

**MAIN CASE**

**Reference No:** 15/00700/FUL

**Proposal:** Construction of a new 2-bedroom single-storey dwelling.

**Site Address:** 22 Cambridge Road Ely Cambridgeshire CB7 4HL

**Applicant:** Mr & Mrs A Sawalhi

**Case Officer:** Julie Barrow Planning Officer

**Parish:** Ely

**Ward:** Ely South

**Ward Councillors:** Councillor Tom Hunt  
Councillor Coralie Green

**Date Received:** 15 June 2015      **Expiry Date:** 10 August 2015  
[Q55]

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1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved plans
2. Time limit
3. Contamination
4. Unexpected contamination
5. Materials
6. Parking and turning areas
7. Visibility splays
8. Surface water drainage
9. Soft and hard landscaping
10. Boundary treatments
11. Avoidance of bird breeding season
12. Tree protection measures
13. Photovoltaic panels

2.0 **SUMMARY OF APPLICATION**

2.1 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.**

2.2 The application seeks consent for the construction of a 2-bedroom single storey dwelling within the rear garden of 22 Cambridge Road, Ely. The proposed dwelling occupies a maximum footprint of 17.5 metres by 8.8 metres and features a pitched roof along the southern boundary with a ridge height of 4.5 metres, sloping to an eaves height of 2.6 metres. The remainder of the proposed dwelling features a flat 'green' roof with a maximum height of 3.4 metres. The existing access off Cambridge Road to the host dwelling is to be utilised for the proposed dwelling together with an existing drive running along the northern boundary. An existing garage is to be demolished as part of the proposal to facilitate access to the site and the creation of a parking and turning area in front of the proposed dwelling. The host dwelling will have the use of an existing parking and turning area between the front of the dwelling and Cambridge Road.

2.3 During the course of the application an amended site layout plan was submitted on 16 July 2015, removing an additional crossover point from Cambridge Road that had been proposed. The amendment was submitted in response to comments received from the Local Highway Authority.

3.0 **PLANNING HISTORY**

3.1

08/01128/FUL	Provision of new rooms in roof space including new dormer window to rear of dwelling	Approved	02.02.2009
13/00614/FUL	Construction of a pair of semi detached houses	Refused - dismissed on appeal	28.11.2013
14/01298/FUL	Construction of a 3 bed detached house	Withdrawn	22.01.2015

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located within the development envelope and conservation area of Ely. The site is immediately surrounded by residential dwellings, and their gardens, to the north, east and south. To the west of the application site is open space, separated by a row of mature trees. The application site is approximately 550 square metres and constitutes the rear garden of the existing dwelling known as 22 Cambridge Road, Ely. The plot is long and narrow with a mature Robinia tree located at the end of the garden.

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.

County Councillor

City of Ely Council  
Local Highways Authority  
Conservation Officer  
Environmental Health  
Arboricultural Officer  
Waste Strategy (ECDC)

**Cllr Anna Bailey, County Councillor** – the current application has not addressed the previous concerns for refusal.

The reduction in height and effort made to reduce the bulk of the building help to reduce the bulky appearance but the Inspector's concerns relating to width and cramped appearance have not been adequately addressed. The donor site cannot take the size of the property proposed and it has a far greater width than the host building.

The loss of the sense of spaciousness at the rear has not been addressed.

The Inspector's concerns regarding the proposed access and car park have not been addressed. With the increase in footprint of the new building, the car parking is now even closer to the new building.

At 34% of the plot size, the new building is marginal at best and given the generous nature of the gardens in this area, it certainly still represents an over-development of the site that would be out of character with its surroundings.

The proposal does not address comments made by the Inspector in relation to the previous proposal differing from the adjacent backland developments and constituting piecemeal backland development which would not accord with the SPD.

The materials and detailed design bears no relation whatsoever with the character of the area.

The latest proposal would unacceptably harm the character and appearance of the area and would not be in keeping with the generally spacious character of the Ely Conservation Area and its pattern of development. The proposal would not preserve or enhance the character or appearance of the Ely Conservation Area. The proposal does not provide sufficient benefit to outweigh the level of harm caused and it is therefore contrary to the NPPF.

