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**MAIN CASE**

**Reference No:** 15/01532/FUL

**Proposal:** Demolition of single storey derelict brick outhouse, single storey outside toilet block, and 2-storey brick and concrete extension to rear of shop. Construction of 3 storey extension to rear of shop with 2 new residential units at first and second floor; existing first floor residential unit maintained with some alterations.

**Site Address:** 13 Forehill Ely Cambridgeshire CB7 4AA

**Applicant:** Ms E Griffin-Singh

**Case Officer:** Richard Fitzjohn, Planning Officer

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Councillor Richard Hobbs  
Councillor Lis Every

**Date Received:** 14 December 2015      **Expiry Date:** 8 February 2016

[Q242]

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1.0 **RECOMMENDATION**

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

1. The proposed window within 'Studio Flat 1', as shown on the submitted plans, would be sited 5.3m in distance from the windows of the kitchen and bedroom windows of the existing flat. The proposed film to obscure the glass on the kitchen and bedroom windows of the existing flat would not be a sufficient means to ensure that this bedroom would not suffer from detrimental loss of privacy and outlook, as stick on film is not considered to be sufficient to protect amenity. The proposal would therefore be contrary to policy ENV2 of the Local Plan 2015 and the East Cambridgeshire Design Guide SPD.
2. The proposed 3-storey extension would, by virtue of its height and siting immediately adjacent to the neighbouring boundary with No.15 Forehill, create an unacceptable loss of light and cause undue overbearing to the lounge and bedroom windows of the existing first and second floor neighbouring flats, No.2 and No.4. The proposal would therefore be contrary to ENV2 of the Local Plan 2015.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks to demolish the existing outbuildings and extension to the rear of the tattoo shop and to erect a 3-storey extension comprising an extension to the shop at ground floor level, the creation of 1No. new first floor flat and 1No. new second floor, in addition to alterations to an existing first floor flat. The proposal would also include the addition of a new door fronting on to Forehill.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 This application has been brought to Planning Committee because the applicant is Cllr Elaine Griffin-Singh.

## 3.0 PLANNING HISTORY

- 3.1
- |              |  |          |            |
|--------------|--|----------|------------|
| 11/00040/FUL | 'Change of use of premises to part tattoo studio, part retail. | Approved | 22.02.2011 |
|--------------|--|----------|------------|

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located on the north-east side of Forehill, within the established development framework for Ely and within the Ely Conservation Area. The application site comprises a tattoo shop to ground floor and an existing flat to the first floor, with a small yard with outbuildings to the rear. The north-west boundary of the site adjoins No.11 Forehill which comprises a former nightclub which is currently vacant. The south-east boundary of the site adjoins No.15 Forehill which comprises residential flats and an office of a property management company.

## 5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

City of Ely Council – No concerns.

Ward Councillors - No Comments Received.

Conservation Officer – The proposal would have a limited impact upon the conservation area and nearby listed buildings. The proposal would have a higher roof line than the existing building which is not ideal, however due to the levels and angles this will not be highly visible within the street scene.

Cambridgeshire County Council Archaeology – No objection, subject to a condition requiring the implementation of a programme of archaeological work in accordance

with a written scheme of investigation to be submitted to, and agreed in writing by, the Local Planning Authority.

Environmental Health – No issues to raise, however the applicant should seek advice for general fire guidance from the Fire Authority. The applicants may also need to apply for a HMO licence from Environmental Health.

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 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.

Cambridgeshire Fire And Rescue Service - No Comments Received.

Local Highways Authority – No significant adverse effect upon the public highway should result from this proposal.

5.2 Neighbours – 27 neighbouring properties were notified of the application, a site notice posted and an advert placed in the Cambridge Evening News and representations have been received from three neighbouring owners / occupiers. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Right of way / party wall issues with No11 Forehill.
- The proposal is adjacent to a building with a bar / club use with an outdoor passageway which could be used as a smoking area. If re-opened, the bar/ club could generate amenity issues for occupiers of the proposed flats with regards to noise.
- The proposal includes side windows directly on the boundary with No.11 Forehill overlooking this property and using this boundary to gain light for the proposed flats.
- The proposal would adversely affect the light to The Undercroft No.15 Forehill and to Flats No.2 and No.4 which are within the building of No.15 Forehill.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 11	Conservation Areas
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

7.1 The main issues to consider when determining this application relate to the impacts upon residential amenity, the character and appearance of the conservation area, highways and archaeology.

7.2 Principle of development

7.2.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, Local Plan policy GROWTH 2 relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.2 The benefits of this application are considered to be:- the positive contribution of the provision of two additional dwellings to the district's housing stock, the positive contribution to the local and wider economy in the short term through the construction of the new dwellings and the extension to an existing business.

7.2.3 The application site is located within the established development framework for Ely and the principle of development is therefore acceptable subject to compliance with other local plan policies and all other material planning considerations and form part of the planning balance for this application.

