

MAIN CASE

Proposal: Construction of new 2 bedroom house and garden requiring remodelling of existing brick boundary wall to Riverside Walk

Location: Land Adjacent 65 Waterside Ely Cambridgeshire CB7 4AU

Applicant: Mr George Peacock

Agent: Freeman Brear Architects

Reference No: 11/00484/FUL

Case Officer: Sue Finlayson

Parish: Ely
Ward: Ely East
Ward Councillor/s: Councillor Will Burton
Councillor Richard Hobbs

Date Received: 6 June 2011 Expiry Date: 1 August 2011

[L72]

1.0 EXECUTIVE SUMMARY

- 1.1 This application has been referred to Members at the request of the Local Member Councillor Will Burton, due to the importance of the site and local public interest.
- 1.2 The application proposes a single dwelling of contemporary design on a site of some 480 sqm which is in a prime position in the historic core of the Conservation Area. It is adjacent to the Babylon Gallery, behind Riverside walk, and overlooks the river. Development of this site is therefore of considerable importance. The main issues in determining the application are considered to be:
- The impact of the proposal on the Conservation Area and adjacent Listed Buildings
 - The impact on residential amenity
- 1.3 It is considered that the proposal has been carefully designed to reflect existing vernacular features, but also create a building of character which will add significantly to the overall appearance of the conservation area and fill an important 'gap' in the river frontage. The design has also taken care to minimise the impact on the setting of the adjacent listed building, being subservient to it and the Gallery building. The design also ensures that the impact on residential amenity is minimised. As such it is considered to comply with Policies EN2 and EN5 and is recommended for APPROVAL.

1.4 **A site visit has been arranged for 12.25 prior to the meeting.**

2.0 **THE APPLICATION**

2.1 The application proposes a single dwelling of contemporary design. Revised plans show the overall height would be 8.6m, the width 8.7m and the maximum depth of 11m. Accommodation would be spread over three levels, with a study, kitchen and utility on the ground floor, drawing room and bedroom on the first floor, and bedroom and bathroom within the roof space. The building features a stair tower at the rear allowing access to all floors, a projecting window to the side at first floor, and front and rear first floor balconies. The dwelling would gain access from Quayside via a private road behind the Babylon Gallery. The materials proposed are Gault brick and carstone walls and slate for the roof, with timber double glazed windows and cast iron rainwater goods. The building has been designed as a 'building for life' to be adaptable to enable use by those with impaired mobility.

2.2 The application is accompanied by a Design and Access Statement, Heritage Statement, Flood Risk Assessment, Tree Survey and Arboricultural Impact Statement.

3.0 **THE APPLICANT'S CASE**

3.1 The applicant's case as set out in the Design and Access Statement can be viewed on-line on the ECDC Public Access at the following link. <http://pa.eastcambs.gov.uk/online-applications/> Alternatively, it can be viewed on the application file.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site, of some 480 sqm is in a prime position in the historic core of the Conservation Area. It is adjacent to the Babylon Gallery, behind Riverside Walk, and overlooks the river. To the east of the site are redundant farm buildings and to the north and north-west of the site are the Grade II listed buildings 65 and 67 Waterside and Waterside Antiques.

4.2 The site was part of the curtilage of 65-67 Waterside and is an overgrown area of land upon which a corrugated iron horse drawn travellers wagon is currently sited, and at the end of the garden, forming the northern boundary is an old building, overgrown with foliage. The boundary with Riverside Walk to the south of the site is a timber fence over a brick wall, which is overgrown with ivy and other foliage. That with the redundant farm buildings is a brick wall, which extends up to Riverside Walk. The site contains two notable trees, a walnut and a eucalyptus.

5.0 **PLANNING HISTORY**

5.1
92/00188/FUL Part demolition/new extension/re- Approved 27.04.1992
opening of attic/internal alterations

92/00189/LBC	Alterations	Approved	22.04.1992
93/00506/LBC	External alterations to rear of building - new windows & doors	Approved	26.07.1993
01/00767/FUL	Change of use of part ground floor from office use to residential and division of whole property from single occupation to two	Approved	21.09.2001
01/00768/LBC	Change of use of part ground floor from office to residential and division of whole property from single occupation to two.	Approved	21.09.2001

