
MAIN CASE

Reference No: 18/00378/FUL

Proposal: Replacement building containing 9 apartments, covered parking, alterations to the access and landscaping works (re-submission of 16/01562/FUL)

Site Address: 30 Cambridge Road Ely Cambridgeshire CB7 4HL

Applicant: F C Palmer

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Ely

Ward: Ely South
Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 22 March 2018 **Expiry Date:** 6th July 2018

[T41]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reasons:

1. The proposal involves the demolition of a significant building within the Cambridge Road part of the Ely Conservation Area. The building makes a valuable contribution to the historical and architectural significance of the area and its loss would lead to a serious level of harm to the conservation area. The proposal fails to meet the requirements of Policy ENV11 of the East Cambridgeshire Local Plan 2015, Policy LP27 of the Submitted Local Plan and relevant policies contained within the National Planning Policy Framework and the harm caused to the Conservation Area is not outweighed by the public benefits of the proposal. The proposal also fails to meet the requirements of Policy ENV13, which states that proposals that affect a building on the Local Register will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.
2. The proposed covered parking area will lead to a protected Beech tree becoming 'trapped' with limited access for maintenance. The parking arrangements will also lead to vehicles being parked on the root protection area of the Beech tree and is likely to lead to difficulties in maintaining the covered area with the potential for debris to fall onto the cover and vehicles parked close-by. The proposal is therefore considered to be contrary to Policy ENV7 of the

East Cambridgeshire Local Plan 2015 and Policies LP28 and LP30 of the Submitted Local Plan.

3. Insufficient evidence has been provided to ensure that biodiversity and species protection has been properly taken into account and the proposed development is therefore contrary to Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan as well as National Planning Policy and Guidance.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the demolition of 30 Cambridge Road, Ely and the construction of a replacement building containing four floors of accommodation, including the basement, and making up nine apartments and a store. A covered parking area is proposed to the north-west of the building, providing 13 car parking spaces. A further two spaces are proposed to the south-east of the building alongside an area for cycle storage and a separate bin storage building. The proposal includes the removal of a number of protected trees on the site and comprehensive landscaping proposals for the site. The replacement building will occupy a footprint of 25.4m by 13.4m and have a maximum height of 10m.
- 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.**
- 2.3 The application has been brought to Planning Committee at the discretion of the Planning Manager given the planning history of the site.

3.0 PLANNING HISTORY

3.1

12/00901/FUM	Partial demolition of existing Croylands building, retaining the existing facade onto Cambridge Road and side facades and erection of Later Living retirement housing for the elderly (category II type accommodation), communal facilities, landscaping and car parking.	Refused	09.12.2013
12/00902/CAC	Partial demolition of existing Croylands building, retaining the existing facade onto Cambridge Road and side facades	Refused	09.12.2013

16/01562/FUL Replacement building Withdrawn 24.03.2017
 containing 9 apartments,
 two cart-lodge structures for
 parking, alterations to the
 access and landscaping
 works

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located on Cambridge Road, Ely and measures approximately 0.37ha (0.91 acres). It comprises a former Victorian house, set back from the road, with a relatively extensive lawned garden to the rear, containing a large number of trees. The building is traditional in design and construction, in red brick and clay tile, but is screened from Cambridge Road to some extent by mature trees around the existing parking area at the front, which is served by an existing vehicular access. The building is registered on the Council's Buildings of Local Interest Register and lies within the designated Conservation Area for Ely and all the trees are the subject of Tree Preservation Orders. The site is within a predominantly residential area, being adjoined to the south by the dwelling at 32 Cambridge Road and to the north and west by dwellings in Houghton Gardens. Opposite the site are further residential properties fronting Cambridge Road.

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 – Recommends approval of this application subject to the provision of as many car parking spaces as possible, to ensure there is no overspill of parking into the surrounding streets. Also felt the biodiversity reports should be noted, in particular those in relation to the bats.

City of Ely Council (on amended plans) – Comments as above.

Ward Councillors – No comments received.

Local Highway Authority – No objections in principle to this application subject to recommended conditions. The development benefits from an existing vehicle access with the highway. The proposed widening of this to 5m is an improvement on this existing access and will allow for shared use. Vehicle visibility splays are correct and achievable and the pedestrian visibility splays are a welcome improvement to this existing access.

Historic England (letter dated 2nd May 2018) – This application proposes the demolition of the existing dwelling and the erection of a replacement building containing nine apartments within the Ely Conservation Area. Historic England provided comments on the previous scheme (ref 16/01562/FUL) in a letter dated 19 December 2016 in which serious concerns were raised specifically in relation to the lack of information concerning number 30 and its contribution to the conservation area. Further information was requested to address this.

The current application is now accompanied by a Heritage Statement and Structural report, which does provide some additional information regarding the existing building but does not establish the contribution the building makes to the conservation area. Historic England remain concerned that this application could result in a serious level of harm to the significance of the conservation area in terms of the National Planning Policy Framework.

Historic England (on amended plans) – Historic England do not consider that the amended plans have addressed the concerns put forward in the letter dated 2nd May 2018. In that letter Historic England raised concerns regarding the justification of the demolition of number 30 Cambridge Road and the serious level of harm this would have on the conservation area.