The proposal does not address the Inspector's concerns that the proximity of the access drive to 20 and 22 Cambridge Road would affect the amenities of the occupiers of those properties and the position of the Robinia Tree at the rear of the site would shade the rear garden.

**City of Ely Council** – Recommends refusal of this application due to unsuitable access onto the highway. The Council has previously stated that it will no longer support any backland development on Cambridge Road. This area has now reached the maximum capacity with regard to the amount of traffic the road can cope with.

**Local Highway Authority** – The Highway Authority has concerns with the addition of a secondary access onto Cambridge Road at this location. This additional access will increase the number of access points onto this busy stretch of road and therefore it is considered to be detrimental to highway safety. This concern could be overcome if the existing access was used to serve both the existing and proposed properties. If the Planning Authority is minded to approve the application conditions should be imposed in relation to the maneuvering area and the provision of visibility splays.

**Local Highway Authority** (on amended plan) – Following a review of the amended plans submitted for the removal of an additional crossover and the use of the existing crossover, the Highway Authority has no objections in principle to this application.

**Conservation Officer** – The current application addresses the point raised by a Planning Inspector in relation to a previous proposal, which, by virtue of its scale and bulk, was disproportionate in relation to the width of the site, resulting in a cramped appearance. Only one dwelling, single storey in height and positioned lengthways is now proposed, resulting in a better use of space.

The proposal remains backland development and it would not appear possible for the applicant to overcome this issue.

Whilst the development of the rear plot will continue to result in the loss of rear amenity space, which is characteristic in this area, the design and position of the dwelling will to a certain extent limit its visual impact.

The application does not appear to have addressed the access or car parking arrangements that were considered by the Planning Inspector as dominating the space and being visually intrusive.

The proposal has addressed the issue of plot size in relation to the Design Guide SPD. The proposed dwelling will cover 33% of the entire plot; the recommended proportion in the Design Guide is 30%.

The proposal is assessed as causing less than substantial harm to the character and appearance of the conservation area. This must be weighed against the public benefit. Nothing has changed from the previous decision that would change the assessment that there is little or no public benefit for the scheme and it does not meet the test of paragraph 134 of the NPPF.

**Environmental Health** – The applicant has correctly indicated that the proposed use would be particularly vulnerable to the presence of contamination, however an assessment does not appear with the application. Contaminated land conditions are therefore advised.

Due to the location of the proposed development and the proximity of current residents to the site it is advised that construction times and deliveries during the construction and demolition phase are restricted.

**Arboricultural Officer** – The Tree Protection Plan is sufficient to ensure the protection of the Robinia at the rear of the site. If the application is to be approved, a planning condition should be included to ensure the recommendations within Drawing LD13202 of the Arboricultural survey are followed in full.

**Waste Strategy (ECDC)** – 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 boundary on the relevant collection day. ECDC, as 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 – 23 addresses were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Comments received from the following addresses:

- 3 Houghton Gardens
- 23 The Oaks, Soham (4 Cambridge Court)
- 32 Cambridge Road, Ely (Cllr Bill Hunt)
- 24 Cambridge Road
- 9 Houghton Gardens
- 11 Houghton Gardens
- 8 Cambridge Court
- Park House, The Dean's Meadow, Ely
- 9 Cambridge Court
- 10 Houghton Gardens

Points raised:

- The latest application does not address the Inspector's comments that the proposal would have "*a cramped appearance*" and that "*a sense of spaciousness at the rear would be lost*".
- The NPPF puts a duty on the applicant to demonstrate that the proposal will enhance and produce an overall net benefit, particularly within a conservation area. The application does neither.
- The applicant attempts a disingenuous comparison to Cambridge Court as a precedent for building in residential back gardens.
- The conservation area is not just about listed buildings or street scenes. It includes the contextual environment. Cambridge Road has a largely Victorian/Edwardian architecture with houses with large gardens recognised by ECDC's planners as worthy of conservation status.
- To allow development of gardens will deplete the housing stock that forms unique character.
- Importance of gardens being retained in an urban environment highlighted by the Town and Country Planning Association.
- The proposal contravenes the National Planning Policy Framework.
- 4 Cambridge Court aligns with the proposed dwelling and will restrict natural light into the kitchen and rear bedroom.
- The plan indicates an access gate into the parking area for Cambridge Court and the owners of the flats do not wish to give a new property access.

