

MAIN CASE

Reference No: 15/00400/FUL

Proposal: **Erection of 2No. semi-detached dwellings with associated parking, landscaping and access arrangements**

Site Address: 11-13 Bernard Street Ely Cambridgeshire CB6 1AU

Applicant: Mr Chris Senior

Case Officer: Julie Barrow Planning Officer

Parish: Ely

Ward: Ely West

Ward Councillors: Councillor Sue Austen
Councillor Neil Hitchin

Date Received: 28 April 2015 **Expiry Date:** 12 August 2015

[Q54]

1.0 **RECOMMENDATION**

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

1. Bernard Street is located within the Ely Conservation Area and comprises a narrow road with residential dwellings on either side. The proposed layout of the scheme, with the dwellings set back from the edge of the public highway, is out of character with the surrounding area which features Victorian style cottages that are located on the back edge of the footpath. The ridge height of the proposed dwellings is above that of the dwellings to either side of the site, which further results in the proposed dwellings appearing out of character in the street scene. The proposed scheme therefore fails to preserve or enhance the character and appearance of the Conservation Area and is contrary to policy ENV11 of the East Cambridgeshire Local Plan 2015 and Section 12 of the National Planning Policy Framework in this regard. The proposal is also contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015, which requires the layout, scale, form and massing of buildings relate sympathetically to the surrounding area and each other.
2. The parking area proposed to the front of the site will have a maximum width of approximately 10 metres and a depth of 5 metres. The area has been designed to accommodate four parking spaces, one each for the proposed dwellings and one each for Nos. 11 and 13 Bernard Street. A parking area of the dimensions proposed is unlikely to be able to accommodate four vehicles and provide

sufficient space for drivers and passengers to get into and out of the vehicles. The space is also inadequate to accommodate users with impaired mobility. Bernard Street is a narrow, no-through road, which often has vehicles parked along it and there would be insufficient space for vehicles to reverse off the parking area if vehicles are parked on the street behind it. It is unlikely therefore that the parking area will be of practical use to serve four dwellings and will result in increased pressure for on-street parking. The proposal therefore fails to comply with policy COM7 of the East Cambridgeshire Local Plan 2015, which requires development proposals to be capable of accommodating the level/type of traffic generated without detriment to the highway network and the amenity, character or appearance of the locality, and Local Plan policy COM8, which states that development proposals should provide adequate levels of car and cycle parking.

3. Plot 1 will be located approximately 1 metre from the boundary with No. 11 Bernard Street with a two storey side elevation visible from a dining room window at ground floor level and a bedroom at first floor level. The expanse of brickwork visible at such close proximity would be visually dominating and overbearing on the occupiers of No. 11. A similar situation arises in respect of Plot 2, which will be located approximately one metre from the side wall of No. 13 Bernard Street. Its presence this close to the side of No. 13 will appear overbearing and visually dominating when viewed by occupiers of No. 13 from a dining room window in the side elevation. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, which requires development proposals to ensure that they do not have a significantly detrimental effect on the residential amenity of neighbouring occupiers.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of a pair of two storey semi detached dwellings on land formerly belonging to 11 and 13 Bernard Street. The dwellings occupy a maximum footprint of 9.4 metres by 9.4 metres with a ridge height of 7.3 metres. The dwellings have a cottage style appearance, similar to other dwellings on Bernard Street. At the rear a projecting gable feature is centred on the pair of dwellings with single storey sections adjacent to the boundaries of the site. The dwellings will be set back 6 metres from the edge of the highway with a hardstanding area between the dwellings and the highway which measures 11.5 metres in width and 5 metres in depth.

- 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.**

3.0 PLANNING HISTORY

- 3.1
88/00514/FUL ERECTION OF A GARAGE Approved 08.06.1988

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|--------------|--|----------|------------|
| 15/00254/PDR | Replacement windows to front elevation from UPVC casement to timber sliding sash. The works include the lowering of the cills heights to allow for the correct proportions | Approved | 05.05.2015 |
| 15/00255/PDR | Replacement windows to front elevation from uPVC casement to timber sliding sash. The works include the lowering of the cills heights to allow for the correct proportions | Approved | 05.05.2015 |

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the development envelope and Ely Conservation Area and comprises part of the curtilage of 11 and 13 Bernard Street, formerly used for parking and as residential garden. Bernard Street is a narrow, no-through road, located in a residential area close to the town centre. Victorian style houses that have been modernised front onto either side of Bernard Street with the front elevations of the dwellings on the back edge of the footpath.

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.

Parish
Ward Councillors
Conservation Officer
Cambridgeshire Archaeology
Local Highways Authority
Environmental Health
Waste Strategy (ECDC)

City of Ely Council – No concerns.