6.0 **REPLIES TO CONSULTATIONS**

- 6.1 Site notice posted and 4 individual properties notified. 5 letters of comment have been received from local residents, raising the following issues:
- The property is surrounded by listed buildings. Policy guidance states that new developments should have a good relationship with the surrounding historic environment. Care should be taken to preserve the character and appearance of the conservation area.
 - Policy EN2 stresses the need to ensure no detrimental impact on residential amenity and buildings should be of an appropriate scale and design. The flattened roof is to disguise the fact that it is 3 storeys. It is overdevelopment and will negatively impact on the views of the roof line from the open space at Willow Walk. Overlooking of adjacent property and loss of privacy.
 - The conservation area should be a mix of open space and buildings. The proposal will occupy an open space next to a public footpath and will have a negative impact on the area.
 - Loss of light and view, resulting in total enclosure of existing properties.
 - There will be too many cars using the access, area already congested, danger for pedestrians using Riverside Walk, poor visibility when exiting, and adverse impact of traffic passing on two sides of property.
 - The proposals do not follow the existing building lines, are too complex and do not complement the adjacent gallery.
- 6.2 **Local Ward Councillor:** Given the situation of this proposed development I am of the opinion that a site visit by Planning Committee would be required as it is a sensitive area which will receive a lot of public scrutiny.
- 6.3 **City of Ely Council:** No concerns subject to Conservation Officer's approval and protection of trees.
- 6.4 **Conservation Officer:** (Comments re. originally received plans). This application affects a site located within Ely Conservation Area and in close proximity to several listed buildings. Therefore any development must take care to preserve or enhance

the character and appearance of the conservation area and not have a detrimental impact.

The proposal is for a very large 2-bed house in a plot of land to the rear and adjacent to Babylon Galleries and 65/67 Waterside. Nos. 65 and 67 are both Grade II listed and Babylon Galleries was previously identified as a building of local interest.

The area of Waterside is regarded as being an important character area within Ely and development should respect this and be designed to compliment and enhance the area. The designation as a conservation area should by no means stifle development, nor prevent contemporary design. As the site is in the Conservation Area the proposal should be of high quality design and materials.

In terms of design, the building has an Art Deco feel to it and looks to be a contemporary take on this architectural style. There are several interesting features included in the design that add interesting features. Although this architectural style is not found in this area, there are other examples within Ely and it is a style that seems to work well in isolation.

When viewed from the front, the architects' vision of creating industrial warehouse features can be seen without being overtly obvious. The use of sunken doors to the ground and first floors with a simple glazed feature works well and adds interest to the façade. The window proportions are in keeping with industrial style buildings.

The design and access statement states that the front elevation will be constructed of carstone with bull-nosed brickwork and gault clay brick quoins to the corners and windows. It may be useful to have more detailed drawings or a sample panel to show how these materials will work visually together.

There are currently many projections from the building:

- Stair turret to the rear
- Single storey space to ground floor kitchen to accommodate balcony above
- 2 storey side projection, above gated entrance into rear garden
- chain and glass 'balcony' to the front.

(Comments re. revised plans). The revised plans have taken on board my previous comments about the size of the property and its proximity to the neighbouring listed building. The proposal has pulled the rear of the property in by approx 0.7m and this has increased the distance from the listed building to almost 5m. Although not a huge difference in size, I am happier that this will help to reduce the impact on the listed building.

Also by reducing the depth of the property, it is noted that the rooflines are now symmetrical when viewed from the side. This helps to visually reduce the overall bulk of the property when viewed from this angle.

- 6.5 **Trees Officer:** Has no concerns about the proposed development but asks that a condition be imposed to ensure that the development is carried out in accordance with the Arboricultural Impact Assessment to protect the trees during construction.

6.6 **Environmental Health:** Please add contamination conditions and send environmental notes if the application is recommended for approval.

6.7 **Environment Agency:** The Flood Risk Assessment demonstrates that the site is outside Flood Zone 3, therefore the Agency has no objection in principle to the proposals shown. Recommend condition that floor levels of the new dwelling be set no lower than the existing adjacent dwellings at 3.75m above ODN.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

CS1	Spatial Strategy
CS2	Housing
CS7	Infrastructure
S4	Developer contribution
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN5	Historic conservation
EN7	Flood risk

7.2 **Regional Spatial Strategy – East of England Plan**

SS1	Achieving Sustainable Development
ENV6	The Historic Environment

7.3 **National Planning Policy**

PPS3	Housing
PPS5	Planning for the Historic Environment
PPS1	Delivering Sustainable Development