- Ely has had so much built that some areas of greenery should be allowed to flourish.
- The donor house and new building will generate more than four cars in total and the surplus of parked vehicles on Cambridge Road will create danger together with increased danger as cars reverse onto Cambridge Road.
- Any development is backfilling and will be overdevelopment. This would damage the feeling and style of the conservation area.
- Any additional domestic building would damage the residential amenity of neighbouring residents.
- The applicant's statement that because the development sits in the overbearing presence of Cambridge Court this should be regarded as a positive reason for approving the proposal. This contradicts the applicant's argument that the development provides for a high level of general amenity.
- The application does not make a positive contribution to the historic environment and where is the regard for surrounding buildings and features?
- The arguments made by the applicant are misleading and factually incorrect.
- The rear garden of No. 24 contains a summerhouse, patio entertaining area, mature pond and trees. It is highly likely the property will be occupied by a family with small children who could be disturbed by the use of this area in the evenings.
- There will be a perceived and actual loss of amenity in respect of the use of the garden to No. 24.
- Concerned that there will be requests to reduce the height of trees, fencing and shrubs within No. 24. Given that the garden is slightly higher than No. 22 the effect of screening on the new dwelling's patio area and photovoltaic panels will not be insignificant.
- Little appears to have changed from the previous proposal.
- There is a well established pond within No. 24. Request that a survey is carried out to determine whether there are any protected species present.
- If approved, this could set a precedent for development at No. 24.
- The access does not have the support of the City Council.
- Concern that pre-application advice made by a staff member no longer with ECDC.
- 11 Houghton Gardens benefits from vista of gardens surrounding it to compensate for having a small garden itself.
- Overlooking concerns.
- No appropriate access for emergency vehicles.
- South facing aspect will be covered in solar panels which are surely inappropriate and ugly in the conservation area.
- Undesirable sense of enclosure on significant part of No. 24s rear garden when combined with development on Houghton Gardens.
- Affect on amenity of occupiers of No. 20 and No. 24 from driveway.
- Access cannot accommodate construction traffic or service vehicles leading to disruption on Cambridge Road. Access for emergency vehicles cannot be demanded over a private road.
- It is not clear how a northward pedestrian visibility splay can be provided for the northmost access.
- The development could threaten the Robinia Tree in the medium to long term. Has this design been assessed by Lesley Dickinson Ltd?

- The Local Plan identifies need for more housing, noting it will not be achieved through piecemeal development. ECDC has allowed for larger development sites to the north of Ely to ensure the development is well-planned and therefore sustainable.
- The trees along the road restrict vision splays.
- The application is speculative and the stated case for the application is not credible.
- The application provides no benefit.
- The proposal is not consistent with the Ely Town Plan (2015).
- Adverse effect on surrounding properties in respect of their aspect and value.
- The building seems unnecessary in view of the amount of available property of a similar size in the area.
- Anecdotal evidence suggest that houses north of the water tower suffer or have suffered from low or reduced water pressure due to high levels of buildings in the upper part of this area.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
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

Ely Conservation Area  
 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 therefore is considered to be in a sustainable location. It is for these reasons that the proposed

development is considered to be acceptable in principle, subject to all other material considerations being satisfied.

The main issues to consider and balance in the determination of this application are the effect of the proposal on the character and appearance of the area, the impact of the proposal on residential amenity and highway safety in order to ensure the development meets the requirements of sustainable development as defined within the National Planning Policy Framework and the relevant policies with the adopted Local Plan.