Historic Environment Team – No objections or requirements for this development as it is situated on the existing footprint.

Natural England – No comments to make on this application.

Cadent – Cadent has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

Designing Out Crime Officer – The application has been viewed with regard to community safety, crime, disorder and the fear of crime. The area is considered to be at low to medium vulnerability to crime at present.

There is no mention in the Design and Access Statement in relation to Crime Reduction and Community Safety.

This appears to be a good layout in particular by increasing the natural surveillance from the front of the property by reducing the number and height of trees and hedges to the front boundary. It would be good to see a lighting plan, covering the front and rear if the development including the covered rear parking, boundary treatments and access control for the residents.

Conservation Officer – The applicant has submitted a Heritage Statement in support of the demolition of this Building of Local Interest, which is on the Local Building Register.

The building although not considered worthy of statutory listing has been recognised as a local heritage asset.

Croylands is listed in ECDC's January 2017 'Buildings of Local Interest Register' (which has been approved by Full Council) and is described as "An important

building located within the conservation area. The Building is a good example of The Queen Anne Revival style designed by William Timbrell Price and is the only building of this style within the vicinity. The Building is included due to its architectural and historical interest”.

The register goes on to say that “The Building was originally designed as the Vicarage for Holy Trinity Church for the Rev George Bustride”. The Building has been in private hands since 2014 and has been in almost constant multiple occupation use as a domestic residence since then.

The following give details of the categories attributed to 30 Cambridge Road:

- (A3) The build date is incorrect but the fact that the building is “substantially complete and unaltered and a good example of the style” is true.
- (C3) This building is a “rare or pioneering example of a building type or structure” is true.

The previous Conservation Officer has already given a clear steer that demolition of this locally listed building should be resisted [for ease of reference the current Conservation Officer’s further comments are in italics]:

“The main concern raised by myself in regards to the previous application related to the acceptability of demolishing a building of Local Interest. The Council’s adopted Local Plan Policy ENV13 states:

The Council will resist development that will involve the demolition or part demolition of a building or structure on the Local Register. I believe that this is a clear instruction to officers”. *I think this could not be clearer.*

“The policy goes onto say

Proposals to demolish all or part of a building or structure on the Local Register will not be permitted other than wholly exceptional circumstances” *I cannot identify any wholly exceptional circumstances either in the Heritage Statement or the Structural Engineer’s report.*

The Conservation Officer goes on to say that the Council will resist demolition except when “All possible measures to sustain the existing use or to find an alternative use have been exhausted, including active and genuine marketing of the asset. I am unaware that any attempt has been made to market the asset. *Since joining I have not been aware or been made aware of any active genuine marketing that seeks to retain the building and reuse.*

The Conservation Officer also states that the applicant must establish that the building is ‘structurally unsound’, beyond all reasonable repair and its redevelopment would bring wider public benefits. *I cannot identify where the wider public benefit would arise from the demolition and rebuild as the property is occupied and could be renovated.*

The closing paragraph from the Conservation Officer ends with “once you demolish something, even if an exact replica is built, you have lost that Significance associated with the original building/structure. Hence the need for circumstances to

be exceptional". *I completely agree with the statement and as already stated there has been no evidence of exceptional circumstances.*

NPPF

The NPPF requires that LPAs take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation. The demolition of this building would in my view not comply with the above as the demolition and rebuilding would not further enhance the significance of the asset e.g. the locally listed building and the character and appearance of the conservation area – it would do the opposite.

ENV13

This has been covered above and the policy is clear on the approach to the demolition of buildings on the local register.

Heritage Statement

The submitted Heritage Statement does not assess adequately the historical architectural and social significance made by 30 Cambridge Road. It fails to comment on the contribution it makes to the character and appearance of the conservation area. It has not referred to the entry in the Building Register which identifies the reasons why it is on the register.

The submitted heritage Statement has not addressed the issue of harm versus public benefit. It has also failed to assess the historic, architectural and social significance of the local heritage asset.

Structural Report

The structural engineer's report identifies various reasons that have caused the building to move over the years. This also includes poor maintenance and the impact trees have had on the moisture levels of the foundations. The report does state that the level of movement should stabilise as the trees have matured.

The report also suggests several remedies which include piling and removal of trees and a better maintenance and repair regime.

In view of the possible remedies suggested in this report it would appear that the building is still viable albeit there will be a substantial cost implication to rectify the current situation. Given this information there is a strong indication that the building should be retained. In fact, I would argue that the proposed demolition is wholly unnecessary and as already stated is totally non-compliant with both national and local policy in terms of managing the historic environment.

Therefore I would not be able to support demolition and rebuild of this locally listed building.

Trees Officer – Has the following comments on the proposed scheme:

- Do not support the proposed covered parking area, set in the rear garden, because of the impact on the adjacent mature Beech tree. The Beech tree will be trapped by the construction of the covered structure over the parking bays, and access for future maintenance of the tree will be difficult.