8.0 **PLANNING COMMENTS**

8.1 This site is in the historic core of the City, in a prime position overlooking the river in Waterside, adjacent to a group of Grade II listed buildings (No 65-67 Waterside and Waterside Antiques), and a building of significant local interest (Babylon Gallery). It is also on the river frontage, adjacent to a key local riverside walk which attracts both local residents and tourists. The Ely Conservation Area Appraisal states that the Waterside and Quayside area is second only to the Cathedral in historical importance. Development of this site is therefore of considerable importance. The main issues in determining the application are considered to be:

- The impact of the proposal on the Conservation Area and adjacent Listed Buildings
- The impact on residential amenity

8.2 **The impact of the proposal on the Conservation Area and adjacent Listed Buildings:** Policy EN5 requires that development within a conservation area should be of a high standard of design and materials that will preserve or enhance the character and

appearance of the area. Developments affecting the setting of a listed building will only be permitted where they would preserve that setting. Additional guidance in PPS5, Planning for the Historic Environment, stresses the need for appropriate design for the context of the development, which would make a positive contribution to the character, quality and local distinctiveness of the historic environment. Paragraph 121 of this guidance “The contribution of setting to the historic significance of an asset (listed building) can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportions, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group.” Policy EN2 seeks to ensure that efficient use of land is made, whilst respecting the density and character of the area, and that the scale, massing and materials of buildings relate sympathetically to the surrounding area.

8.3 As stated above this part of the Conservation Area has particular importance. Many of the buildings formed the heart of the commercial enterprise of the City and range from warehouse type buildings to The Maltings and more prosperous townhouses. The immediate area of the site is made up of former warehouse type buildings, which have now been converted to other uses, such as residential, galleries, offices and an antique centre. These buildings are quite close together and have a linear form projecting some way back from the frontage. It is to the rear and side of these buildings that the site is located. The site is currently overgrown and, although it could be said that it provides a gap through to buildings to the rear, these cannot easily be seen from the frontage due to the front boundary wall which is overgrown with foliage. The site therefore is not considered to add significantly to the Conservation Area at present. Key views of the site are afforded from the river frontage, from Willow Walk to the east, and from Quayside between No 85 Waterside and the Gallery building.

8.4 Babylon Gallery is a prominent building on the river edge, which has been considerably altered over the years. It currently has an exposed gable of common bricks, which still have the toothed brickwork nibs of a former extension in place. The proposal is set back from the frontage with Riverside Walk and is lower than the Babylon Gallery building and lower still than the listed building to the rear (No 87 Waterside). This retains the prominence of the gallery building, helps to mask the exposed gable end of that building, and provides some private, defensible space at the front of the new dwelling. The positioning of the building means that it cannot be seen from the western approach of Riverside Walk until almost in line with it, but it will be visible from Babylon Bridge. The new dwelling is not attached to the Gallery, but the gap between the buildings will be closed off for weatherproofing. The riverside elevation is simple with openings reflecting those of the Gallery building. The design is aimed to reflect a riverside warehouse, with features such as in-set doorways set in the centre of the façade, with a timber and glass first floor balcony, echoing a warehouse loading bay and gantry. The dormer windows and the scale of the building reflect others found on Waterside. The boundary to the front curtilage is proposed to be finished in varying heights of brick wall with railings above and the garden will be landscaped with paving, gravel and planting. It is considered that this will create a more open ambiance on the river frontage, and the front elevation of the building will complement the façade of the gallery building, but be subservient to it, resulting in a vibrant river frontage.