## **7.1 Principle of development and the effect of the proposal on the character and appearance of the area.**

7.1.1 The site has been the subject of two planning applications in the past. The first, made in 2013, was for the construction of two semi detached houses. This application was refused by notice dated 12 December 2013 and was subsequently appealed by the applicant. The Planning Inspector issued his decision notice on 12 May 2014, and dismissed the appeal. He considered that the main issue in the appeal was the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Ely Conservation Area.

7.1.2 Since the appeal decision was issued, the Council has adopted the Local Plan 2015. However, Local Plan policy ENV11 in relation to conservation areas, contains the same test as the previous Core Strategy policy (EN5) and 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 the character or appearance of the area.

7.1.3 In his decision notice, the Planning Inspector noted that Cambridge Road is characterised by residential development and that there are modern residential developments to the rear of houses. Mention is also made of the fact that the generally large gardens along that part of the road together with the tree cover within those gardens provide a spacious and verdant quality to the area.

7.1.4 The scale and bulk of two, two-and-a-half storey semi-detached houses was considered by the Planning Inspector to be disproportionate in relation to the width of the site and this would result in the proposal having a cramped appearance. The reduction of the number of units proposed on the site from two to one and the reduction in scale to a single storey dwelling (a reduction in height from 9.5 metres to a maximum height of 4.5 metres), featuring an element of flat, 'green' roof, are material changes to the proposal considered by the Planning Inspector. The width of the built form has also been reduced from 9 metres to 8.5 metres and the bulk of the built form has been broken up into three sections. The combination of these changes is such that the proposed dwelling does not appear cramped, as acknowledged by the Conservation Officer in her comments.

7.1.5 The Planning Inspector considered that the rear garden of the host dwelling contributes to a sense of spaciousness at the rear which would have been lost had two semi-detached dwellings been constructed. He stated that, such a proposal, when viewed in conjunction with Cambridge Court would give the impression of a



bulky and dominant development at the rear. As stated above, the applicant has addressed these comments through the reduction in scale and bulk of the development and the use of a more contemporary design featuring a 'green roof'. The reduction in scale is such that the proposed dwelling would not be readily seen in context with Cambridge Court when viewed from Cambridge Road. The stark difference in scale, height, design and materials between the proposed dwelling and Cambridge Court itself means that, although visible from within the area immediately to the front of Cambridge Court, the proposed dwelling would not appear dominant or overbearing. The Conservation Officer has also noted that the design of the proposed dwelling and its position on the site will, to a certain extent, limit its visual impact.

- 7.1.6 However, the reduction in the number of units on the site from two to one significantly reduces the amount of parking and turning space that it required within the site. The Council's current adopted parking standard is for two spaces to be required per dwelling. It is also desirable to ensure that vehicles can manoeuvre on the site and leave in a forward gear. Under the appealed scheme, the parking and turning area was concentrated to the rear of No. 22 occupying an area of approximately 160 square metres. The Planning Inspector considered that this was a large area in relation to the proposed rear gardens and would dominate the space, adding to the visually intrusive nature of the proposal.
- 7.1.7 Under the current scheme provision for the parking of four vehicles is required as opposed to the six spaces required under the appealed scheme. The area to the rear of No. 22 will now function as a parking and turning area for the proposed dwelling with an existing area to the front of No. 22 to be retained for the host dwelling. The length of the garden to be retained by No. 22 has been increased significantly from 9 metres to 17 metres. It is considered that the parking and turning arrangements now under consideration have addressed the Planning Inspector's comments and that they no longer dominate the space or appear visually intrusive. The applicant has indicated that the existing drive will be re-paved with permeable paving and it is considered that the use of a hard and soft landscaping scheme in respect of the parking and turning areas will further reduce their visual impact. Such a scheme can be secured by way of a planning condition.
- 7.1.8 The proposal for two dwellings on the site resulted in plot sizes below the recommended guideline of 300 square metres as set out in the East Cambridgeshire Design Guide SPD. The scheme now under consideration provides for a site area of 375 square metres (not including the access drive) and for a house footprint of 127 square metres. It is acknowledged that the size of the footprint slightly exceeds one third of the plot size. However, this is stated to be an approximation within the Design Guide and is not so significantly above this guideline so as to warrant the refusal of the application on these grounds. At approximately 100 square metres, the rear private amenity space exceeds the minimum of 50 square metres set out in the Design Guide SPD. It is therefore considered that this proposal addresses the points raised by the Planning Inspector with regards to plot size.
- 7.1.9 The Planning Inspector previously made reference to the fact that the development of the site would differ from the adjacent backland developments in that the width of the site and the width of the access drive would be more restricted and that this