7.3 Residential amenity

7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 states that all new development proposals will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.3.2 The proposed first floor flat, shown as 'Studio Flat 1' on the submitted plans, would face towards the kitchen and bedroom windows of the existing flat with a separation distance of only 5.3m. Following concerns raised by the officer with regards to loss of privacy due to the close proximity of the adjacent windows, the applicant has submitted an amended plan which includes a film over the kitchen window and half of the bedroom window of the existing flat, to obscure the glass. However, it is considered that this would not be a sufficient means to ensure that this bedroom would not suffer from detrimental loss of privacy as stick on film is not considered to

be obscurely glazed. In addition, this would also result in an unacceptable loss of outlook for any occupier of the existing flat. The East Cambridgeshire Design Guide also states that there should be a 20 metre distance between rear inter visible windows, which this proposal would not meet. The proposal would therefore create detrimental impacts upon the residential amenity of the existing and proposed flats within the application site, contrary to ENV2 of the Local Plan 2015 and the Design Guide SPD.

- 7.3.3 The proposed 3-storey extension would be sited immediately adjacent to the neighbouring boundary with No.15 Forehill to the south-east and would increase the height along this boundary. There are existing windows within the rear elevation of No.15 Forehill which serve flats at ground floor, first floor and second floor level. Flats No.2 and No.4, which are within the building of No.15 Forehill, have lounge and bedroom windows positioned at first and second floor level within this rear elevation. It is considered that these neighbouring windows would be most affected by the proposed extension to No.13 Forehill. Due to the proposed height of the extension, in addition to its siting on the boundary and its proximity to the neighbouring windows of Flats No.2 and No.4 which are within the neighbouring building of No.15 Forehill, it is considered that the proposal would create a detrimental loss of light and undue overbearing to these lounge and bedroom windows, creating detrimental impacts upon the residential amenity contrary to policy ENV2 of the Local Plan 2015.
- 7.4 Character and appearance of the conservation area
- 7.4.1 The proposed extension would be located to the rear of the existing tattoo shop and flat and would be significantly screened from view from the frontage of the north-east side of Forehill.
- 7.4.2 The roof line of the proposed extension would protrude above the existing building. However, due to the levels and the relatively narrow width of Forehill the proposed extension would not be significantly visible within the street scene.
- 7.4.3 The Council's Conservation Officer has been consulted on the application and has stated that the proposal would have a limited impact upon the conservation area and nearby listed buildings.
- 7.4.4 Due to the significant screening provided by the existing frontage of the north-east side of Forehill, it is considered that the proposal would not create a significant detrimental impact upon the character or appearance of the conservation area.
- 7.5 Highways
- 7.5.1 The proposal would create an additional two dwellings with no off-street parking. However, the site is located within the town centre with nearby car parks. Cambridgeshire County Council have been consulted on the application and have stated that there would be no significant adverse effect upon the public highway should result from this proposal. It is therefore considered that the proposal would not create any significant detrimental impacts in relation to highway impact.

## 7.6 Archaeology

- 7.6.1 The site lies within an area of high archaeological potential. Cambridgeshire County Council Archaeology have commented that they do not object to the application subject to a condition requiring the implementation of a programme of archaeological work prior to development. A condition could be appended to any grant of planning permission should Members wish to support the application against the officer's recommendation.

## 7.7 Other issues

- 7.7.1 Concerns have been raised by the owner of the neighbouring property No.11 Forehill which comprises a vacant bar / night club. It has been raised that the applicants will have no right of way over No.11 Forehill and the door within the external boundary wall between No.11 and No.13 will be blocked up. These issues are not material planning considerations which can be considered, although it should be noted that the applicant has proposed a separate fire escape route which is provided wholly within the application site.
- 7.7.2 Concerns have also been raised in relation to the addition of new windows positioned directly on the boundary between No.11 and No.13 Forehill. It should be noted that the proposal does not include any windows directly on this boundary, however it does include wall mounted sun tubes at first floor level within the proposed three-storey extension. This would not create overlooking of the neighbouring property No.11 Forehill and any prospective future development within the property of No.11 Forehill cannot be assessed as part of this application.
- 7.7.3 In addition, concerns have been raised regarding the potential impacts of noise on the residents of the proposed flats which could be created by the neighbouring bar / club at No.11 Forehill if it was to re-open. There is already existing flats within close vicinity to No.11 Forehill, including The Hoist to the rear. Any significant detrimental impacts in respect of noise could be investigated by Environmental Health as a potential statutory noise nuisance.

## 8.0 Planning Balance

- 8.1 The proposal would provide the benefits of the provision of two additional dwellings to the district's housing stock, the positive contribution to the local and wider economy in the short term through the construction of the new dwellings and the extension to an existing business.
- 8.2 However, the benefits of the proposal are not considered to outweigh the harm to residential amenity in respect of unacceptable loss of privacy and loss of outlook to the flats within the application site, in addition to the loss of light and undue overbearing of the lounge and bedroom windows which serve Flats No.2 and No.4 within the rear elevation of No.15 Forehill.
- 8.3 On balance, the application is therefore recommended for refusal.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
15/01532/FUL	Richard Fitzjohn Room No. 011	Richard Fitzjohn Planning Officer 01353 665555
11/00040/FUL	The Grange Ely	richard.fitzjohn@ea stcambs.cov.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>