
MAIN CASE

Proposal: Demolition of 30 Lynn Road and erection of 4 new dwellings

Location: 30 Lynn Road Ely Cambridgeshire CB6 1DA

Applicant: Mr A. Matthias & Mr. J Cooper

Agent: Cheffins

Reference No: 10/01034/FUL & 10/01035/CAC

Case Officer: Lucie Turnell

Parish: Ely

Ward: Ely North

Ward Councillor/s: Councillor Ron Bradney
Councillor Allyson Broadhurst
Councillor Mike Rouse

Date Received: 24 December 2010 Expiry Date: 18 February 2011

[K310]

1.0 **EXECUTIVE SUMMARY**

1.1 The applications seek Conservation Area Consent for the demolition of 30 Lynn Road and planning approval for the construction of 6 dwellings.

1.2 The main issues for consideration are:

- The impact on the character and appearance of the Conservation Area
- The impact on the residential amenity of existing neighbours and future occupiers
- The impact on highway safety
- The impact on trees and hedges
- Issues relating to piecemeal development

1.3 It is considered that 30 Lynn Road makes a significant positive contribution to the streetscene due to its historic and architectural interest, and its demolition would therefore have an unacceptable adverse effect on the character of the Conservation Area. The design and layout of the 3 additional dwellings proposed on the site development is also considered to be inappropriate and unacceptable in this location, such that it would result in additional adverse impact on the character of the streetscene and the Conservation Area.

- 1.4 Furthermore, the noise and disturbance from the new vehicular access would have an unacceptable adverse impact on the residential amenity of those dwellings either side of the site. The proposal also fails to include the land on either side of the site to the northeast and southwest, and is considered to be piecemeal in its approach. Both applications are therefore recommended for refusal.
- 1.5 The applications have been referred to Planning Committee by Cllr Rowe on the basis that it raises several issues that would benefit from discussion in public.
- 1.6 **A Members' site visit is arranged for 12:10 prior to the meeting.**

2 THE APPLICATION

- 2.1 The applications seek Conservation Area Consent for the demolition of 30 Lynn Road and Full Planning for the construction of 4 dwellings. The dwellings would take the form of a detached, replacement dwelling fronting Lynn Road, a pair of semi-detached properties to the rear of the site and a detached property adjacent to the rear gardens of 32 and 34 Lynn Road.
- 2.2 The dwelling fronting onto Lynn Road would measure 6.4 metres in width, 10.3 metres in depth, 4.7 metres to the eaves and 7.2 metres to the ridge with a driveway to the side to allow vehicular access from Lynn Road through to the rest of the development. Plot 1, a detached 1½ storey property, has accommodation on 2 floors although this is restricted to the front of the property with dormer windows to the front elevation only. Plots 2 and 3 comprise semi-detached, 2½ storey dwellings with dormers to the front and rooflights to the rear. The dwellings at plots 1-3 are orientated to face each other, with plots 2 and 3 backing on to the Paradise Recreation Ground.
- 2.3 Parking would be provided at plot 1 by a garage and at plots 2,3 and the replacement dwelling via allocated spaces.

3 THE APPLICANT'S CASE

- 3.1 The applicant's case has been presented in a Design and Access Statement Tree Survey, Arboricultural Implication Assessment and Method Statement. These documents are available in the casefile or on Public Access via the following link: [10/01034/FUL | Demolition of 30 Lynn Road and erection of 4 new dwellings | 30 Lynn Road Ely Cambridgeshire CB6 1DA](#)

4 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a detached dwelling (number 30 Lynn Road) and its garden, which extends back some 78 metres to the edge of the Paradise field and increases in width to incorporate land to the rear of 32 and 34 Lynn Road. The site has been cleared of vegetation and the garden itself is open, save for a small timber shed. 1.8 metre high close boarded fencing forms the majority of the boundaries with the neighbouring dwellings and a low timber fence runs along the boundary with the

Paradise field. There are also a number of mature trees adjacent to this boundary as well as a semi-mature sycamore tree within the site.

- 4.2 The site, which is on the southeast side of Lynn Road (a classified C Road), is within the development envelope for Ely and the designated Conservation Area. Number 30 Lynn Road is also included in the Article 4 Direction for Ely.
- 4.3 The development along this side of Lynn Road (and Deacons Lane to the northeast) is generally a single frontage, close to the highway. Along Lynn Road many of the dwellings are detached with fairly large rear gardens, although there are some semi-detached properties, as well as one detached bungalow constructed to the rear of the dwellings, contrary to the general grain of development.