- The access driveway to the rear parking area will need construction of a suitable load-bearing surface that will likely require some degree of excavation to achieve levels, and will not be practically achieved by “no-dig” methods. The new access driveway will encroach into the root protection area of TPO trees, one mature Oak and two Yew trees, in the adjacent grounds of 32 Cambridge Road. Without details of a mitigating arboricultural method statement for the installation of such a driveway, I am concerned about the possible detrimental effect on the TPO trees.
- The footprint of the new building will come 1m closer to the boundary with 32 Cambridge Road, and therefore reduce the space for the new access driveway. This will add pressure to utilise more of the root protection area of the adjacent TPO trees for the new access driveway.
- The proposed landscape scheme for the front of the house is a quality scheme but is very formal and will not sit well in the overall existing street-scene along Cambridge Road and landscape of this area of Ely. A more semi-formal landscape scheme, utilizing some of the existing trees of the front of the site, would be more in keeping with the surrounding landscape. Improvements to the current landscaping will be welcome.

Trees Officer (on amended plans) – Please note the following comments on the amendments:

- The new car parking layout has removed a parking bay to create more space from the Beech tree, but creates 5 extra parking bays in the main rear garden space. This will result in the loss of more garden space for residents’ use, to create more parking in the rear garden. This is not supported because of the loss of the greenspace. The proposed covered parking area, set in the rear garden is still not supported, because the Beech tree is still trapped by the construction of the covered structure over the parking bays, and access for future maintenance of the tree will be difficult.
- The details for the construction of the access driveway to the rear parking area beside the house still indicates there will be no excavation required, with a method statement for the scraping of the surface vegetation and levelling any soil undulations for the new surface protection for the roots of adjacent trees. The detailed method statement for installation will require professional supervision during installation of the new access driveway, to ensure any tree roots are not compromised or damaged. If the application is to be approved, please apply planning conditions to ensure the arboricultural method statement for the installation of such a driveway is carried out, to avoid possible detrimental effect on the TPO trees.
- It is noted that the footprint of the new dwelling has been slightly reduced in width, so the distance to the boundary with 32 Cambridge Road is slightly increased compared to the original proposal.
- The revision of the proposed landscape scheme for the front of the house has taken into consideration the previous comments made, and now proposes a less formal landscape design, keeping some of the existing trees to create a more semi-formal landscape that will sit well in the overall existing street-scene along Cambridge Road and landscape of this area of Ely.

ECDC Waste Strategy – The location of the bin storage point is not suitable for the collection of waste via the existing waste service as the two visitor spaces shown

may cause an obstruction to collection crews and the distance from the bin store to the collection point exceeds the maximum distance of 10m for crews to transport 1100lt bins.

ECDC Waste Strategy would require confirmation that the courtyard/parking areas would be able to support the weight of the freighters (26t GVW) and that the owners would indemnify ECDC against any damage claims, as well as confirming that space will be available for vehicles to enter in forward gear, turn on-site and exit in forward gear as vehicles would not be allowed to reverse into/from the site from Cambridge Road due to the distance and the danger associated with a large vehicle reversing. There also appears to be overhanging trees that would either need to be permanently cut back or removed to allow access for vehicles due to height (min 3.6m).

Given the number of units ECDC would expect to provide 1100lt bulk bins for the collection of dry recycling. The maximum distances crews will move these is 10m and any pathways should be a minimum of 1.25m wide. Black sacks would be collected loose and therefore an enclosed compound is suggested. A limited number of 240lt green bins would be supplied for food waste only. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles.

Environmental Health – Under section 15 of this application the applicant has indicated ‘no’ in the ‘proposed use that would be particularly vulnerable to the presence of contamination’. Any residential property is classed as vulnerable to the presence of contamination. It is therefore advised that standard contaminated land conditions, requiring an appropriate contamination assessment, are attached to any planning permission granted.

Due to the scale of the proposal it is advised that construction time and deliveries during the construction and demolition phase are restricted.

As the property consists of apartments the developer is advised to gain advice from the Fire Authority to ensure the correct precautions are in place.

Environmental Health (on amended plans) – In addition to previous comments, as the property consists of apartments the developer is advised to gain advice from the Fire Authority to ensure the correct precautions are in place. There are no concerns to raise regarding the room sizes.

Housing Section - This application is for 9 dwellings which is below the affordable housing threshold.

CCC Growth & Development - No comments received.

Consultee for other Wards in Parish - No comments received.

Cambridgeshire Fire and Rescue Service - No comments received.

Victorian Society - No Comments Received

Anglian Water Services Ltd - No comments received.

5.2 Neighbours – Site notice posted, advertisement placed in the Cambridge News and 20 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

9 responses received objecting to the proposal:

- 200 year old rectory, historically connected to the Cathedral. Is in a Conservation Area and is on the Buildings of Local Interest Register.
- In February 2018 the Conservation Officer wrote expressing views on demolition.
- The Building complies with conditions to merit protection under ENV11.
- Site is currently in residential use. Unaware of any marketing of the property.
- Demolition would cause substantial harm to amenity, air quality, quality of life and ambient noise levels experienced by nearby properties.
- Plans do not accurately reflect development in relation to the covered parking area and do not include the pond that is potentially suitable Great Crested New habitat.
- Would like to remind planning committee of previous applications on this site.
- Idea of knocking down property for multi-occupancy development is contrary to Council's policy.
- Assurances had been given that new owners were occupying the building as a family home.
- Proposed use will undoubtedly generate traffic and overspill parking problems.
- Insufficient parking provision with some spaces having reduced accessibility.
- Will prevent existing residents on Cambridge Road from being able to park on the road. Landscaping areas could be converted to visitors parking.
- Loss of an important registered building will have a significant impact on the conservation area which is detrimental to the area.
- Proposed design is a poor genetic pastiche which shows none of the character or strong design principles of the original building.
- The Structural Report identifies a number of remedial measures that would allow the building to be stabilised and made structurally sound. Demolition is not the only option and this cannot be considered an 'exceptional case'.
- Contrary to paragraphs 130 and 133 of the NPPF.
- Does not comply with Local Plan policy COM8 in relation to parking provision.
- Proposed building occupies about 80% more floor space than the existing building.
- Does not comply with parking standards set out in the Submitted Local Plan.
- New Cambridge Road facing wall is over 4m closer to the road – reducing area for car parking.
- New retaining wall to the south elevation will be about 1m closer to substantial and protected Oak trees.
- Adverse impact on air quality and pollution from vehicles accessing parking area.

- Additional windows will overlook neighbouring properties and building will be overpowering and overbearing and result in a loss of privacy.
- Building potentially overbearing and over dominant and the design adds nothing to the conservation area.
- Traffic generation will create a hazard to pedestrians and cyclists.
- Potential to damage listed and significant trees both on and off the site.
- Due regard must be given to ecology – not convinced due weight has been given to Bats and Great Crested Newts.
- Significant and substantial noise, dust and loss of amenity during demolition.
- Validation of application was incorrect.
- Bin store of concern due to the noise of residents using the recycling bins and the possibility of unpleasant odours and vermin in the area.
- Highlight comments made by Historic England.
- Established in case law that ‘preserving’ means doing ‘no harm’. Demolition is not just substantial harm but absolute harm and public benefits must outweigh that harm.
- Agree with comments/concerns raised by Trees Officer. Drawing ELYD 279/8-003 Rev D does not show second mature Oak tree.
- May cause Doctors surgery to be under even more pressure.
- Only house in Ely built in the Queen Anne Revival Style and its interior is remarkably intact.
- Sales particulars from 2012 state that ECDC advised that the existing building will need to be retained in any development plans.
- The building is a designated heritage asset within the terms of the NPPF.
- Photograph of the building included in the Ely Conservation Area Appraisal.
- The applicant’s Heritage Statement makes no attempt to justify the demolition of the building.
- The current ecology report is at odds with the report produced in 2012.
- The plans for deep excavation of the new building are hugely invasive for tree root systems, notably those of the two mature Oak trees and two mature Yew trees at 32 Cambridge Road.

6 responses in support of the proposal:

- No objections. Developer’s approach to neighbours and sympathetic plans submitted are acceptable.
- Desirable to utilise as many of the existing bricks as possible and commitment to protection and maintenance of the communal gardens.
- Support as the development uses the existing footprint and does not increase the height or move the back wall further back.
- Can only offer positive comments and urge planning committee to disregard irrelevant objections to what will be a significant improvement to the buildings and grounds.
- Provision of more apartments will help towards meeting a local and national need.
- Appreciate attention given to the trees in view of the benefits they bring in respect of air quality and wildlife.
- Does the proposal for hardstanding areas allow for effective dispersal and drainage of surface water?

- Note comments from other neighbours on the perceived historical value of the property and consider these comments to be erroneous, the condition of the property to be very poor.
- Reference to Great Crested Newts is lacking any scientific basis.
- Heritage concerns are overstated.
- Harm already caused to the Conservation Area through infill development permitted in the last 20 years.
- Technical reports confirm property in a very poor structural state. Had to be disposed of via auction.
- A building should not be retained just because it is old. The important issue is the quality of the replacement structure.
- There are technical engineering solutions for root protection zones and additional car parking could be achieved if the site was re-landscaped.
- Opportunity to resolve the future of this difficult site.

3 responses received objecting to the proposal following submission of amended plans and raising the following points:

- Historic England has twice stated that the proposal would cause a 'serious level of harm' to the Conservation area.
- Contents of previous submissions are still valid.
- Great weight must be placed on the view of the Council's Conservation Officer.
- Building is currently in residential use.
- Total demolition has little public benefit and would cause substantial environmental impact.
- Building must be preserved in its setting.
- Destruction of this heritage asset would leave the Council open to challenge.
- Share the Tree Officer's concerns
- Surprising to note the variance of opinion that is put forward by experts regarding Great Crested Newts.
- Parking arrangements are un-workable.
- New building will be overbearing, damaging to amenity and privacy at 32 Cambridge Road and 1 Houghton Gardens.
- Do not consider that amended plans have addressed concerns previously raised.
- Applicant should undertake to establish the presence or likely absence of Great Crested Newts by undertaking appropriate surveys at the correct times of year.
- Proposal will result in total loss of an historic asset in the conservation area, and on a leading route into Ely.
- Note that number of parking spaces increased, however double-stacked spaces will be difficult/impractical to use and will result in inadequate parking provision.

