

**MAIN CASE**

**Reference No:** 17/00272/VAR3M

**Proposal:** To vary Condition No.1 (Plans) of 15/01417/F3M for Residential development for 11 dwellings, with minor alterations to the existing vehicular and pedestrian access

**Site Address:** Land At Barton Road Car Park Barton Road Ely  
Cambridgeshire

**Applicant:** East Cambridgeshire District Council

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

**Parish:** Ely

**Ward:** Ely North

Ward Councillor/s: Councillor Mike Rouse  
Councillor Elaine Griffin-Singh  
Councillor Andy Pearson

**Date Received:** 20 February 2017      **Expiry Date:** 22 May 2017

[R260]

---

1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE the applications, subject to the recommended conditions below:

1.2

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample Plan
- 4 details of construction
- 5 window detail
- 6 Site Characterisation
- 7 Reporting Unexpected Contamination
- 8 construction times
- 9 Soft landscaping scheme
- 10 hard landscaping
- 11 Archaeological investigation
- 12 access drainage
- 13 surface water
- 14 biodiversity
- 15 boundary
- 16 bins and cycles

- 17 Sustainability
- 18 PD rights
- 19 Parking
- 20 Construction Environmental Management Plan

These are fully listed within Appendix 1.

It should be noted that the previous S106 dated 23 December 2016 for 15/01417/F3M still fully complies.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is seeking to vary the previously approved plans, which includes a variety of changes to the design of the proposed dwellings as stated within the Design and Access Statement (Dated March 2017). These changes include minor alterations to the profile of the buildings walls and roof line; more glazing on the ground floor rear elevation (following open plan dining/kitchen area); the removal of the rear 2nd floor dormers with rooflights; side wall realignment; change to chimney stack design; removal of chimney and alterations to front door design (fan light).
- 2.2 The application was amended in order to return the garage doors to the more traditional design, as approved under 15/01417/F3M.
- 2.3 The application has been reported to Planning Committee as East Cambridgeshire District Council is the applicant.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 PLANNING HISTORY

- 3.1
 

15/01417/F3M	Residential development for 11 dwellings, with minor alterations to the existing vehicular and pedestrian access.	Approved	28.12.2016
--------------	---	----------	------------

A non-material amendment has been made for 15/01417/F3M and is still being considered.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is on the Barton Road public car park within the Ely Conservation Area. Adjacent to the site is the 'Art Deco' style youth centre and the

one and a half storey dwelling of 20 Barton Road. On the opposite side of is a school playing field.

4.2 The Grade I Listed Buildings of St Marys Church and the Cathedral can be seen from this site; it is also within the Ely Conservation Area.

## 5.0 RESPONSES FROM CONSULTEES

5.1 The full responses of all consultees are available on the Council's web site.

City of Ely Council – (7 March 2017) It states that while it objected to the original application, it does not have any concerns regarding the variations to this application.

Environment Agency – (1 March 2017) Returns without comment as it does not know why it has been consulted.

Historic England – (6 March 2017) Does not wish to comment on this application but suggests that specialist conservation and archaeological advisors are sought.

Design Out Crime Officer - (2 March 2017) No objections or recommendations.

Conservation Officer – (17 March 2017) They state that the amendments to the design do not fundamentally alter the principal of the proposals as previously approved.

Local Highways Authority – (15 March 2017) The alterations will have no further implications than has already been stated on the highway network.

5.2 A notice was put in the press on the 8 March 2017 and a site notice put up on the 9 March 2017.

Neighbours – 173 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

20 Hertford Close Ely – (27 February 2017) States they are confused by the proposal and plans; is seeking clarification.

33 Granary End, Witchford – (5 March 2017) States that having seen the new markings in the car park has anyone in planning looked at the space for one coach. They suggest the space makes it very difficult to manoeuvre the coach in and out of the space.

## 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements

GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision

- 6.2 Supplementary Planning Documents  
 Design Guide  
 Developer Contributions and Planning Obligations  
 Ely Conservation Area  
 Cambridgeshire Flood and Water

- 6.3 National Planning Policy Framework 2012

7.0 PLANNING COMMENTS

- 7.1 Principle of Development

- 7.2 The principle of development has already been fully considered within 15/01417/F3M and deemed to be acceptable.