5 **PLANNING HISTORY**

5.1	09/00436/CAC	Demolition of existing dwelling and construction of 6No. dwellings	Refused	05.08.2009
	09/00437/FUL	Demolition of existing dwelling and erection of 6 dwellings	Refused	22.07.2009
	10/00401/FUL	Demolition of 30 Lynn Road and erection of four new dwellings		08.07.2010
	10/00402/CAC	Demolition of 30 Lynn Road and erection of four new dwellings		08.07.2010

6 **REPLIES TO CONSULTATIONS**

- 6.1 Archaeology – Standard condition requiring an archaeological investigation.
- 6.2 Ely Society – No objection
- 6.3 Environmental Health - Appropriate contaminated land conditions.
- Concerns about the location of the bin store but no objection.
- 6.4 Conservation Officer – Recommend refusal. Full details can be viewed at Appendix 1.
- 6.5 Highways – The Plans have been revised and Rev E is now considered to be acceptable.
- 6.6 Parish Council – Ely City Council recommend refusal due to the unacceptable adverse impact on the character of the Conservation Area; an adverse impact on

residential amenity on the dwellings either side of the proposed access; inadequate visibility splays; the development constitutes piecemeal/backland development.

- 6.7 Neighbours – 13 nearby addresses were notified and site notices displayed. 16 representations received raising the following points (full copies of the comments are available to view on the planning file):
Mr & Mrs Rose of 6 Deacons Lane; Mt Youngman of 28 Lynn Road; Mr & Mrs wall of 38 Lynn Road; Mr & Mrs Egan of 34 Lynn Road; Mr & Mrs Robson of 10 Deacons Lane; Mr & Mrs barber of 12 Deacons Lane; N Rolfe of 8 Deacons Lane;
- Loss of a rare example of a detached period house
 - Development on backland would have a negative impact on the amenity and character of the setting.
 - Impact on views from garden.
 - Scale is out of character.
 - Changes in PPS3 to prevent garden grabbing.
 - Demolition of dwelling is only necessary to facilitate development.
 - Replacement building offers no enhancement to the Conservation Area.
 - Vehicle movements and impact on residential amenity.
 - Concern re: vehicle to pedestrian visibility
 - Unsuitability of Lynn road for the additional vehicular movements.
 - Adequate provision of affordable housing – smaller developments should not be allowed to fall short of the requirement
 - Property is within the Con Area and covered by an Article IV – classes as important in the streetscene.
 - Significant impact on light into adjacent gardens
 - Impact on parking on Lynn Road
 - Impact on trees on site
 - Public views of the Cathedral from Deacon’s Lane will be lost.
 - The landowner has no control over neighbouring boundary heights
 - Previous decision on backland has been restricted to single storey

- 6.8 Trees - Although the new buildings are outside the root protection areas of trees, there are mature/early mature Sycamore trees worthy of retention (category B) located to the rear of the site overhanging gardens of plots 2 and 3 that will cause shading. Sycamore trees are generally unpopular in gardens due to the mass of seedlings produced and honeydew drop. The arboricultural survey does not include any assessment of shading or other above ground issues. The location of bin stores would need more space for landscaping so that these do not detract from the visual amenity of the conservation area

7 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS9	Ely
H3	Affordable housing
EN2	Design

- EN5 Historic conservation
- S4 Developer Contributions

7.2 **National Planning Policy**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment

8 **PLANNING COMMENTS**

- 8.1 The site is located within the development envelope for Ely where the principle of residential development could be accepted provided that the development is sympathetic to the historic setting and character of the city and all other material planning considerations are met. The previous application that was determined by the Planning Committee was refused on the following grounds:
- The impact of the demolition of the detached dwelling;
 - The design and layout was considered to be inappropriate;
 - The applicant was not in control of sufficient land to provide adequate visibility at the site access;
 - Impact on residential amenity;
 - Insufficient information submitted to assess the impact on trees;
 - The proposed development was considered to be piecemeal
- 8.2 The main considerations in determining the current applications, remain unchanged from the previous considerations:-
- The impact on the character and appearance of the Conservation Area
 - The impact on the residential amenity of existing neighbours and future occupiers
 - The impact on highway safety
 - The impact on trees and hedges
 - Issues relating to piecemeal development
 - Developer contributions
- 8.3 *Conservation Area* – The application affects a property located within Ely Conservation Area and as such any proposal should take care to preserve or enhance the character of the Conservation Area and not have a detrimental impact on its wider setting. Lynn Road is within Zone D of the Conservation Area Appraisal and is described as being almost entirely residential in character comprising ‘a mixture of modest terrace houses through to large imposing dwellings with outbuildings. The buildings are mainly Victorian and later. However many are well designed and have a pleasing character with good quality detailing’. This section of Lynn Road was deemed to be of sufficient architecture and historic and visual significance to merit inclusion within the Conservation Area. In addition, this property has also been considered a good example of inter-war housing, of which little survives in Ely and has subsequently been covered by an Article 4 direction to protect its character.