1 response in support of the proposal following submission of amended plans and raising the following points:

- Note attention given by the applicant to concerns expressed regarding the earlier submission. Delighted to see the well-designed plans for the landscaped gardens. Fully supportive of the application.

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 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 3	Affordable housing provision
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 13	Local Register of buildings and structures
ENV 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Ely Conservation Area
 Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development
 LP2 Level and Distribution of Growth
 LP3 The Settlement Hierarchy and the Countryside
 LP6 Meeting Local Housing Needs
 LP16 Infrastructure to Support Growth

LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP19	Maintaining and Improving Community Facilities
LP20	Delivering Green Infrastructure, Trees and Woodland
LP22	Achieving Design Excellence
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 The main issues to consider in the determination of the application are the principle of development including cultural heritage and visual amenity, residential amenity, highway safety and parking provision and biodiversity and ecology.

7.2 **Principle of development including cultural heritage and visual amenity**

7.2.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. The site is located within the established development framework for Ely where the principle of development is generally acceptable subject to all other material planning considerations being satisfied.

7.2.2 The site is located within Ely Conservation Area, a designated heritage asset for the purposes of the National Planning Policy Framework (NPPF), and the building known as number 30 Cambridge Road is included on the Council's adopted Buildings of Local Interest Register, a non-designated heritage asset for the purposes of the NPPF. National Planning Practice Guidance (NPPG) states that local planning authorities may identify non-designated heritage assets. These are 'buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which *are not formally designated heritage assets*'.

7.2.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives local authorities a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The Ely Conservation Area Appraisal identifies Cambridge Road as being a residential street with mainly large, imposing dwellings, running the whole length of the road. The presence of significant trees within gardens contributes to the character of the area. The Conservation Area Appraisal specifically refers to the fact that Cambridge Road contains a number of interesting substantial buildings, which help to give the area a spacious and dignified feel and provide a welcoming entrance to the city.

- 7.2.4 The Appraisal document does contain a photograph of number 30 Cambridge Road, although this is directly below reference to the range of boundary treatments that can be found on Cambridge Road with the application site being an example of a low wooden fence on the front boundary.
- 7.2.5 Policy ENV11 of the adopted Local Plan states that development proposals within or affecting a conservation area should be of a particularly high standard of design and materials in order to preserve or enhance the character of the area. The policy also states that the demolition of buildings within a conservation area will only be acceptable where:
- They are structurally unsound (for reasons other than deliberate damage or neglect), beyond reasonable repair, and measures to sustain the existing use or to find an alternative use/user have been exhausted; and in all cases
 - They have little or no architectural, historic or visual significance or have a negative impact on the conservation area; and in all cases
 - Comprehensive proposals for reconstruction or redevelopment have been submitted and have received planning permission.
- 7.2.6 This part of Ely Conservation Area derives its significance from its historic and aesthetic qualities. As stated in the Conservation Area Appraisal there are a number of interesting substantial buildings on Cambridge Road and it is considered that number 30 is one such building. The building is a good example of the Queen Anne Revival Style and is the only building of this style within the vicinity. Although partially screened by the substantial trees within and close to the site, the building itself is still visible within the street scene and its architectural features can be appreciated by passers-by. The building is set back from the highway and the proposed replacement dwelling will be located on a very similar footprint and will be of a similar scale to the existing building. Once completed the development will preserve the spacious feel of Cambridge Road, however, the historic significance of the existing building will be lost with a modern building in its place. It is therefore considered that the proposal fails to preserve or enhance the character and appearance of this part of the conservation area and would result in a high level of harm on a local level.
- 7.2.7 Historic England has commented on the proposal and identifies that number 30 Cambridge Road positively contributes to the conservation area. The demolition of the existing building would result in the total loss of the Victorian craftsmanship and detailing that can be found on the building and the view of Historic England is that its demolition would result in serious harm to the conservation area.
- 7.2.8 A structural report has been submitted with the application and the applicant is seeking to demonstrate that the building is structurally unsound and is beyond reasonable repair. The report identifies that the building has suffered significant foundation movement and that the primary cause appears to be the roots of the many mature and semi-mature trees around the building abstracting moisture from the clay. In addition, defective drains have also contributed to the subsidence. The report considers that, in its current condition, the building is un-mortgageable. Various options are put forward including the construction of a piled raft foundation

to support the building. It is also suggested that the rate of movement in the building has reduced as the surrounding trees have reached their mature heights and demand for moisture has levelled. The report suggests that an alternative approach is to remove all of the trees that are currently affecting the property, allow the building to ride out the heave induced movements and then repair the substructure. This could take some time but the costs would be significantly less than the option detailed above. The report concludes by identifying the further option of demolishing and re-building, reusing the bricks where possible.

