



Appeal Decision

Site visit made on 3 April 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th April 2017

Appeal Ref: APP/V0510/W/16/3168070

11 Bernard Street, Ely, Cambridgeshire CB6 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Senior against the decision of East Cambridgeshire District Council.
 - The application Ref 16/00943/FUL, dated 21 July 2016, was refused by notice dated 9 November 2016.
 - The development proposed is the erection of 2No. semi-detached dwellings with associated landscaping and access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2No. semi-detached dwellings with associated landscaping and access arrangements at 11 Bernard Street, Ely, Cambridgeshire CB6 1AU, in accordance with the terms of the application, Ref: 16/00943/FUL, dated 21 July 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are the effect of the proposal on: 1) Highway safety with particular reference to parking; and 2) The living conditions of nearby residents with particular reference to parking, waste collections and outlook.

Reasons

The effect on highway safety

3. The appeal site encompasses a parcel of land that was previously used by the occupants of 11 and 13 Bernard Street, which are the residential properties that flank the appeal site. The appeal site has now been subdivided from these properties by fences and is no longer in active use as either a garden or as an off road parking area. The Council is concerned that the development would displace the parking that was historically associated with the occupation of 11 and 13 Bernard Street (Nos 11 and 13) onto the public highway.
 4. However, the effect of the appeal scheme would be to retain the current parking situation in respect of these properties. This is because the occupants of Nos 11 and 13 no longer have access to the appeal site and are therefore already without the parking areas previously available. I have seen no evidence that the appeal site must be made available for the parking of cars associated with the occupation of Nos 11 and 13.
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5. As such, I cannot share the Council's conclusion that the appeal scheme will displace the parking from Nos 11 and 13 onto the public highway as this has already occurred. The appeal scheme would have no effect on the availability of parking for the occupants of Nos 11 and 13 other than to permanently remove any opportunity to restore the previous situation. But I have seen no evidence that such a situation is likely to occur in the foreseeable future.
6. Bernard Street is located in the Ely Framework and is a no through road located close to the town centre. It is characterised by Victorian styled terraced houses. The appeal scheme would provide two properties with 2-3 bedrooms¹. The Council are satisfied that given the proximity to the town centre, a standard of 1 car parking space per dwelling can be justified in this instance when applying the parking standards set out in Policy COM 8 of the Local Plan. Nevertheless, the appeal scheme is unable to provide any off-street parking so there would be a modest increase in on street parking².
7. However, it is not uncommon for properties in Bernard Street, and the surrounding streets, to be devoid of off-street parking. I have not been presented with substantive evidence that this current situation has been injurious to highway safety. Moreover, Bernard Street is a narrow short road with good forward visibility. Thus, motorists are likely to be travelling slowly and with caution. Therefore, the additional movements associated with the appeal scheme are unlikely to prove unacceptably hazardous.
8. Additionally, the appellant has provided a Transport Assessment which includes the results of a parking survey³. There are some notable limitations with this survey, including the restricted sample of survey occurrences, but I have no other substantive evidence before me to make a judgement on the availability of parking. As such, I afford it notable weight. The survey demonstrates that there is ample on street parking available in the area and this is what I observed during my site visit. The absence of any on street parking controls also suggests that the area is not one that is suffering from significant parking stress.
9. Therefore, due to the close proximity of the town centre and the subdivision of the appeal site from neighbouring properties it is probable that the appeal scheme would increase the demand for parking in the area by only two vehicles. This can be safely accommodated in Bernard Street and the surrounding streets. Moreover, on street parking is commonplace in the area and there is no substantive evidence before me that its occurrence has been injurious to highway safety. Consequently, I conclude that the appeal scheme would preserve highway safety in accordance with Policy COM 7 of the LP.