- 8.4 In order to facilitate the proposed development, the associated Conservation Area Consent application seeks the demolition of the existing dwelling. The Practice Guide to PPS5 – Planning for the Historic Environment, clarifies policy HE9 of the main document that where there is substantial harm, or total loss is proposed, a case may be made on the grounds that it is necessary to allow a proposal that offers substantial public benefits that outweigh the loss. The conclusion of the previous applications has been that whilst the proposed development would include a dwelling on the frontage, it would not have the same positive contribution to the character of the Conservation Area by way of its design or historic character. The design has been revised from the earlier applications to better reflect the appearance of the existing dwelling. However, PPS5 advises the presumption in favour of the conservation of designated heritage assets and it is considered that no reasonable case has been presented to justify its loss other than to facilitate the development, which would have no public benefit, or make the same contribution to the Conservation Area.
- 8.5 In terms of the design of the other dwellings within the site, the result continues to be a somewhat confused collection of buildings, which relate poorly to each other and to the surrounding pattern of development and would neither preserve nor enhance the Conservation Area. The dwellings to the rear have been repositioned to back onto the Paradise field rather than front onto them. This creates a better relationship between dwellings within the site but continues to be at odds with the prevalent spatial layout of the surrounding area.
- 8.6 Concern has been expressed in some representations, that the proposal would obstruct public views of the Cathedral from Deacons Lane. The views in question are through the small spaces between the semi-detached dwellings and given the limited size of the gaps the small amount of the cathedral which is visible through them and the number of intervening trees, it is difficult to argue that these could be considered as ‘wider views’, the loss of which would have an adverse effect on the character and setting of Ely.
- 8.7 *Residential Amenity* – Due to the nature of the development along Lynn Road and Deacons Lane there is already a level of accepted mutual overlooking between dwellings. Whilst the proposed development would involve the creation of dwellings to the rear of the existing properties, which would introduce a different type of relationship, it is considered that the actual level of resulting overlooking, would not have a significant adverse impact on the reasonable residential amenity of neighbouring occupiers. The detached unit adjacent to the rear gardens of 32 and 34 Lynn Road would have no first floor windows to the rear and there would be a significant degree of separation between the first floor windows of the proposed semi-detached dwellings and the existing properties, reducing the potential for overlooking.
- 8.8 It is considered that the proposed development would not have any significant adverse impacts on residential amenity in terms of being overbearing. Whilst some of the proposed dwellings would be close to the boundaries of neighbouring gardens, the size of those gardens and the degree of separation between the proposed and existing properties is such there would not be a significant adverse impact to warrant refusal of the application.

- 8.9 Whilst that there would be no significant adverse impact in terms of overlooking, or buildings being physically overbearing, it is considered that the additional noise and disturbance associated with the coming and going of vehicles along the proposed access, would have an unacceptable impact on the level of amenity currently enjoyed by the properties on either side of that access: 28 Lynn Road and on the replacement dwelling at 30 Lynn Road.
- 8.10 *Impact on Highway Safety*
The previous applications had raised significant issues with regards to the impact on Lynn Road. The application has been revised following lengthy discussions with the Highways Authority. Revision E of the proposed site plan has been agreed by the Highways Authority given the improvements that have been made to the access.
- 8.11 *Trees* - All of the trees on and adjacent to the site are protected by virtue of being within the Conservation Area. The trees adjacent to the boundary with the Paradise Field make a particularly important contribution to the character of the area and the local planning authority would seek to ensure that they are retained and not adversely affected by any development. There is no direct impact on the trees but any application to reduce these trees due to shading would not be viewed sympathetically.
- 8.12 *Piecemeal Development* - If the principle of development to the rear of the properties on this part of Lynn Road were to be accepted, the current proposal should be considered as piecemeal, due to the fact that it does not include the land on either side of the site to the northeast and southwest. The inclusion of these adjacent pieces of land could allow a more comprehensive development with additional space within which to create an appropriate layout. As it stands the application would prejudice the comprehensive development of the wider area and could therefore be considered as an inefficient use of land.
- 8.13 *Developer Contributions* – A draft Heads of Terms under s106 has been submitted but has not been progressed due to the recommendation. Should members be minded to approve the application it would be subject to further negotiations to secure the relevant contributions. For clarification, the requirement in Ely for affordable housing is 30%. Affordable housing will be assessed on the basis of ‘gross’ provision that in this case equals 1.2 dwellings. Where the result relates to part of a dwelling the calculation will be rounded up to ensure that the minimum requirement is met, in accordance with Policy H3 of the Core Strategy.