- 7.2.9 It is accepted that the building requires attention in order to become structurally sound, however, the report suggests that the building is not beyond reasonable repair. The construction of a new building will have to be to modern building standards, however, the existing building could be brought up to modern standards, negating the need for demolition. The Council is also aware that there was extensive marketing of the property prior to the applicant purchasing it in around 2015/16. No evidence of any recent marketing of the site has been submitted with the application to show that an alternative use/user is not a viable option in accordance with policy.
- 7.2.10 It is considered that the building makes a positive contribution to the character and appearance of the conservation area and is of high architectural, historic and visual significance. The proposal does include a comprehensive scheme for the redevelopment of the site, however, this does not outweigh the other elements of policy ENV11. On this basis the conflict with policy ENV11 weighs heavily against the proposal.
- 7.2.11 The proposal does not result in the total destruction of the conservation area, a designated heritage asset and would therefore result in less than substantial harm being caused to the conservation area as a whole. In accordance with paragraph 134 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The scheme proposes nine apartments that will be offered to the open market and does therefore make a modest contribution to the District's housing stock. It is believed however that the building is currently in residential use, possibly as a house of multiple occupation. The building is therefore already making a contribution to housing need within the District. The modest economic benefits that would result from the construction of the apartments also attract weight in favour of the proposal. It is accepted that the Council cannot currently demonstrate that it has a five year supply of land for housing, however, the benefits attached to the provision of nine apartments on the site do not outweigh the harm caused to Ely Conservation Area.
- 7.2.12 Policy ENV13 of the adopted Local Plan relates to the Buildings of Local Interest Register. The policy states that:

Proposals that affect a building or structure on the Local Register will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.

The Council will resist development that will:

- *Involve the demolition or part demolition of buildings or structures on the Local Register; and*
- *Involve the inappropriate alteration or extension to buildings or structures on the Local Register.*

Proposals to demolish all or part of a building or structure on the Local Register will not be permitted other than in wholly exceptional circumstances where:

- *All possible measures to sustain the existing use or to find an alternative use have been exhausted, including active and genuine marketing of the asset.*
- *The building is structurally unsound (for reasons other than deliberate damage or neglect), beyond all reasonable repair and its redevelopment would bring wider public benefits; and in all cases*
- *Comprehensive proposals for reconstruction or redevelopment have been submitted and have received planning permission.*

- 7.2.13 The consideration of Policy ENV13 raises the same issues as that assessed under Policy ENV11. The total loss of the existing building will clearly have a detrimental impact on the visual, architectural and historic significance of the building and as stated above, the proposal fails to fully address all the criteria attached to the policy, save for the requirement for comprehensive proposals for reconstruction or redevelopment to be submitted. The proposal therefore fails to meet the requirements of Policy ENV13, adding further weight against the proposal.
- 7.2.14 The Council is in the process of preparing a new Local Plan and emerging Policy LP27 relates to conserving and enhancing heritage assets. This policy carries forward the principles contained within Policies ENV11 and ENV13 of the adopted Local Plan and thus the proposal is also considered to be contrary to the emerging policy.
- 7.2.15 The proposed replacement building is of traditional design, which the applicant states to be consistent with the existing building. The applicant proposes to use red brickwork beneath a slated roof with softwood windows. Extensive brick and stone detailing is also proposed. The proposed building will occupy a similar footprint to the existing building, although it will extend further into the site. As stated above, the siting of the building will retain the spacious feel of Cambridge Road when viewed from the highway.
- 7.2.16 Amended plans have been received during the course of the application increasing the number of parking spaces being provided to the rear of the proposed building. This arrangement will result in the loss of some of the rear garden and as part of the parking area will be covered, this increases the amount of built form on the plot.
- 7.2.17 Policy ENV2 requires development proposals to be designed to a high quality, enhancing and complementing local distinctiveness. In addition, proposals should make efficient use of land while respecting the density and character of the surrounding area. It is disappointing that in order to achieve the required number of car parking spaces that the rear garden is further eroded by the addition of hard standing and a permanent structure to provide cover from the trees on and close to the site. However, on balance the proposed building, including its position within

the plot and its design broadly meets the requirements of Policy ENV2 of the adopted Local Plan and Policy LP22 of the Submitted Local Plan in this respect.

7.3 Residential amenity

- 7.3.1 A number of side windows are proposed in the replacement building to facilitate the provision of nine apartments. Concerns have been raised by the occupier of number 32 Cambridge Road that these windows will lead to an unacceptable level of overlooking and that the proposed building will be overbearing on both number 32 Cambridge Road and the dwelling to the north, number 1 Houghton Gardens.
- 7.3.2 Number 32 Cambridge Road sits forward of the existing and proposed buildings with a separation distance of approximately 18m with the proposed building. There are a number of mature trees between the two buildings, including two protected Oak trees. Any overlooking between the dwellings will be minimal and given that the proposed building is only 0.5m taller than the existing building it is considered that it will not appear overbearing or cause any significant loss of light.
- 7.3.3 No objections to the proposal have been received from the occupiers of number 1 Houghton Gardens, which is located approximately 11.5m from the side of the proposed building. The windows proposed on the northern elevation face either the front garden area or the side elevation of 1 Houghton Gardens and will not give rise to unacceptable levels of overlooking. The proposed building extends just beyond the rear building line of number 1 Houghton Gardens and will not therefore appear overbearing or cause a significant loss of light.
- 7.3.4 Any future occupiers will have the enjoyment of sufficient amenity space to the front and rear of the proposed building. Should the development go ahead the applicant can be required to submit a Construction Environmental Management Plan to minimise noise and disruption from the development. On balance therefore it is considered that the proposal meets the requirements of Policy ENV2 of the adopted Local Plan and Policy LP22 of the Submitted Local Plan in respect of residential amenity.

