
MAIN CASE**Reference No:** 16/00696/FUL**Proposal:** Demolition of existing dwelling together with the erection of a replacement four bed dwelling, garaging, parking, access and associated site works (Modified proposal to previously approved 15/01412/FUL).**Site Address:** 47 Springhead Lane Ely Cambridgeshire CB7 4QY**Applicant:** Mr & Mrs Dawson**Case Officer:** Lesley Westcott Planning Officer**Parish:** Ely**Ward:** Ely EastWard Councillor/s: Councillor Richard Hobbs
Councillor Lis Every**Date Received:** 19 May 2016 **Expiry Date:** 31 August 2016**[R72]**

1.0 RECOMMENDATION**1.1** Members are requested to **REFUSE** the application for the following reasons:

The proposed dwelling by reason of its size and bulk would be out of keeping with the character of the area and would fail to preserve or enhance the character and appearance of the conservation area and street scene when viewed from Springhead Lane and the public green space to the west of the site. The proposal is therefore contrary to Policies ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework 2012

2.0 SUMMARY OF APPLICATION**2.1** This is a full application for the erection of a replacement four bed dwelling, with an integral garage, parking, turning, new vehicular access and associated works following the demolition of the existing two storey dwelling.**2.2** 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.**

The application has been called into Committee by Cllr Rouse as he wishes to give the Committee the opportunity to discuss this individual property and examine fully in public.

3.0 PLANNING HISTORY

3.1

14/00420/FUL	Construction of 1no. three bedroom, two storey detached dwelling	Refused	10.06.2014
14/00982/FUL	Erection of three bedroom detached dwelling, together with parking spaces. (resubmission)	Refused	19.11.2014
15/01412/FUL	Demolition of existing dwelling together with the erection of a replacement four bed dwelling, garaging, parking and associated site works	Approved	18.04.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site is located in a predominantly residential area within the development envelope and conservation area of Ely. It is located to the south east of Springhead Lane and slopes down from north to south. The site comprises No.47 Springhead Lane, a vacant 2 storey dwelling sited on the north boundary of the site, a large garden area, comprising small tree and shrubs and 3 no. sheds. The site is enclosed by a combination of hedges and fencing. There is a public footpath running along the north boundary of the site, a footpath and a public green space along the west boundary of the site. No.53 Springhead Lane (a dormer bungalow) adjoins the site to the south and No.109 Lisle Close (a bungalow) adjoins the site to the east.

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 – No concerns regarding this application

Ward Councillors – Councillor Mike Rouse confirms that he wishes the application to be considered at Committee to give the opportunity to discuss this individual property and examine fully any reasons for refusal in public.

Conservation Officer – Object to the application. This is a resubmission of the previously approved application 15/01412/FUL, but with the increase size to the garage. The previous application was redesigned to incorporate a smaller garage due to officer concerns raised regarding the overall design quality. Nothing has altered to mean that these original concerns would no longer apply. The original objections regarding the size of the garage remains as it unbalances the proposal and does little to enhance an otherwise well designed dwelling.

Senior Definitive Map Officer - No objections subject to an informative being attached to any approval:

- Public Footpath No.7 Ely must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

Local Highways Authority – No objection subject to a standard access and pedestrian visibility splay being attached to any approval.

Minerals And Waste Development Control Team - No Comments Received

Senior Trees Officer - No objection subject to a landscape scheme condition being attached to any approval.

Waste Strategy (ECDC) - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – 9 neighbouring properties were notified, a site notice posted and advert placed in the Cambridge Evening Post. 1 letter of objection received and the response received is summarised below. A full copy of the response is available on the Council's website.

- The house is too big
- Out of character with the surrounding area
- Detrimental impact on residential amenity
- Too close to No.109 Lisle Close (should be 10 metres away). The 2 buildings will merge into one.
- Too much parking for such a small site
- Will impact gas and electricity supplies in the area
- The proposal may impact the foundations to No.109 Lisle Close
- External lighting will cause nuisance to No.109 Lisle Close

- The positioning of the bins will be a nuisance to No.109 Lisle Close
- The proposed dwelling will impact trees
- Out of character with the neighbouring bungalows and conservation area
- The house should have no air conditioning as this could cause nuisance
- Too much wrong with the scheme and should be refused

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- GROWTH 2 Locational strategy
- GROWTH 5 Presumption in favour of sustainable development
- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 7 Biodiversity and geology
- ENV9 Pollution
- COM 7 Transport impact
- COM 8 Parking provision
- ENV11 Conservation areas

6.2 Supplementary Planning Documents

- Design Guide
- Ely Conservation Area Appraisal
- Developer contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

- Requiring good design
- Historic environment

7.0 PLANNING COMMENTS

7.1 The main issues to be considered in determining this application are the principle of development, impact on the character of the conservation area, residential amenity, ecology/trees, rights of way and highways.

7.2 Principle of Development

The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

The benefit of this development is therefore the economic benefits of construction and additional population to support local businesses.

The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the

development, as set out above, when assessed against the policies in the NPPF taken as a whole and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted. The main considerations in the determination of this planning application are highways, impact on the character of the conservation area, trees/ecology, rights of way and residential amenity.

The site is located within the development envelope and conservation area of Ely and the principle of a replacement dwelling is considered to be acceptable, provided there is no significant adverse effect on the character and appearance of the conservation area and that all other material planning considerations are satisfied. The proposed development is acceptable in-principle, subject to satisfying other material planning consideration. The principle of a replacement dwelling on the site has been established when planning application 15/01412/FUL for a replacement dwelling was approved on 25 April 2016.

