

Application Number: FYR12/0477/F

Minor

Parish/Ward: Wisbech Town Council

Date Received: 22 June 2012

Expiry Date: 17 August 2012

Applicant: Ms M. Olley

Agent: Cubit Consulting Ltd

Proposal: Erection of a 2-storey block of 4 x 1-bed flats involving the demolition of existing building.

Location: 70-72 Elizabeth Terrace, Wisbech.

Site Area/Density: 0.03 ha

Reason before Committee: This proposal is before the Planning Committee due to the number of objections received.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application relates to a site on the south- west side of Elizabeth Terrace, occupied by a part-commercial/part-residential building, within the built up area of Wisbech.

Planning permission was previously refused for a 3-storey building containing 6 flats in 2011 and this was dismissed on appeal.

Full planning permission is now sought for the erection of a 2-storey block of 4 x 1-bed flats involving the demolition of existing building. Originally a scheme was submitted in June 2012 for a 2-storey block containing 5 flats, but was subsequently revised as a result of the Appeal Inspectors findings.

The principle of developing the site for housing development in this location is considered to be acceptable in policy terms

The proposed layout and design of the site is also considered to demonstrate an acceptable form of development, in terms of both the layout and potential impact on the amenities of neighbours, as well as its relationship to the built form of the settlement.

The scheme is also considered to be acceptable in highway design terms.

Consequently the proposal is considered to be acceptable and complies with guidance contained in Policies H3, and E8 of the Fenland District Wide Development Plan and Policies CS3, CS4, CS7, CS15 & CS16 of the Fenland Core Strategy – Submission Version (Sep 2013).

2. HISTORY

The following planning application is considered to be relevant to this proposal.

2.1	F/YR11/0672/F	Erection of 6no. a 1-bed flats and 1.8m fence involving demolition of existing building	Refused. 15.11.2011 Delegated Appeal dismissed
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3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 9: Pursuing sustainable development involves seeking positive improvements in the quality of the built environment, including replacing poor design with better design and improving the conditions in which people live.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17 (3): Proactively drive and support sustainable economic development to deliver the homes that the country needs.

Paragraph 17(4): Seek to ensure high quality design and a good standard of amenity for all existing and future occupants (repeated and expanded on in paragraphs 56 to 56).

Paragraph 17 (5): Recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities.

Paragraph 17(8): Encourage the effective use of land by re-using land that has been previously developed (brownfield land) providing it is not of high environmental value

Paragraph 32: Decisions should take account that a safe and suitable access to the site can be achieved for all people.

Paragraph 35: Developments should be located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55: In rural areas, housing should be located where it will enhance or maintain the vitality of rural settlements.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.2 **Fenland Core Strategy – Proposed Submission Sept 2013:**

CS1: Presumption in Favour of Sustainable Development

CS3: Spatial Strategy & Settlement Hierarchy and the Countryside

CS4: Housing

CS8: Wisbech

CS14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

CS15: Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering and Protecting High Quality Environments

CS17: Community Safety

3.3 Fenland District Wide Local Plan:

H3: Development Area Boundaries/Protection of Character and Amenity/Highway Safety

E8: Landscape and amenity protection

TR3: Car Parking

4. CONSULTATIONS

- 4.1 **Parish/Town Council** Members recommend Approval as members have no objections or observations.
- 4.2 **FDC Scientific Officer** The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. From the information provided contaminated land is not considered an issue.
- 4.3 **Cambs CC Highways** No objection subject to conditions (have provided design comments – see section 6.3)
- 4.4 **Middle Level Commissioners** No comments received
- 4.5 **Local Residents:** 5 letters of representation and a petition containing 31 signatures has been received raising the following concerns about the originally submitted proposal for 5 flats:
- Application does not take account of current parking.
 - Previous proposal was refused on grounds of scale, parking provision and property being currently used
 - Parking will still be a problem, which is at a premium in the locality
 - Insufficient car parking – 3 parking spaces for 5 flats is not sufficient
 - Access to rear parking will be over access to rear garage court serving John F Kennedy Court

- Is there a right of access to this road from the rear parking spaces – may result in obstruction of this access?
- What arrangements have been made for the storage and collection of waste
- Loss of employment premises and jobs
- Loss of light to adjoining dwellings at 62-68 Elizabeth Terrace
- Area is already densely developed – this proposal will stretch the infrastructure of the area to the limits.