- 8.5 The eastern elevation can be seen from long views from Willow Walk, but is slightly hidden from nearer views by the willow trees beside the river. This elevation presents with a 'squared off top', caused by the need to keep the height low to retain subservience to the Gallery building, and provide for accommodation in the roof. The 'squareness' is relieved by the chimney at the front and whilst different in roof form, is not unpleasantly jarring, the design cleverly achieving the accommodation and providing interest with the addition of a projecting window on the first floor over the side entrance gateway. This projecting window reflects features to be found on both the Gallery building and No 67 Waterside to the rear. This façade is partially covered from view by the cowshed building immediately adjacent to it. The listed building to the rear of the site, from this elevation, will still be clearly visible from Willow Walk as it much higher, however, it will not be seen as clearly from the riverside itself.
- 8.6 The main entrance to the building will be via the private road from the west, which is owned by the applicant. The public view of this elevation is of the entrance door with landing window above, and a rounded stair tower. It is considered that this element especially is reflective of Art Deco design and creates an unusual, interesting point of focus between the two high buildings to either side of this narrow driveway from Quayside, serving to provide privacy to the garden area of the proposed dwelling and as access to upper floors. Simple slot windows are proposed in the stair tower to reinforce the warehouse vernacular architecture. It is this elevation and that to the rear which have the greatest impact on the listed building at No 67 Waterside, which is tucked behind the Gallery building, but its roof can be seen from long views over the top of the gallery building and from Willow Walk. The Conservation Officer initially raised concerns that the new dwelling might affect the setting of that building due to its proximity. Revised plans have now been submitted providing a separation of 5m between the corner of No 67 Waterside and the stair tower. It is considered that this is now acceptable and that the impact on the listed building has been minimised.
- 8.7 The rear elevation overlooks the garden area which contains 2 notable trees, a walnut and a eucalyptus, the presence of which has influenced the design and positioning of the proposal. This elevation is dominated by the stairwell, and has a balcony serving a first floor bedroom, over a kitchen projection. Again, the windows have a vertical emphasis to reflect the 'warehouse' vernacular of those on adjacent properties. The boundaries to the rear garden would be the retained brick wall to the east, the retained outbuilding to the north, and close boarded fencing to the west. Parking for 2 cars is shown, one space immediately to the rear of the stairwell and one close to the northern boundary, both would be accessed via gates. Whilst this elevation will not be on public view, it has been designed to present a functional and interesting façade.
- 8.8 The materials proposed are Gault brick and carstone walls and slate for the roof, with timber double glazed windows and cast iron rainwater goods. These materials reflect the local vernacular brick, and the carstone which is proposed for the front elevation only, has been used on the northern side of the Gallery building. However, a condition requiring submission of the materials is proposed to ensure that they complement each other and will provide an appropriate finish to the building.
- 8.9 In view of the importance of the site in the heart of the historic core of the City, the Conservation Officer has given extensive comments, as noted in section 2 above. The essence of those comments being that the proposed building is large and its proximity to the listed building might affect its setting. The building has now been

reduced slightly in size to give more separation between it and the listed building adjacent. The changes made have been accepted by the Conservation Officer who now has no concerns about the proposals. It is considered that the design of the building will fit well in an important 'gap' in the river frontage, as it is subservient to the adjacent gallery building, allows views of the listed building behind, and reflects the architecture adjacent, but is sufficiently different to make a presence in its own right, by the addition of a number of several interesting features such as the balconies, stairwell and projecting window. The proposal is considered to add to the character of the Conservation Area and the impact on the setting of the adjacent listed building is considered to be minimal.

8.10 Impact on residential amenity: Policy EN2 seeks to ensure that development does not cause undue harm to the residential amenity of adjacent occupiers or potential occupiers of the development proposed. The main concern in this respect is the impact on the residential amenity of the occupiers of No 67 Waterside, the listed building to the north west of the site. The key issues of impact are any loss of privacy from overlooking, loss of light from overshadowing, and increased noise and disturbance from increased traffic and comings and goings. It must be stressed that the buildings in the immediate vicinity of the proposal site are built closely together, and many are dwellings that have been converted from other uses, so overlooking is not unusual. In respect of potential overlooking, the private garden area of the listed building is to the north and is enclosed, it cannot be seen from the proposal site. The listed property has a number of windows at ground and first floor facing on to Babylon Gallery on its southern boundary, some small windows on the ground floor of the eastern boundary and a projecting window to the first floor of that elevation. It appears that there is a covenant on the Gallery building to ensure that privacy from the overlooking windows of the Gallery building is maintained. The proposed dwelling has windows facing to the west down the access road where oblique views of the windows on the listed building could be afforded. However, these windows serve a landing and staircase, not a habitable room, and therefore will not cause a loss of privacy. On the rear elevation of the proposed dwelling there are windows looking due north. Again, these could have oblique views of the first floor window on the rear elevation of the listed building, however this is precluded by the fact that they either serve the stairwell, or bathrooms, or, in the case of the first floor bedroom balcony, the view is screened by the balcony wall and the stairwell projection. In addition the view of the listed building is screened by the intervening walnut tree. It is therefore considered that the proposed dwelling will not cause a loss of privacy to the existing adjacent dwelling.