The impact on living conditions

10. Given my findings above, that the appeal scheme would have a limited effect on the availability of on street parking in the area, and in the absence of substantive evidence that the area is subject to parking stress, the proposed parking arrangements would not harm the living conditions of nearby residents through an unreasonable effect on the convenience and availability of on street parking. Nor would the proposal materially affect waste collections as on street parking is

¹ If the first floor studies were used as bedrooms

² The Inspector in a previous appeal at the site (Council reference 15/00400/FUL) concluded that a modest increase in on street parking could be accommodated in the area. There is nothing before me to suggest circumstances have changed significantly since this decision so I afford this point significant weight

³ Transport Statement by SLR Global Environmental Solutions

already common place along Bernard Street and there is nothing to suggest the appeal scheme would tip the balance whereby waste could not be adequately presented and collected.

11. By siting the proposed dwellings towards the front of the appeal site, and by dropping the scale of the rear most section to single storey, the rear aspect from No. 11 would be adequate. In respect of No. 13, this property would be internally reconfigured to provide a more open plan layout. The side window would be blocked up and the first floor windows serve secondary space in the form of a corridor and bathroom. As a consequence, the outlook from this property would not be harmed. No. 13 is in the ownership of the appellant so a planning condition can be imposed to ensure these works are completed before works commence on the appeal scheme. In this respect, I share the view of the Council's Planning Officers that there would not be any adverse impacts upon the living conditions of neighbours. Thus, the proposal would adhere to Policy ENV2 of the LP, which seeks to ensure new developments will not result in significantly detrimental effects on residential amenity.

Other Matters

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Ely Conservation Area (CA), a designated heritage asset. The appeal scheme would preserve the CA and would not harm its significance due to the sensitive scale, style and form of the proposed dwellings.

Conditions

13. I have had regard to the advice in the Planning Practice Guide and the list of conditions suggested by the Council. In the interests of safeguarding the character and appearance of the area it is necessary for the development to be implemented in accordance with the approved drawings and for details of external materials, bin and cycle storage, hard landscaping and fenestration to be approved. I have amended some of these conditions in the interests of precision.
14. In the interests of the living conditions of residents it is necessary to require the assessment and mitigation of possible land contamination, for construction management measures, for the retention of boundary treatment and for the proposed works to No. 13 to be undertaken. The last point needs to be prior to the construction of the approved dwellings so as to protect the living conditions of the occupants of No. 13 from the outset of works. To preserve as yet unknown archaeology it is necessary to secure a programme of archaeological investigation and the proper recording of any finds. In the interests of promoting sustainable patterns of travel it is necessary to secure a travel pack and cycle storage. It is unnecessary to secure details of planting as lawns are proposed in the gardens.

Conclusion

15. The proposal would be consistent with the development plan as a whole. Accordingly, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced within 3 years of the date of this permission.
2. Development shall be carried out in accordance with the drawings and documents listed below:
 - Location Plan 27th July 2016
 - PL1(90)01 A 13th September 2016
 - PL2(21)02 22nd July 2016
 - PL2(21)01 A 13th September 2016

No above ground construction shall take place on site until the works to 13 Bernard Street as shown on drawing PL2(21)02 have been implemented in full.

3. No above ground construction shall take place on site until the following has been submitted to and approved in writing by the Local Planning Authority:
 - Details of the external finishing materials to be used in the walls (to include brick bond and mortar mix);
 - Details of the roof tiles to be used; and
 - Detailed designs of the windows and doors to be used.

The development shall be carried out in accordance with the approved details.

4. No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems and archaeological sites

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved

remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
7. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include boundary treatments and any hard landscaping. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
8. No development shall take place until details of the bin and bike storage details have been submitted to and improved in writing by the Local Planning Authority. Details shall include the location, dimensions and materials.
9. Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 – 18:00 each day Monday-Friday, 08:00 – 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
10. Prior to first occupation of the dwellings hereby approved, travel packs for new occupants shall be submitted to and approved in writing by the Local Planning Authority. The travel packs shall include details on public transport options and alternative methods of transport and shall be provided to future occupants upon occupation of the dwellings.