would constitute piecemeal backland development in accordance with Core Strategy policy EN2(d). Local Plan policy ENV2 contains a similar provision in that it expects sites to be developed in a comprehensive way, avoiding uncoordinated piecemeal development. As acknowledged by the Planning Inspector, a number of adjacent sites have been developed to the rear, albeit that not all were in residential use prior to development. A number of the developments (Cambridge Court, Samuels Way and Mariott Drive) contain several properties with accesses designed accordingly. With the exception of the rear garden to No. 24, it appears that the majority of the backland has been developed and there is therefore limited scope for a more comprehensive development to come forward. The existing access to No. 22 is to be utilised for the proposed dwelling and the fact that the proposal is now for just one dwelling and there is little opportunity for further development, it is considered that the Planning Inspector's comments on this point would not justify refusal of the application.

- 7.1.10 The applicant has chosen to pursue a more contemporary design than the previous proposal with the use of facing brick, rendered masonry and timber cladding on the walls. Slate is proposed on the north facing roofslopes on the pitched roofs with photovoltaic panels built into the south facing roof slope. Given its minimal visual impact in the context of the character and appearance of the area, these materials are considered to be acceptable, subject to a planning condition requiring samples to be approved. The use of a green roof adds verdancy to the area in direct response to comments made by the Planning Inspector. On balance therefore it is considered that this proposal serves to preserve the character and appearance of the area and Ely Conservation Area and it is in accordance with Local Plan policies ENV11 and ENV2 in this regard.

## **7.2 Residential Amenity**

- 7.2.1 There are three window openings in the side elevation of Cambridge Court, one at ground floor height, one at first floor height and one serving accommodation in the roof space. The flat, 'green' roof section of the proposed dwelling is to run parallel with the boundary with Cambridge Court at a height of 3.9 metres and the side wall of the proposed dwelling will be located 1.6 metres from the boundary. The applicant intends to remove an existing hedge within the site that is located on the boundary, however, it is expected that a replacement boundary treatment can be secured by condition if it is required. The ground floor window in the side elevation of Cambridge Court will remain obscured by the boundary treatment and the height of the flat roof is such that it will not have an impact on the windows at first floor and roof level. Whilst the outlook from the windows will change, the presence of the proposed dwelling would not have a significantly detrimental effect on the residential amenity of the occupiers of Cambridge Court.
- 7.2.2 There is an existing boundary wall alongside the car park serving Cambridge Court and there is currently a pedestrian door providing access to the car park from the site in the wall. Whilst this gate is shown on the submitted drawings, access to the car park is not required for the development and the history and future use of the gate is not a matter for the local planning authority.
- 7.2.3 As stated above, the rear garden to be retained by No. 22 has been increased to 17 metres, providing a separation distance between the rear of No. 22 and the front of

the proposed dwelling of approximately 24 metres. This is considered to be a sufficient separation distance to prevent overlooking from the windows at first floor and roof level within No. 22 towards the windows in the front elevation of the proposed dwelling.