NB. No subsequent representations received regarding amended scheme containing 4 flats.

5. **SITE DESCRIPTION**

- 5.1 The current application relates to a site on the south- west side of Elizabeth Terrace, close to an access driveway serving a parking area to the rear of John F Kennedy Court, within the built up area of Wisbech. Elizabeth Terrace is a fairly long cul de sac running off Norwich Road, serving a residential area of the town.

There is an existing building on the site which comprises a two-storey structure whose ridgeline runs from front to back adjacent to the northern site boundary. This has been converted to 2 self-contained flats. The single storey element to the south is currently vacant, but until recently was in use as a kitchen showroom. The existing buildings cover approximately 80% of the site with no parking or service yard available, and is sited along the whole of the site frontage.

The character of Elizabeth Terrace is mainly one of small scale two-storey cottages and semi-detached houses dating from the early 1900s to the 1950s, having a combination of hipped and gabled roofs. The houses opposite are set back from the road with front gardens, but others are close to or at the back of footway. There is a later 1970s development to the rear of the application site (John F Kennedy Court) comprising two and three-storey pavilion buildings containing flats – this development is set down in height to two-storey's at the front of the site to respect the building heights of surrounding dwellings.

Elizabeth Terrace is unclassified. Wisbech Town Centre is located immediately to the north and is easily accessed on foot or bicycle.

The site area measures 0.03 hectares and lies within Flood Zone 1 .

6. PLANNING ASSESSMENT

6.1 Background

This application seeks to address the previous planning refusal for a three-storey building containing 6 flats, which was eventually dismissed on appeal in November 2012 (F/YR11/0672/F). The reasons for refusal were:

- The effect of the proposal on the character and appearance of the area
- The effect of the development on the living conditions of dwellings in terms of dominance, privacy and loss of light, and,
- The effect of the proposed parking provision on highway safety and on-street parking

Full planning permission is now sought for the erection of a 2-storey block of 4 x 1-bed flats involving the demolition of existing building. Originally a scheme was submitted in June 2012 for a 2-storey block containing 5 flats (before the appeal decision had been made), but was subsequently revised as a result of the Appeal Inspectors findings. The current proposal was submitted in October 2013 and all neighbours and statutory consultees were subsequently re-consulted.

The main features of the current scheme are set out below.

- The demolition of all existing buildings on the site.
- The siting of a 2-storey building facing onto Elizabeth Terrace, but set back to allow 5 parking spaces to be provided on the building forecourt.
- The building will have an overall building footprint measuring 14.5m x 9.3m with a building height of 5.2m to the eaves and 8.1m to the ridge.
- The building design has been amended to provide a more contemporary design style (see below for more detailed assessment).
- A secure bin store is provided at the side of the building
- A garden/amenity area is provided to the rear of the building
- 1200mm high railings are provided between some of the parking spaces, coupled with landscape planting, to reduce the visual intrusion of the forecourt parking in the streetscene.

The Planning application is supported by the following information:

- Site layout plans and building plans
- Design and Access Statement

The application is considered to raise the following key issues;

- Policy
- Site Layout and Design
- Amenity
- Access and Parking

6.2 Policy

The site is currently occupied by an existing commercial building, partly in residential use, and is located within the built-up area of Wisbech. It lies within an area which predominantly comprises residential properties which surround the site.

The existing Fenland District Plan (1993) and the emerging Fenland Core Strategy – Submission Version (Sept 2013), seeks to concentrate the majority of new housing development in the most sustainable locations principally in the main market towns, such as Wisbech (Policies CS3, CS4 and CS8).

Although there is some long-standing commercial usage of this site, the lack of any on-site parking or servicing and the narrow width of Elizabeth Terrace in places, makes this location unsuitable for such uses today.

The re-development of the site for residential purposes is therefore considered to be acceptable in development plan policy terms, subject to compliance with detailed design and layout policies.

6.3 Site Layout and Design

The positioning of the building on the site is considered to be much better than the previously refused proposal for 6 flats, in terms of its positioning in the street-scene and relationship to the neighbouring properties to the north and those on the opposite side of Elizabeth Terrace.

Although the ridge height of the proposed building is higher than the building to the north (Nos. 62 to 68 Elizabeth Terrace), the existing building does have a particularly low roof pitch and does not reflect the predominantly Victorian/Edwardian character of the rest of Elizabeth Terrace.