9 RECOMMENDATION

The applications are recommended for refusal for the following reasons:-

10/01034/FUL

The development along this part of Lynn Road is considered to be typical of inter war developments and No. 30, which is a reasonable example of this era, has architectural merit and makes a positive contribution to the streetscene and the character of the conservation area. The demolition of this dwelling would have an unacceptable adverse impact on the character of the Conservation Area and would be contrary to policies EN5 of the Core Strategy and PPS5- Planning for the Historic Environment.

The design and layout of the development is considered to be inappropriate and unacceptable in this location, such that it would have adverse impact on the character of the streetscene and the Conservation Area. Whilst the design of the replacement dwelling has been improved, it offers no positive contribution to the Conservation Area. In terms of the design of the other dwellings within the site, the result continues to be a somewhat confused collection of buildings, which relate poorly to each other and the surrounding pattern of development and would neither preserve nor enhance the Conservation Area.

The proposed development would result in an unacceptable adverse impact on the residential amenity of the dwellings to either side of the proposed access (28 Lynn Road and the replacement dwelling at 30 Lynn Road) from the additional noise and disturbance associated with the coming and going of vehicles. The proposal would be therefore be contrary to policy EN2 of the Core Strategy.

10/01035/CAC

The development along this part of Lynn Road is considered to be typical of inter war developments and No. 30, which is a reasonable example of this era, has architectural merit and makes a positive contribution to the streetscene and the character of the conservation area. The demolition of this dwelling would have an unacceptable adverse impact on the character of the Conservation Area and would be contrary to policies EN5 of the Core Strategy and PPS5 - Planning for the Historic Environment.

APPENDICES

- Appendix 1 – Conservation Officer’s comments

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
This case file and those referred to.	Lucie Turnell Room No. 011 The Grange Ely	Lucie Turnell Team Leader Development Control 01353 665555 lucie.turnell@eastcambes.gov.uk
PPS1		
PPS3		
PPS 5 & The Practice Guide		

CONSERVATION OFFICERS CONSULTATION COMMENTS

Address: 30 Lynn Road, Ely

App No: 10/01034/FUL & 10/01035/CAC

Officer: Lucie Turnell

Description of works: Demolition of 30 Lynn Road and erection of 4 new dwellings.

This proposal affects a property located within Ely conservation area and as such any proposal should take care to preserve or enhance the character or appearance of the conservation area and not have a detrimental impact on its wider setting.

Still not convinced on the demolition of 30 Lynn Road, seems to be required to gain access to the rear of the site. Although have to concede that this latest replacement dwelling is the best attempt so far.

Again ECDC Core Strategy Policy EN5: Historic Conservation states:

“Development proposals, within, or affecting a conservation area should

- Only involve the demolition of buildings where:
 - They are of little or no importance to the architectural, historic or visual character or appearance of the area; or
 - They are structurally unsound (for reasons other than deliberate damage or neglect) and beyond reasonable repair, and measures to sustain an existing use or find an alternative use have been explored and failed; and in all cases
 - Detailed proposals for reconstruction or redevelopment have received planning permission.

As previously stated this section of Lynn Road was deemed to be of sufficient architecture, historic and visual significance to merit inclusion in the conservation area.

The property is a relatively good example of inter-war housing, of which little survives in Ely. It was deemed to be of sufficient quality to have an Article 4 placed on the property in order to protect its character. Again nothing in the building survey suggests that the property is structurally unsound or beyond economical repair.

The proposed replacement dwelling does now sit more comfortably within the street scene and is proportionately similar to the original dwelling. Whilst the revised design for the main house has attempted to address my previous concerns, the properties to the rear look little changed from the previous application.

These properties do not relate to any of the surrounding buildings or each other. There is a mock inter-war style property to the front, a barn conversion style & 2 semi-detached townhouse style to the rear. As I've stated previously the design of these properties is not of an exceptionally high quality and more thought needs to be put into the overall design and how they relate to the surrounding townscape and each other.

Recommendation: Consent should not be granted from a conservation viewpoint

Date: 26 January 2011

Signed: Lorraine King