- 7.2.4 A number of comments have been received regarding potential noise and disturbance from the access drive that runs between Nos. 20 and 22. This driveway currently serves as a vehicular access to a parking area and garage immediately to the rear of No. 22 and is therefore in regular use. The proposal involves the removal of the garage to provide access to the proposed dwelling and vehicles will therefore be travelling the length of the access, in a similar fashion to the current situation. However, vehicles accessing No. 22 will utilise the parking and turning area to the front of that dwelling and will not need to use the access drive. There will therefore be no intensification of the use of the access that would lead to any noise or disturbance that would have a significantly detrimental impact on the residential amenity of the occupiers of Nos. 20 and 22.
- 7.2.5 An objection to the proposal has been received from the occupiers of No. 24, to the south of the site. They have pointed out that they have a summerhouse and associated patio entertaining area within their rear garden that will be located close to the two bedrooms within the proposed dwelling. They are concerned that the close proximity of the proposed dwelling to the boundary will inhibit the use of their garden and will result in a loss of privacy and perceived loss of amenity.
- 7.2.6 The side wall of the proposed dwelling will be located within one metre of the boundary, however, no window openings are proposed in the side elevation that directly faces the boundary. At present the occupiers of No. 22 are free to use their rear garden in any way they so wished and this could include recreational uses such as outdoor seating areas and ancillary buildings that could include some form of accommodation. There could therefore be a perceived loss of privacy and amenity to the occupiers of No. 24 should the proposal not go ahead. Such a situation is commonplace where two gardens adjoin and either party could cite the fact that they would not wish to cause a noise nuisance through the use of their private amenity space, or vice versa, they could be disturbed by neighbours' use of their private amenity space. The proposed building will be constructed to modern building standards with appropriate levels of insulation etc. Whilst there are window openings serving the bedrooms facing to the north and south, these would themselves not lead to any loss of amenity and the refusal of the application on these grounds would not be warranted.
- 7.2.7 The occupiers of No. 24 are also concerned that they will be asked to reduce the height of their trees, fencing and shrubs should the application be approved. There is no evidence to suggest that this is likely to be the case. In any event, a boundary fence, wall or other means of enclosure up to 2 metres high can be erected under current permitted development regulations and, as the site is located in a conservation area, no trees can be pruned or felled without the Council's consent. In addition, the Council can only control the height of evergreen hedges in relation to the right to light.
- 7.2.8 As stated above, the proposal provides for sufficient private amenity space for the occupiers of the proposed dwelling. The protected Robinia tree to the rear of the

site will feature within this amenity space, however, its presence is not considered to have such a dominating effect that it would have an impact on the ability of the occupiers to use this space. On balance therefore it is considered that the proposed dwelling would not have a significantly detrimental effect on the residential amenity of the future occupiers of the proposed dwelling or the occupiers of the host dwelling and neighbouring dwellings at Cambridge Court and Nos. 20 and 22.

### **7.3 Highway Safety**

7.3.1 The Local Highway Authority has been consulted in connection with the application. Concerns were raised that an additional crossover point from Cambridge Road was proposed to serve the host dwelling. This has since been removed from the proposal and one access will be used to serve both dwellings. The Local Highways Authority has confirmed that it has examined the amended plan and that it has no objections in principle to the application. The proposal is therefore considered to provide a safe and convenient access to the public highway and complies with Local Plan policy COM7 in this regard.

7.3.2 A number of concerns have been raised by local residents and the City of Ely Council as to the suitability of the access and the generation of additional traffic onto Cambridge Road. However, these concerns are not shared by the Local Highway Authority and therefore refusal of the application on this ground could not be justified. To address concerns raised regarding highway safety during the construction process, it is recommended that a planning condition requiring a construction traffic management plan to be submitted prior to work commencing on site.

7.3.3 As stated above, the proposed scheme provides adequate turning and parking space in accordance with the Council's adopted parking standards and therefore complies with Local Plan policy COM8 in this regard.

### **7.4 Other Material Matters**

7.4.1 The Council's Trees Officer is satisfied that the tree protection measures detailed on the plans submitted are sufficient to protect the Robinia tree at the rear of the site. The requirement to comply with these measures during the construction phase can be secured by condition.

7.4.2 Local Plan policy ENV2 requires development proposals to comply with the RECAP Waste Management Guide SPD in relation to waste storage and collection. This states that residents should not have to move waste more than 30 metres to any storage area and that the storage area should not be any more than 25 metres from the collection point, which in this case is the edge of the public highway. The proposed scheme requires residents to move waste collection receptacles approximately 49 metres from the storage area. However, the driveway alongside No. 22 forms part of the application site and taking this into account, the collection point is within the required distance. Future occupiers of the dwelling will also be aware of the requirement to take waste to the collection point on the relevant collection day.