The building design has also been amended during the course of the application to introduce some features to lift the design quality - projecting porch over the main door, brickwork on the ground floor elevations and timber boarding around the first floor building elevations, with horizontal bar railings to break up the frontage parking areas. It is considered these features lift what be otherwise be a very plain building.

The revised design is considered to have provided an appropriate design response to the previous reasons for refusal, in relation to the effect of the proposal on the character and appearance of the area.

The proposal is therefore considered to accord with Policy E8 of the Fenland Local Plan (1993) and Policy C16 of the Core Strategy – Submission Version (Sept 2013).

Amenity

The positioning of the building on the site is also considered to be much better response to the earlier concerns relating to impact on residential amenity, than the previously refused proposal for 6 flats.

The proposed building is now located adjacent to the gable wall of Nos. 62 to 68 Elizabeth Terrace, and continues the approximate building line of existing buildings further to the south, instead of projecting much further forward of these properties (as shown in previous schemes which resulted in concerns about loss of light and outlook).

The amended siting of the proposed buildings is now considered to have a very limited impact on the daylight and outlook of the windows of any existing dwellings that adjoin or lie adjacent to the site, which was a major concern about the previously refused scheme.

The proposal is now considered to accord with Policy E8 of the Fenland Local Plan (1993) and Policy C16 of the Core Strategy – Submission Version (Sept 2013) in terms of the protection of residential amenity.

Access and Parking

Cambridgeshire County Council (CCC) Highways have commented on the proposal as follows:

Initial Proposal – 5 dwellings

CCC Highways raised concerns that only 3 vehicle parking spaces are being provided to accommodate the vehicles generated by the 5 flats – they strongly urge the Council to consider the implications of approving this scheme with insufficient off-street parking provision.

Current Proposal – 4 dwellings

- The proposals appear generally acceptable provided that FDC are satisfied with the parking provision.
- However, the site area is finite, and the building scale is such that it only just fits on the plot between east and west/ north south boundaries. To this end there are concerns that there is little tolerance for error for the scheme based upon the Ordnance Survey extract plan, which cannot generally be regarded as a wholly accurate base. For the avoidance of doubt, eaves may not overhang the highway.
- It is suggested that the developer provides dimensions across the site to demonstrate that the development is actually deliverable within the constraints of the site, or preferably a topographical base provided.

This matter has been clarified with the applicant who has confirmed that no part of the building or eaves will overhang the highway boundary.

It is considered that 5 off-street parking spaces to serve 4 flats, is an acceptable level of provision in this sustainable location close to Wisbech Town Centre. This also addresses earlier concerns about a shortfall of parking spaces in the proposed development that led to the earlier planning refusal.

Secure bicycle storage facilities will also be conditioned to be provided to encourage residents to use bicycles for local journeys as an alternative to the motor car.

Appropriate highway conditions are also recommended to ensure that; the parking provision is retained, that the access from Elizabeth Terrace is constructed to acceptable highway construction standards and that adequate temporary construction facilities are provided

Subject to the above the proposal is considered to be acceptable in highway safety terms and complies with Policy TR3 of the Fenland Local Plan (1993) and Policy C15 of the Core Strategy – Submission Version (Sept 2013) in terms of highway design matters.

7. CONCLUSION

7.1 Conclusion

The amended scheme is considered to have overcome earlier concerns that resulted in the refusal of planning permission.

On the basis of the above assessment, the proposal is considered to be in accordance with Policies H3, TR3 and E8 of the Fenland District Wide Development Plan and Policies CS3, CS4, CS7, CS15 and CS16 of the Fenland Core Strategy – Submission Version (Sept 2013).

8. RECOMMENDATION

Approve subject to the following conditions:

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.**

Reason - To safeguard the visual amenities of the area.

- 3. Prior to the commencement of the development hereby approved, details of the location, height, design and materials of the boundary fences around the rear garden and the railings provided in the frontage parking area shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the building and retained in perpetuity thereafter.**

Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

- 4. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-**

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
(including permeable surfaces to the building forecourt)
- f) planting plans, including specifications of species, sizes, planting centres number and percentage mix

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

5. Prior to the first occupation of the development hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

- a) park clear of the public highway;
- b) load and unload;

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety.

6. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, and thereafter retained in perpetuity.

