Proposed Submission Local Plan.

- 7.4 With no additional changes to the ground floor, there is no concern in regards to loss of retail space within the city centre.
- 7.5 The proposal is considered to be acceptable in principle; the other material considerations are covered below.
- 7.6 Highways and Parking
- 7.7 The proposal only has a pedestrian access onto Forehill, the proposal will therefore create no additional risk to users of the public highway when operational.
- 7.8 With this application not being for a sign, there is no concern in regards to a sign over hanging the public highway as raised by the Local Highways Authority in its comments. If the developer did seek to provide a sign at a later date this would need to accord with advertisement regulations.
- 7.9 There are no highway safety concerns in regards to this proposal.
- 7.10 The proposal has no dedicated parking provision, which is the loss of one dedicated parking space since planning application 17/00827/FUL was approved. The number of bedrooms remains the same between the extant permission and this proposal. It could be argued that the extant permission for a 3 double bedroom flat in the centre of Ely is likely to be shared between at least 3 adults; but this is not how the Council's parking policies are considered. The proposed development would, therefore, lead to the under provision of three parking spaces as there should be one parking space per property. With the under provision of parking on site, this weighs against the application. However, this needs to be balanced against the extant permission which provided one parking space for a three bedroom flat. It is considered that the harm is limited as small properties within the centre of Ely will be the least likely to own a car.
- 7.11 There is an internal shared cupboard that could be used as cycle storage, but this is not made clear in the application. While there is potential on site secure cycle storage only limited weight is placed on this.
- 7.12 Residential Amenity
- 7.13 The issue of the internal layout in regards to toilet doors is not considered to be a planning matter and if approved would no doubt be corrected prior to occupation.
- 7.14 The eastern (kitchen) window to Studio 1 creates a new residential amenity issue, it was previously a roof light serving this floor space. With residents to the east previously raising concerns in regards to loss of amenity it is considered reasonable to condition that this window is obscurely glazed. However, with the angles involved and little rear amenity space to the neighbouring properties it is not considered necessary to condition it to be a fixed window.

- 7.15 The suggested condition by the Environmental Health Officer in regards to hours of construction are considered to be reasonable in order to protect existing and future residents.
- 7.16 The proposal is considered to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.
- 7.17 Construction Environmental Management Plan
- 7.18 With the access to the site being only from Forehill it is considered that the impact upon the protected tree to the rear (along Three Cups Walk) is unlikely to be affected by this proposal. In addition with the majority of works being internal it is not considered that the development is substantial enough for it to be reasonable to require a Construction Environmental Management Plan on this proposal.
- 7.19 Visual Amenity and Historic Environment
- 7.20 The only external alterations as part of this application are the change/creation in fenestration, with the site forming an important part of the Forehill street scene and to protect the character of the conservation area. The details of the fenestration can be conditioned to ensure a high quality finish.
- 7.21 The shop front alteration is linked to both the previous application (17/00827/FUL) and now this application by virtue of the need for a front door to the studio flats. The shop front work has been agreed on the previous application and the external work looks almost completed.
- 7.22 The proposal will have no other noticeable impact upon the historical impact, due to the majority of the works being internal.
- 7.23 Proposal is considered to be in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP27 of the Proposed Submission Local Plan 2017.
- 7.24 Ecology
- 7.25 With the creation of any dwelling it is expected that the developer will provide biodiversity enhancement measures, this can be conditioned if approved.
- 7.26 This will ensure that the proposal is in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Proposed Submission Local Plan 2017.
- 7.27 Flood Risk and Drainage
- 7.28 With the proposal being for a change of use no additional impermeable area is created, it is therefore considered unreasonable to condition surface water drainage for this proposal.
- 7.29 Other Material Matters

- 7.30 While the scheme is relatively small it forms a part of a larger development site, with the total number of dwellings being proposed now numbering 9 properties it is considered reasonable to condition renewable energy/efficiency measures.
- 7.31 This will ensure that requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and policy LP24 of the Proposed Submission Local Plan 2017.
- 7.32 The Council's Waste Team have raised concerns in regards to waste/recycle storage until collection day. The proposal demonstrates that there is a small upstairs shared cupboard that could provide flexible space for future residents either as cycle storage or as waste/recycle storage space. The outside area that will be created by the loss of the fire escape could also be potentially used for waste/recycle bins. The proposal provides flexibility for waste/recycle storage and this is not considered to be an area of concern.
- 7.33 Planning Balance
- 7.34 The proposal will bring forward the benefits of two additional residential units within the district.
- 7.35 While the lack of dedicated parking spaces weighs against the development, this is not considered to be significant enough in itself to warrant refusal for the three studio flats.
- 7.36 It is considered that subject to suitable conditions that the proposal would be acceptable and for this reason the application is recommended for approval.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Recommended Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01772/FUL	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/00158/FUL	Ely	01353 665555
17/00213/FUL		andrew.phillips@ea
17/00827/FUL		stcambs.gov.uk
17/01110/FUL		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 – Recommended Conditions

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

Plan Reference	Version No	Date Received
07/1734/17		11th October 2017
01/1734/17		11th October 2017
02/1734/17		11th October 2017
06/1734/17		29th September 2017
08/1734/17		29th September 2017

- 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 The first floor windows in the east elevation shall be glazed using obscured glass. The window(s) shall be permanently retained in that condition thereafter.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.
- 4 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 to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to 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.
- 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 and policy LP26 of the Proposed Submission Local Plan 2017.
- 5 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Bank Holidays or Public Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.

- 6 Prior to commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 6 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and policy LP24 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Proposed Submission Local Plan 2017.
- 8 No above ground construction shall take place on site until details of external fenestration 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.
- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP27 of the Proposed Submission Local Plan 2017.
- 9 Internal sound insulation shall comply with the agreed details under condition 12 of 17/00827/FUL (discharge of condition reference 17/00827/DISA, drawing number AH1116146/20, it meets document E of the Building Regulations and that the noise testing is dealt with by a suitable professional body) prior to first occupation.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.