- 7.4.3 The applicant proposes to install photovoltaic panels on the south facing roof slope and on the basis that the dwelling will have to be constructed in accordance with current building regulations, it is considered that the proposal goes some way to meet the requirements of Local Plan policy ENV4 in relation to energy and water efficiency. However, it is considered that the applicant could also address such matters as the installation of bird and bat boxes and water butts and the provision of secure cycle storage, details of which can be secured by condition. In addition details of sustainable drainage management on the site can also be secured by condition.
- 7.4.4 During the course of the application it has been brought to the attention of the Local Planning Authority that an ornamental garden pond is located within the rear garden of No. 24, close to the site of the proposed dwelling. Advice has been sought from the Cambridgeshire and Peterborough Amphibian & Reptile Group on the likely presence of great crested newts in, or close to, the pond. Great crested newts are a protected species that a local planning authority is required to assess the impact of development on. Small garden ponds offer limited potential for great crested newts and are unlikely to serve as a breeding ground, especially where there are fish present. The likelihood of such a pond offering potential is increased where there is a network of ponds/habitats in the surrounding area and where the surrounding land is overgrown. Whilst there is some vegetation and shrubbery to the side of the pond, alongside the boundary with the application site, beyond this there is mown grass to the north and south. As stated elsewhere in this report the land to the north of the site has been densely developed, offering little or no potential for the newt population. In addition, Cambridge Road acts as a barrier to the species moving to the east. As the pond is located on adjacent land it will not be directly affected by the development and on balance it is considered that it offers very little potential for the presence of great crested newts and on this basis it is not considered necessary for a detailed ecological survey to be undertaken.
- 7.4.5 The proposed development provides a benefit in the form of an additional dwelling to be added to the District's housing stock. In addition there are direct and indirect economic benefits in relation to the construction process and purchase of goods and services by future occupiers. These benefits all carry significant weight in the planning balance in favour of the proposal. Contrary to the assessment of the proposal carried out by the Conservation Officer, it is considered that the proposal now under consideration will not harm the character or appearance of the conservation area and, on this basis, no weight is given to this. The benefits of the proposal are therefore considered to outweigh any other material matters.
- 7.4.6 A number of comments have been received stating that the proposal is contrary to the National Planning Policy Framework (NPPF), in particular paragraphs 7, 48, 56, 58 and 64. The application has been assessed against the relevant provisions within the NPPF and the relevant Local Plan policies and this report sets out the planning judgement based on these policies.

## **7.5 Other Matters**

- 7.5.1 The fact that there may be other land within Ely that is capable of development and that planning permission has been granted for large urban extensions, is not a

reason for the refusal of this application. Neither is the likelihood that there may be other comparable dwellings on the market for sale. A number of comments have been made regarding the applicant's personal circumstances, however, such comments do not form material planning considerations and the applicant's motive for the construction of this dwelling is irrelevant in the planning judgement. Justifying the refusal of the application on the basis that rear garden to No. 22 serves as a form of compensation for small gardens to some of the properties in Houghton Gardens would not be appropriate. The loss of a view does not form a material planning consideration and again, would not justify the refusal of the application.

## 7.6 Conclusion

7.6.1 Having duly considered the Planning Inspector's Decision Letter in respect of the previous scheme, it is felt that the applicant has broadly addressed the issues raised. On balance, it is considered that the benefits of providing a new dwelling within a sustainable location and the fact that there are no detrimental factors that cannot be duly conditioned to mitigate the developments impact; the proposal meets the requirements of sustainable and appropriate development and the application is therefore recommended for approval.

## 8.0 APPENDICES

8.1 Appendix 1 – Planning Conditions

8.2 Appendix 2 – Inspector's Decision Letter

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
Application file 15/00700/FUL	Julie Barrow Room No. 011 The Grange	Julie Barrow Planning Officer 01353 665555
History files 13/00614/FUL 14/01298/FUL	Ely	julie.barrow@eastcambs.gov.uk