8.11 In respect of loss of light, the proposed building is to the south east of the existing dwelling, but is set back from it. As such its presence may cause some loss of light in the winter mornings when the sun is low, but should not cause overshadowing to such an extent that warrants refusal of the application. With regard to increased disturbance, it is noted that the access to the site and listed building is shared and is therefore already subject to traffic movements. As the property proposes only two bedrooms it is not considered that this will increase significantly. As the garden of the listed building is enclosed and set apart from the proposed garden area of the new dwelling, which will also be enclosed, it is not considered that noise should cause undue harm.

8.12 Other issues:

Impact on view: Concerns have been raised by the occupiers of the listed building that views of the river, and views in general will be lost to them. Whilst somewhat sympathetic to the occupier, it is a fact that a right to a view is not an issue to be considered in the determination of an application. It must also be noted that the gallery building was longer than it now is, and historic maps show buildings on the proposal site, therefore buildings are likely to have historically screened the view of the river from this former warehouse building.

Trees: The trees on the site do contribute to the overall ambiance of the conservation area, and the Trees Officer is satisfied that the proposed tree protection measures will ensure their longevity.

Parking and access: Concerns have been raised regarding poor access and parking provision. The proposal now shows 2 parking spaces on the site, and thus complies with the parking standards set in the Core Strategy. Whilst access to the site is via a narrow alley, it is considered that there is adequate space to turn within the site and access way so that vehicles can enter and leave the site in forward gear, thus reducing potential danger to pedestrians.

S106 Contributions: The applicant has agreed to contribute to the infrastructure payments required, as set out in the Supplementary Planning Document - *Developer contributions and planning obligations*. These sums will be secured by a s106 legal agreement.

8.13 Conclusion: This site is of considerable significance in the Conservation Area, being on the riverside and surrounded by listed buildings or buildings of local importance. It is considered that the proposal has been carefully designed to reflect existing vernacular features, but also to create a building of character which will add significantly to the overall appearance of the conservation area and fill an important 'gap' in the river frontage. The design has also taken care to minimise the impact on the setting of the adjacent listed building, being subservient to it and the Gallery building. The design also ensures that the impact on residential amenity is minimised. As such it is considered to comply with Policies EN2 and EN5 and is recommended for APPROVAL.

9.0 **RECOMMENDATION Approve subject to the following conditions, but should the recommendation be supported the decision should be delegated to the Head of Planning and Sustainable Development Services to ensure the satisfactory completion of the s106 legal agreement.**

1 The development hereby permitted shall be commenced within 3 years of the date of this permission.

1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

2 REASON: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

3 No development shall take place until detailed drawings at a scale of 1:20 of the proposed windows and external doors have been submitted to and approved in writing by the Local Planning Authority. The window details shall show sections, opening arrangements and glazing bar patterns. Details of the proposed materials and colour finishes shall be included. All works shall be carried out in accordance with the approved details.

3 REASON: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

4 Prior to commencement of development, full details of the materials to be used in the boundary treatment for the front of the dwelling, adjacent to the riverside, shall be submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed details.

4 REASON: To safeguard the character and appearance of the Conservation Area, in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

5 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.

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 EN8 of the East Cambridgeshire Core Strategy 2009.

6 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.

6 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 EN8 of the East Cambridgeshire Core Strategy 2009.

7 The floor levels of the new dwelling shall be set no lower than the existing adjacent dwellings at 3.75 metres above Ordnance Datum Newlyn (ODN).

7 REASON: To protect the development from flooding in extreme circumstances.

8 The tree protection details shown in the Arboricultural Implication Assessment ref 110720 1103 dated 20th July shall be fully implemented prior to commencement, and during construction works.

8 REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009.

9 The side walls to the balcony serving a first floor bedroom on the rear (north) elevation shall be 1.7m high and retained as such.

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

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, no structures shall be erected within the curtilage of the dwelling, and no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed

10 REASON: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the Conservation Area, and to ensure the unique design of the dwelling is not compromised in accordance with policies EN2 and EN5 of the East Cambridgeshire Core Strategy 2009.

APPENDICES

None.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
PPS3 Housing		
PPS5 Planning for the Historic Environment	Sue Finlayson Room No. 011	Sue Finlayson Team Leader, Development Control
PPS1 Delivering Sustainable Development	The Grange Ely	01353 665555 sue.finlayson@eastcamb.gov.uk