Ward Councillor, Cllr M Rouse – Requests that this application is 'called in' as it concerns issues over town centre dwellings and parking arrangements.

Conservation Officer – This application affects a site located within Ely conservation area and as such any development should take care to preserve or enhance the character or appearance of the area and not have a detrimental impact.

The principle of development on this site would not be an issue from a conservation viewpoint, as the site is located within an area of residential development.

In terms of the proposal, the setting back of the properties into the site and creating off street parking to the front is completely out of character with the street scene and the wider area. All of the properties on both sides of the street are located on the back edge of the footpath and this is the dominant built form in the surrounding streets.

The properties have been designed in a traditional manner and would fit well within the street scene in terms of fenestration and proportions. However, on the plans their ridge height appears to sit above that of the neighbouring properties. Any development on this site should be at most the same height as the surrounding dwellings to ensure that the scale is in keeping with the character and appearance of the area.

Amendments should be sought to the proposal in terms of siting and design prior to consent being granted, from a conservation viewpoint.

Cambridgeshire Archaeology – Records indicate that the site lies in an area of high archaeological potential, located on the western edge of the historic core of Ely. There are no objections to development in this location but consider the site should be subject to a programme of archaeological investigation secure by condition.

Local Highway Authority – No objections subject to appropriate conditions relating to the access arrangements.

Environmental Health – The applicant has indicated ‘no’ in the ‘proposed use that would be particularly vulnerable to contamination’. Any residential property is classed as vulnerable to the presence of contamination. Contaminated land conditions, requiring an appropriate contamination assessment, should therefore be attached to any planning permission granted.

Due to the location, the times of construction and deliveries to the site during the construction phase should be limited.

ECDC Waste Strategy – East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

5.2 Neighbours – 9 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

One letter of objection from 14 Bernard Street, Ely

- Have concerns regarding the application.
- The plan does not appear to show any parking for the existing properties.
- Prior to renovation work No. 11 had a garage and 2 parking spaces and No. 13 had a parking facility for 3-4 cars. The removal of these spaces is a concern.

- Ask that when reviewing plans that essential off-street parking is considered for the existing houses and the new build and the impact this will have on the street scene.

Nine comment/letters of support from: 29 Chapel Street, Ely
 86 Morton Close, Ely
 9 The Range, Ely
 23 Lynn Road, Ely
 David Clarke & Company
 90 St Johns Road, Ely
 26 Chapel Street, Ely
 26 St Johns Road, Ely
 3 The Range, Ely

- Wholly support this application – will contribute significantly to housing needs of the expanding city.
- Unlike many properties along the street the houses will be provided with off-street parking and adequate amenity areas.
- Will improve the appearance of Bernard Street.
- We are first time buyers looking to settle in Ely.
- Perfect starter homes.
- Applicant is a responsible and involved local resident.
- Ely needs more affordable housing with parking within city limits rather than encroaching on precious farmland.
- Two modest houses sympathetically inserted along the Bernard Street frontage.
- The proposal makes excellent use of an area of redundant land in a very central location.
- Car parking is addressed by retaining spaces for the existing dwellings whilst still providing the new homes with a space each. This should mean there is no additional pressure on Bernard Parking which is predominantly ‘on street’.
- Cambs C C Highways has no objections.
- The development would tidy up the area and improve the street scene.
- If properties were to be developed without parking it would impact on the entire street.
- More central properties for first time buyers would be an asset to Ely.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 2 | Housing density |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 9 | Pollution |
| ENV 11 | Conservation Areas |
| COM 7 | Transport impact |

COM 8 Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 12 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

The site is located close to Ely town centre, in a well established, built up area. the site is also located within the historic development framework and is therefore considered to be in a sustainable location.

The main issues to consider in the determination of the application are visual amenity, the impact of the proposal on the historic environment, highway safety, parking provision and residential amenity in order to test whether the development meets the requirements of sustainable development and the relevant policies within the adopted Local Plan.

7.1 Visual Amenity and the Historic Environment

7.1.1 The site is located within Ely Conservation Area where, in accordance with Local Plan policy ENV11, development proposals should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area. Bernard Street is characterised by its rows of terraced and detached properties which are located on the back edge of the footpath. The street itself is a narrow, no-through road and on-street parking is a defining feature of the area. The application site is a prominent 'gap' in the street scene with historic images of the street indicating that a garage once stood on the land adjacent to No. 11 and the area adjacent to No. 13 was also utilised for parking. The historic use of the site for parking has been confirmed in a letter of representation received from a local resident.