7.3 Impact on the Character of the Conservation Area

It is considered that the proposed development would have an adverse impact on the character and appearance of the conservation area. Although a contemporary design is considered to be acceptable, it is considered that the scale and bulk of the proposed development is out of keeping with the character of the conservation area. The site is adjoined by bungalows and dormer bungalows. While the development is for a two storey and single storey dwelling, it is replacing a 2-storey dwelling and the scheme has been carefully designed to follow the contours of the site. The scheme approved under planning application 15/01412/FUL was amended to address the initial concerns raised by the Conservation Officer and case officer, by reducing the bulk and size of the proposed dwelling. This was achieved by reducing the size of the garage from a double garage to a single garage and in terms of the NPPF caused less than substantial harm. It is considered that the agent undertook the minimum changes in order to obtain planning approval.

A condition removing permitted development rights in respect of extensions to the proposed dwelling was also attached to the planning permission, as it was considered that the proposed dwelling was considered to be the largest possible for the site and that any extensions would need to be strictly controlled. However the current application is identical to the original scheme submitted under planning application 15/01412/FUL prior to revisions to address the Conservation Officer's and case officers concerns and comprises an integral double garage. It is considered that the current application is inappropriate in size and bulk, incorporating a double rather than a single garage and on balance would have a detrimental impact on the character and appearance of the conservation area and does not accord with Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

7.4 Residential Amenity

It is considered that there would be an acceptable relationship with the neighbouring residential development as with the previous planning application 15/01412/FUL. Although the depth of the proposed dwelling has been increased, with the increase in the size of the proposed integral garage. It is considered that there will be sufficient space within the site to allow for appropriate levels of outdoor amenity

space and suitable relationships with the existing neighbouring dwellings. It is considered that the distance of approximately 17.9 metres between the proposed window and the side dormer window in No.53 Springhead Lane (overlooking the application site) is considered to be acceptable and accords with the requirements and distances set out in page 23 of the Design Guide:

'Where dwellings already exist with windows closer than 10 metres to the boundary, it will not be incumbent on developers of adjacent land to make up any shortfall in the prescribed separation distance. The protection of privacy, and against overlooking, should have been addressed when the original dwelling, or any subsequent extension, was designed. It should never be assumed that because adjacent land has not been developed, that it will never be so in the future'.

To further protect residential amenity and any overlooking a standard obscure glazed window condition for the proposed first floor side and rear bathroom, shower/ensuite and dressing room could be attached to any approval.

While the proposed development will have an impact on No.109 Lisle Lane and a side kitchen window, it is not considered to be of such a level that would justify a reason for refusal. It is considered that the impact has been minimised with the dwelling having been designed carefully following the contours of the site and stepping down from two storey to single storey dwelling (a sectional drawing has been submitted as part of the planning application), with the use of mono-pitch roof lines. There will be a minimum distance of approximately 3.2 metres between the two storey section of the proposed dwelling in line with No.109 Lisle Lane and 2.2 metres between the single storey element of the proposed dwelling and No.109 Lisle Lane. In addition there is an existing 1.8 metre high fence along the boundary with No.109 Lisle Lane which already impacts the existing kitchen window. A condition removing permitted development for extending the dwelling and the erection of structures within the curtilage of the dwelling and a condition requiring details of boundary treatment could also be attached to any approval. It is considered that the proposed scheme which incorporates a larger garage than the scheme approved under planning application 15/01412/FUL would not cause substantial harm to residential amenities and would not be a justifiable reason for refusal and therefore accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD in respect of residential amenity.

7.5 Highways

The proposed vehicular access will require the removal of a small section of boundary hedge. The Highway Engineer raises no objections to the scheme which accords with highway standards providing a minimum of 2 no. parking spaces. Standard access, visibility and the provision of the proposed turning and manoeuvring area conditions could be attached to any approval. It is considered that the proposed development accords with highway standards and Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

7.6 Ecology

There are small trees (including fruit trees) within the site, which will be removed as part of the proposed development. The Tree Officer raises no objections to the

scheme and in accordance with the Tree Officer's recommendations a standard landscaping scheme condition could be attached to any approval. An informative could also be attached to any approval recommending that the landscaping scheme should comprise at least 3 no. Silver Birch trees to help integrate the scheme within the landscape. The site is a domestic garden and given the construction and condition of the existing sheds it is considered that the ecology/biodiversity value of the site would be low. No specific condition added for biodiversity enhancement, but a soft landscaping scheme condition was attached which should help enhance the biodiversity of the site. It is considered that the proposed development accords with Policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.7 Rights of Way

It is considered that the proposed scheme will not have a detrimental impact on the adjacent public right of way footpath No.7, which runs along the north boundary. The County Rights of Way Officer raises no objection to the scheme. The informative recommended by the Rights of Way Officer will be attached to any approval.

7.8 Other Material Matters

With regards to bin storage, if the bins are to be stored at the rear of the proposed replacement dwelling, existing and appropriate boundary treatment would help screen the bins from the neighbouring property.

The scheme does not show the provision of air conditioning unit and such an installation is likely to require separate planning permission.

7.9 Planning Balance

The proposal provides a replacement dwelling and its construction would provide some short term economic benefits. There would also be no harm to highway safety, the public right of way or residential amenity subject to suitable conditions (as per the previous planning application 15/01412/FUL).

However this is not outweighed by the detrimental impact on the character and appearance of the conservation area.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01412/FUL	Lesley Westcott Room No. 011 The Grange Ely	Lesley Westcott Planning Officer 01353 665555 lesley.westcott@ea stcambs.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>