7.4 Highway safety and parking provision

- 7.4.1 The proposal includes the making of improvements to the existing access off Cambridge Road. The hardstanding area to the front of the building will be retained with the majority of the parking provision located to the rear of the building with access to the side of the building, alongside the boundary with number 32 Cambridge Road.
- 7.4.2 The Local Highway Authority raises no objection to the proposal, subject to appropriate conditions and the scheme accords with Policy COM7 of the adopted Local Plan and Policy LP17 of the Submitted Local Plan.
- 7.4.3 The proposal has been amended during the course of the application to increase the number of parking spaces being provided. A total of 17 spaces are proposed to the rear of the building with two additional visitor spaces to the front. Policy COM8 of the adopted Local Plan requires two parking spaces per dwelling to be provided plus two visitor spaces. The scheme is therefore one space short of the policy

requirements. Given the proximity of the site to the city centre it is considered that this shortfall attracts only minimal weight against the proposal.

- 7.4.4 Concerns have been raised by some local residents that the parking provision on site is impractical and will lead to increased pressure for on-street parking. The proposed parking layout does include some 'tandem' or 'double parking', which will presumably be allocated to certain apartments. Whilst this arrangement is not ideal it is unlikely to lead to any significant on-street parking and given that parking on Cambridge Road is restricted residents are more likely to make use of the parking spaces on-site. The scheme is considered to broadly comply with Policy COM8 of the adopted Local Plan and Policy LP22 of the Submitted Local Plan in respect of parking provision.

7.5 Biodiversity and ecology

- 7.5.1 The proposal has the potential to affect a number of protected trees both within the site and on adjoining land. The scheme has been amended during the course of the application to produce a less formal landscaping arrangement to the front of the site and this element of the proposal is supported by the Tree Officer.
- 7.5.2 There are however two elements of the scheme that are not fully supported by the Tree Officer. These relate to the parking arrangements and access to the parking area. At present all parking is to the front of the building and other than for the purposes of occasional maintenance there is no need for vehicles to access the rear of the site. The location of the parking is such that vehicles will be required to pass over the area between the side of the building and the boundary with number 32 Cambridge Road.
- 7.5.3 The information submitted with the application suggests that no excavation of this area will be required and that a detailed method statement can be compiled for the scraping of the surface vegetation and the levelling of any soil undulations. There is however the potential for the roots of the adjacent protected trees to be damaged during construction and from the continuous use of this area by vehicles. It is acknowledged that the area is already compacted but the laying of hardstanding, with provision for drainage would compound the situation, possibly to the detriment of the protected trees, including the mature Oak and Yew trees within the grounds of number 32 Cambridge Road. The Tree Officer does accept however that the construction of the access is possible provided that professional arboricultural supervision is in place when necessary.
- 7.5.4 The proposed covered parking area will surround a significant Beech tree within the site, trapping the tree and preventing access for future maintenance. This Beech tree makes an important contribution to the visual amenity of the site and, as all the trees on the site, is protected. Vehicles will be parking under the canopy of the tree and thus on top of the root protection area. The Tree Officer has raised concerns that this arrangement will lead to debris falling from the tree on the covered area and vehicles close-by. Maintenance of the cover will be difficult and any 'nuisance' caused by the Beech tree could lead to pressure for its removal by residents.

- 7.5.5 It has been suggested to the applicant that a reduction in the number of apartments proposed would reduce the number of parking spaces required and may mean that all parking could be accommodated to the front of the building. This would remove both of the concerns raised above. As submitted the scheme has the potential to adversely affect a number of mature protected trees and on this basis it fails to comply with Policy ENV7 of the adopted Local Plan and Policies LP28 and LP30 of the Submitted Local Plan. Given the significance of the protected trees on and close to the application site this is considered to attract significant weight against the proposal.
- 7.5.6 The suitability of the site for Great Crested Newts has been considered as part of this application as the matter was raised previously when development was proposed in 2012. The information submitted at that time was inconclusive as to the presence or otherwise of Great Crested Newts. The current proposal includes the loss of the existing pond on the site.
- 7.5.7 At the request of Officers an updated Phase 1 habitat Assessment has been submitted with the application. This draws upon reports previously prepared for the site and reaches its own conclusion of the likely presence of Great Crested Newts on the Site. There are some differences between the conclusions reached by ecologists in 2012/13 and the authors of the current report, which are partly justified due to the deterioration in the condition of the site in recent years. The current report gives the pond a Habitat Suitability Index of 0.44, which equates to Poor. Previously the pond had been given a score equating to Average that was corrected to Below Average. The current report states that the lowering score is consistent with the deterioration of the pond as it fills with leaf litter and on the reducing water quality as the leaf litter rots in the pond. The score also reflected a much more regular drying rate as indicated by the applicant. This was considered very likely given the limited amount of available water in the pond during survey visits made by the ecologists.
- 7.5.8 The use of anecdotal evidence provided by the applicant has been questioned by neighbouring residents and as a result the Case Officer has very recently visited the site. At the time of the visit the pond was completely dry with evidence of leaf litter having rotted at the base of the pond. With the exception of some essential tree removals very little maintenance appears to have been undertaken on the site in respect of trees and landscaping. Differences of opinion between ecologists in respect of shading of the pond may therefore be related to changes that have occurred on the site since the last time the HSI of the site was calculated.
- 7.5.9 Natural England's Standing Advice on protected species is now contained within NPPG. This states that a survey for great crested newts should be carried out if distribution and historical records suggest newts may be present; there is a pond within 500m of the development, even if it only holds water some of the year or the development site includes refuges (e.g. log pile or rubble), grassland, scrub, woodland, or hedgerows. Areas may be excluded from survey if newts are highly unlikely to be present, e.g. because the habitat is unsuitable or records show no newts nearby. The guidance goes on to state that the HIS can be used to calculate habitat quality and likelihood of great crested newt presence but it is not a replacement for detailed survey and cannot confirm presence or absence.