7.1.2 In order to retain some provision for parking, the proposed dwellings are to be set back 6 metres from the edge of the highway. A one metre strip along the front of the dwellings will be landscaped to provide a buffer between the dwellings and the parking area and the remainder of this area is to be set aside for parking. In the Design, Access and Heritage Statement submitted with the application, the applicant has stated that although the proposed dwellings are set back from the edge of the highway, he does not feel that this will alter the character of the area as there is already a gap present between Nos. 11 and 13.

7.1.3 In addition to ensuring that proposals preserve or enhance the character or appearance of a conservation area, developments are also expected, in accordance with Local Plan policy ENV2, to ensure that the location, layout, scale and form of a

proposal relates sympathetically to the surrounding area. The setting back of the proposed dwellings is completely out of character with the street scene and the wider area and cannot be justified by the fact that there is an existing gap between Nos. 11 and 13. This 'gap' could be clearly attributed to the amenity and parking space available to the adjacent dwellings and the positioning of two additional dwellings on the land in the manner proposed is not in-keeping with the pattern of built form in the area. The proposal would therefore serve to harm the character and appearance of the conservation area. Such harm would need to be weighed against the benefits of the proposal as discussed below.

- 7.1.4 The Council's Conservation Officer has also raised concerns regarding the ridge height of the proposed dwellings, which appears higher than the dwellings to either side as shown on the street scene drawing submitted. The dwellings themselves have been designed in a traditional manner and would fit well within the street scene in terms of fenestration and proportions, subject to a reduction in the ridge height.

7.2 Highway Safety and Parking Provision

- 7.2.1 The Local Highway Authority has been consulted on the application and has assessed it in terms of whether it provides safe and convenient access to the highway network. The LHA is satisfied that the proposal will not have an adverse effect on the public highway and has not raised any objection to the application. The proposal is therefore considered to comply with Local Plan policy COM7 in this regard.

- 7.2.2 The LHA does not however assess an application in respect of its parking provision as this is a matter for the Local Planning Authority to consider and make a planning judgement on. The area to the front of the proposed dwellings to be set aside for parking occupies a width of 11.5 metres. This area is also intended to accommodate pedestrian access to the side of the proposed dwellings and their rear gardens, as well as the side and rear of the host dwellings. It is therefore envisaged that the space available for parking will have a maximum width of approximately 9.5 -10 metres. The applicant suggests that this area will provide four parking spaces, one each for the proposed dwellings and one each for Nos. 11 and 13. Given the close proximity of the site to Ely town centre it is accepted that the provision of one parking space per dwelling can be justified. However, it is considered that the space available is insufficient to accommodate four vehicles and on a practical level, is unlikely to be used in this way.

- 7.2.3 Local Plan policy COM8 sets out the Council's adopted parking standards and notes that provision for people with impaired mobility should also be taken into account. The provision of four spaces, each a maximum of 2.5 metres wide is unlikely to provide sufficient space for people with impaired mobility. Bernard Street itself is narrow, making it difficult for cars to manoeuvre on and off the parking area. A minimum of 6 metres is required to allow vehicles to reverse off the parking area and the presence of parked cars opposite the site would prevent the effective use of the area. At present the site provides space for a number of vehicles to park, the majority of which will be lost as a result of the proposed development. Taken as a whole, the proposal represents a net loss of parking spaces given that the parking area is now to serve four dwellings and it is considered that the proposed layout is

unlikely to discourage on-street parking. The proposal therefore fails to comply with Local Plan policy COM7, which requires development proposals to be capable of accommodating the level/type of traffic generated without detriment to the highway network and the amenity, character or appearance of the locality, and Local Plan policy COM8, which states that development proposals should provide adequate levels of car and cycle parking. These matters attract significant weight against the proposal. It is noted that the plans submitted do not make provision for secure cycle storage, however, this could be addressed by way of a planning condition if necessary.

7.3 Residential Amenity

- 7.3.1 Local Plan policy ENV2 requires development proposals to ensure that there is no significantly detrimental impact upon the residential amenity of future occupiers or nearby occupiers. The plot sizes fall below the 300 square metre guideline set out in the East Cambridgeshire Design Guide SPD and the footprint of the proposed dwellings exceeds the guide of approximately one third of the plot size. However, given the close proximity of the site to the town centre and the form and character of development in the locality, it is considered that this deviation from the LPA's design guidelines is acceptable. In addition, it is considered that the rear amenity space on offer for the two proposed dwellings and that retained for Nos. 11 and 13 provides a satisfactory level of amenity for future occupiers of the dwellings.
- 7.3.2 The position of the proposed dwellings within the site does however introduce an issue in respect of the relationship between Plot 2 and No. 13. There are a number of window and door openings in the side of No. 13 that will be located within one metre of the side wall of Plot 2. Whilst there are no window openings in the side wall of Plot 2 to cause any issues of overlooking, its presence close to the boundary will appear overbearing when viewed from a dining room window and a first floor landing window within No. 13.
- 7.3.3 Similar concerns arise in respect of the relationship between Plot 1 and No. 11. The side elevation of Plot 1 will be located approximately 1 metre from the boundary and the two storey element will appear visually dominating and overbearing when viewed from the south facing dining room window at ground floor level in No. 11 and a bedroom window at first floor level. The relationship between the host dwellings and the proposed dwellings is considered to have a significantly detrimental effect on the residential amenity of the occupiers of Nos. 11 and 13 and is contrary to Local Plan policy ENV2 in this regard. The adverse effect on residential amenity therefore weighs significantly against the proposal.
- 7.3.4 The layout of the proposed dwellings indicates that there will be a side facing window opening in each of the dwellings, facing towards the neighbouring dwellings. These window openings are to serve bathrooms and, provided they are fixed shut and fitted with obscure glazing, they would not lead to overlooking towards the amenity space to the rear of Nos. 11 and 13.