- 7.3 Highways and Parking

- 7.4 The proposed changes will have no impact upon the access into the site and Barton Road Car Park, nor will it have any impact upon the layout of the car park.

- 7.5 Any alterations to the layout (painting of parking bays etc) of the car park is under the control of the developer as originally reported under the original planning application 15/01417/F3M.

- 7.6 Residential Amenity

- 7.7 The proposed changes by virtue of their scope/location will have no impact upon residential amenity.

- 7.8 Visual Impact and Historic Environment

- 7.9 The change from rear dormers to roof lights will be visible from the Barton Road Car Park but is considered to make the rear elevation simpler and more uniform.
- 7.10 The minor changes to the roof slope (changing eaves height and roof pitch) and slightly changing wall line is considered to be acceptable, as the changes do not affect the overall design of the building.
- 7.11 All other changes, as described in the summary of the application, are considered to be of a very minor nature and will have no material impact upon the final character or quality of the development.
- 7.12 The changes to the design of the dwellings are considered to have no noticeable impact upon the overall design or quality of the proposed terrace units.
- 7.13 Other Material Matters
- 7.14 All previous conditions will be added as per 15/01417/F3M, unless discharged (15/01417/DISA) where the developer will be required to comply with the agreed details.
- 7.15 Planning Balance
- 7.16 The proposed change to the design of this development are considered to be acceptable and only leads to minor changes from previous approved development. Members are requested to approve the application.

## 8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- Previous approval of the application

## 9.0 APPENDICES

- 9.1 Appendix 1 – Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00272/VAR3M	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
15/01417/F3M	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 17/00272/VAR3M Conditions

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

Plan Reference	Version No	Date Received
P08	F	8th March 2017
P07	D	22nd February 2017
P09	G	22nd February 2017
P10	C	7th December 2015
EX01	C	18th November 2015
SPA/001	Rev 4	4th July 2016
P11		4th January 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of original permission dated 28 December 2016.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix. The panel shall remain on site for the duration of the development and shall be agreed in writing by the Local Planning Authority.
- 3 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the streetscene and conservation area in accordance with policies ENV2 and ENV 11 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to above ground construction works details shall be submitted for all windows and doors (windows shall show proposed sash recess at a scale of 1:20, all other fenestration details will be done to the same scale), door surrounds and rainwater goods to be agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the streetscene and conservation area in accordance with policies ENV2 and ENV 11 of the East Cambridgeshire Local Plan 2015.
- 5 The window fenestration on the front elevation of the proposed dwellings (excluding rear garage block) shall be timber sash windows and thereafter permanently retained.
- 5 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the streetscene and conservation area in accordance with policies ENV2 and ENV 11 of the East Cambridgeshire Local Plan 2015.

- 6 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.
- 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 ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 8 Construction times and deliveries, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays or Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development.
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 10 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 No development shall begin until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in accordance with the approved details.
- 11 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority
- 12 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015
- 13 No development shall take place until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority including:
  - a) The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 annual probability critical storm (plus a 30% allowance for climate change) will not exceed the run-off rate from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

b) Site investigation and test results to confirm infiltration rates.

- 13 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV7 and EMV8 of the adopted Local Plan. This is prior to commencement as these details are needed before construction work begins and unreasonable to require developer to undertake work prior to consent being granted.
- 14 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 15 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to first occupation.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to first occupation the details of the bin store/cycle store (to serve the apartments) shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details before any of the hereby approved dwellings are occupied.
- 16 Reason: A lack of detail has been submitted to ensure that the development meets with the requirements of ENV2 of the East Cambridgeshire Local Plan Adopted April 2015 in order to ensure it is of a suitable design and usable for bin storage.
- 17 The developer shall fully install all sustainability measures agreed within planning reference 15/01417/DISA prior to first occupation.
- 17 Reason: To ensure the proposal meets with the requirements of sustainability as stated in Policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way and no windows or solar panels facing the public highway (south) and no structures shall be erected within the curtilage of the dwelling.
- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to park clear of the public highway

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.