Reason - In the interests of highway safety and to ensure satisfactory access into the site

7. Prior to the first occupation of the development full details of a scheme for cycle storage shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be provided prior to the first use of the building hereby approved and thereafter retained in perpetuity.

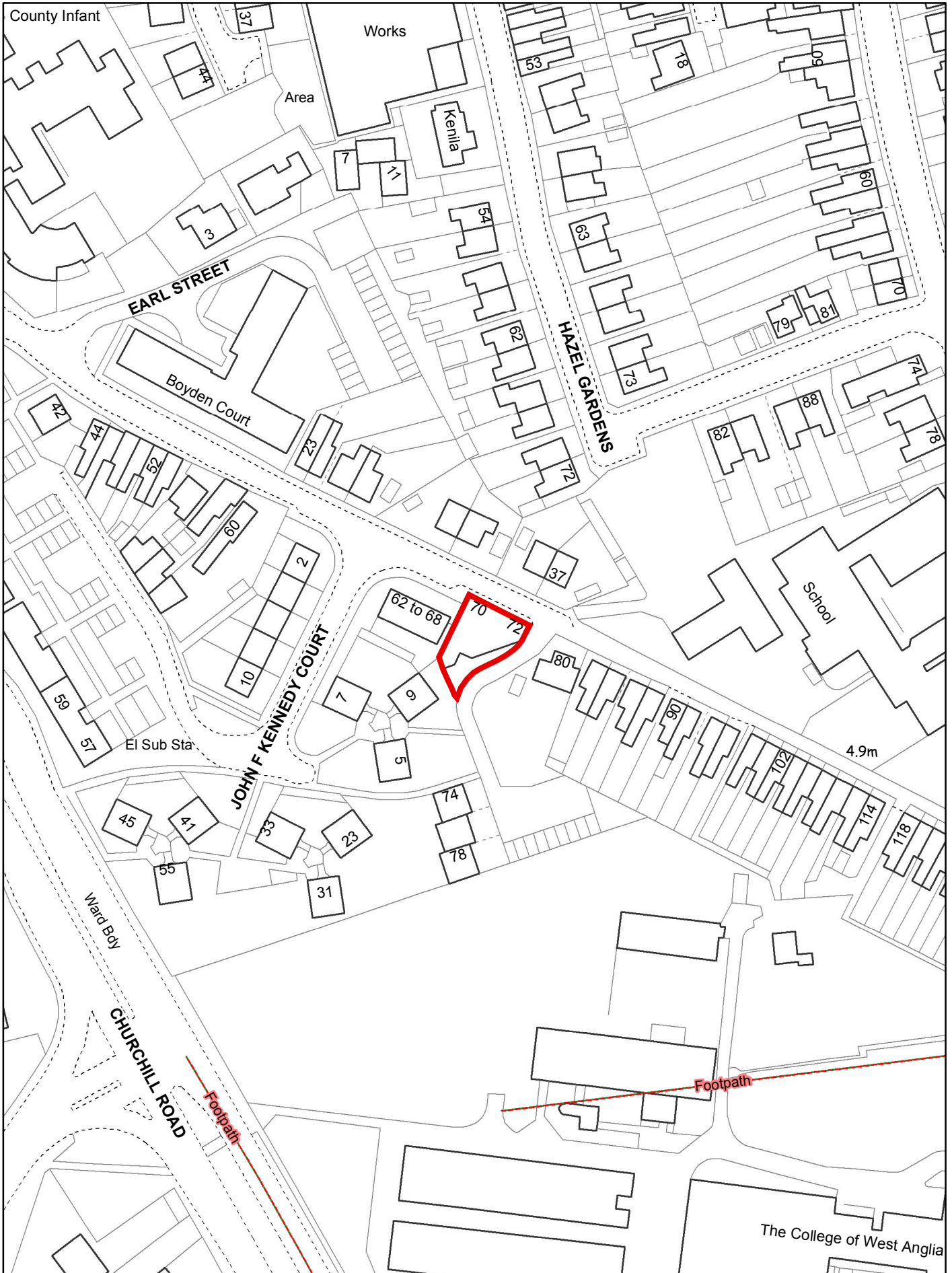
Reason - In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport

8. Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason - To ensure a satisfactory form of refuse collection.

9. *Approved Plans*

Informative – Bats and Nesting Birds



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