7.4 Benefits of the Proposal

- 7.4.1 A number of letters of support have been received in respect of this application, citing the need for small, 'starter' style dwellings, close to the town centre. A

number of representations also state that the proposal will improve the appearance of the street scene and reduce the pressure for on-street parking in the area. A comment has been made that the proposal makes use of redundant space, however, as detailed above, the site was previously used for off-street parking and amenity space for Nos. 11 and 13 and there is no evidence that the site was 'redundant'.

7.4.2 The addition of two dwellings to the housing stock within Ely is a benefit of the proposal that attracts significant weight. In addition the economic benefits that arise from the construction process and purchase of goods and services by future occupiers of the dwellings add weight in favour of the proposal.

7.5 Other Matters

7.5.1 To address the concerns raised by officers in relation to the proposal, it has been suggested to the applicant that an alternative scheme could be achieved through the construction of one, possibly larger, dwelling alongside No. 11. Such a proposal would facilitate the creation of a vehicular access between the proposed dwelling and No. 13, leading to a rear parking court to serve all three dwellings. The applicant has however declined to pursue this option, requesting that the application be determined as submitted.

7.5.2 The proposal now under consideration has been the subject of pre-application advice in which support was given to the provision of off-street parking in the manner set out in this application. The informal advice provided did also state that the *'design of the new dwellings should respect the existing street scene and should avoid adverse impact upon neighbouring dwelling, particularly to number 13 which has a number of lower and upper floor windows fronting the proposed eastern elevation'*.

7.5.3 Applicants are made aware that the advice given at pre-application stage does not prejudice any future decision taken by the LPA and that the only way to fully test the merits of the proposed development are through the submission of a formal planning application.

7.5.4 In accordance with Local Plan policy ENV4, development proposals are expected to address energy and water efficiency and renewable energy in construction. Dwellings of this size and nature are likely to meet high standards of construction through the application of current building regulations. However, applicants are expected to go further than this and demonstrate how the application of sustainable principles and the enhancement of biodiversity can be incorporated into a scheme. In this case this could be established through the provision of items such as bird and bat boxes and water butts, such details being secured by way of a planning condition. For a scheme of this size, this issue attracts little weight in the planning balance.

7.5.5 A comment has been received in support of the application stating that Ely needs more affordable housing with parking within city limits rather than encroaching on precious farmland. This application is in respect of two market dwellings and falls below the threshold for the requirement for affordable housing. It is believed that the comment relates to the provision of housing within reach of first-time buyers and

local residents rather than the provision of 'affordable' housing in the planning sense, i.e. shared ownership etc.

7.6 Planning Balance

7.6.1 The proposal would give rise to important benefits in the provision of much needed housing which should be afforded significant weight. The proposal would also give rise to direct and indirect economic benefits, which should also be given weight. These benefits have to be set against the harm that would arise if the proposal was to go ahead. The proposal would harm the character and setting of the conservation area by virtue of the fact that the dwellings would appear out of keeping in the street scene in terms of their positioning on the site and their ridge height. Whilst it is acknowledged that the proposed layout provides some benefit in the provision of off-street parking, it is considered that the parking arrangements proposed will not practically fulfil the requirement for one parking space per dwelling and will result in increased pressure for on-street parking for occupiers and visitors. The proposed layout would also cause a significantly detrimental effect upon the residential amenity of neighbouring occupiers by virtue of the overbearing presence of the dwellings when viewed from side and rear facing windows in the neighbouring dwellings. Both of these aspects of the proposal weigh significantly against the development and the benefits do not outweigh the harm caused.

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|------------------------------------|---|---|
| Application File 15/00400/FUL | Julie Barrow Room No. 011 The Grange Ely | Julie Barrow Planning Officer 01353 665555 julie.barrow@eastcambs.gov.uk |