- 7.5.10 The current ecology report refers to the fact that data searches in 2015 and 2018 identified four records of great crested newts within a 2km radius. Two were historical records from 1985, one from 1994 and a record in 2011. Further research indicates that much of the land on which there were sitings has been developed and one pond is enclosed by a brick wall. The report does also mention the fact that Natural England received information in 2013 from a local resident that a pond in their garden two properties away contained great crested newts. This report was the basis for a considerable amount of debate and discussion at the time of the 2012/13 planning application, which resulted in the application being refused for a number of reasons including the fact that insufficient evidence has been provide to ensure that biodiversity and species protection has been properly taken into account. The lack of a suitable survey of the site for great crested newts was key to this decision. A survey was commissioned by Cambridgeshire County Council, the previous owner of the site, in 2014 and this found no evidence of great crested newts on the site.
- 7.5.11 The current applicant has sought to rely on a low HSI score in order to demonstrate that it is highly unlikely that great crested newts would occur on site or in the local area. As stated above the NPPG advises that a survey should be carried out even if a relevant pond only holds water some of the year and if large parts of the site include refuges, grassland and scrub that is suitable habitat, all of which are present on the site. Given that the only known survey was carried out in 2014, some four years ago and is now considered to be out of date, it is considered that the current proposal fails to comply with the requirements of Policy ENV7 of the adopted Local Plan and Policy LP30 of the Submitted Local Plan in relation to biodiversity and species protection. This attracts significant weight against the proposal.

7.6 Other matters

- 7.6.1 The Waste Strategy team has commented on the proposal and notes that the location of the bin store is not suitable due to the location of the visitor parking spaces. No changes to the scheme have been made in this respect, however, a planning condition could be imposed requiring further details of the bin store and its location to be agreed with the local planning authority.
- 7.6.2 Matters in relation to contaminated land and surface water drainage can be dealt with by condition.
- 7.6.3 A local resident brought to the Council's attention that an error had been made on the location plan submitted with the application and that an area of land that included part of the covered parking area had been excluded from the plan. The block plan submitted on the same drawing was correct and the applicant's agent supplied an amended location plan. A full re-consultation process was carried out following receipt of the amended plan and a new site notice was displayed on the site. Officers are satisfied that the application is valid and that all requirements in relation to publication of the application have been met.
- 7.6.4 The scheme will be subject to the Community Infrastructure Levy

7.7 Planning balance

- 7.7.1 The proposal involves the provision of nine apartments, located close to the city centre and built to modern construction standards. This attracts moderate weight in favour of the proposal given the Council's lack of five year housing land supply. The long and short-term economic benefits also attract some limited weight in favour. Matters in relation to residential amenity and highway safety can be addressed by condition.
- 7.7.2 The proposal involves the demolition of a significant building within the Cambridge Road part of the Ely Conservation Area. The building makes a valuable contribution to the historical and architectural significance of the area and its loss would lead to a serious level of harm to the conservation area. The proposal fails to meet the requirements of Policy ENV11 in relation to the demolition of the building and the harm caused to the conservation area is not outweighed by the moderate benefits of the proposal as stated above. The proposal also fails to meet the requirements of Policy ENV13, which states that proposals that affect a building on the Local Register will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset. The conflict with Policy ENV13 adds further weight against the proposal.
- 7.7.3 The proposal falls slightly short of the Council's adopted parking standards, however, given the proximity of the site to the city centre it is considered that any conflict with Policy COM8 attracts minimal weight against the proposal.
- 7.7.4 The proposal has the potential to affect a number of significant protected trees. The parking and access arrangements are likely to comprise a significant Beech tree and the protected Oak and Yew trees on the adjoining land. In addition insufficient evidence has been provided to ensure that biodiversity and species protection has been fully taken into account. These matters, and the conflict with Policy ENV7, attract significant weight against the proposal.
- 7.7.5 In conclusion it is considered that the adverse impacts of the proposal on the conservation area and a locally listed building together with the adverse effects on biodiversity and ecology significantly and demonstrably outweigh the benefits of the scheme and the application is recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00378/FUL	Julie Barrow Room No. 011 The Grange	Julie Barrow Senior Planning Officer
12/00901/FUM 12/00902/CAC 16/01562/FUL	Ely	01353 665555 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 –

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>