

AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

23 FEB 09

**APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT CONTROL
PANEL**

(Reports by Development Control Manager)

Case No: 0801352FUL (FULL PLANNING APPLICATION)

**Proposal: ERECTION OF A PAIR OF SEMI-DETACHED TOWN
HOUSES**

Location: 9 MERRYLAND PE27 5ED

Applicant: MR M AHMED

Grid Ref: 531279 271291

Date of Registration: 13.06.2008

Parish: ST IVES

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This site is located in the centre of St Ives, to the rear of properties on Merryland and Woolpack Lane. The land is presently used for car parking (five spaces), and is one of a number of parking areas in this courtyard, which are served by a narrow access off Merryland. The site is surrounded by development, varying in scale, style and age. There is a blank two storey wall immediately to the south east of the site, and two storey buildings are located on the other sides. The land use in the vicinity is largely mixed commercial, although there is a dwelling to the south west. There are no features of note within the site.
- 1.2 The proposal is within the town centre of St Ives, and within the Conservation Area. There are a number of Listed Buildings close to the site.
- 1.3 The proposal is to erect a pair of semi-detached dwellings. The building will be 2 ½ storeys high, and will occupy the majority of the site, being sited 600mm from the two storey wall at the rear, and with each property having a landscaped area measuring 1.8m by 0.5m at the front. The first floor lounges will each have a "Juliet" balcony, overlooking the remaining car parking and access areas.

2. NATIONAL GUIDANCE

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3 – "Housing" (2006)** sets out how the planning system supports the growth of housing completions needed in England.

- 2.3 **PPG15 – ‘Planning and the Historic Environment’ (1994)** advises on development affecting Listed Buildings and Conservation Areas.
- 2.4 **PPS25 – Development and Flood Risk (2006)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents
- **ENV7** – Quality in the Built Environment – requires new development to be of a high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.
- None relevant
- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95
- **H31**: “Residential privacy and amenity standards” – indicates that new dwellings will only be permitted where appropriate standards of privacy can be maintained and adequate parking provided.
 - **H37**: Environmental pollution – housing development will not be permitted in locations where there is a known source of environmental pollution which would be detrimental to residential amenity.
 - **En2**: “Character and setting of Listed Buildings” – indicates that any development affecting a building of architectural or historic merit will need to have proper regard to the scale, form, design and setting of the building.

- **En5:** “Conservation area character” - development within or directly affecting Conservation Areas will be required to preserve or enhance their character or appearance.
- **En6:** “Design standards in conservation areas” – in conservation areas, the District Council will require high standards of design with careful consideration being given to the scale and form of development in the area and to the use of sympathetic materials of appropriate colour and texture.
- **CS8:** “Water” – satisfactory arrangement for the availability of water supply, sewerage and sewage disposal facilities, surface water runoff facilities and provision for land drainage will be required.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- **STR1** –District Hierarchy - Outlines the settlement hierarchy. Market Towns and the rural growth village of Yaxley where housing development up to and including estate scale may proceed.
- **STR3** - Market Towns – are Huntingdon; Godmanchester; St Neots; St Ives; Ramsey and Bury.
- **HL5** – Quality and density of development – sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **B1** – Design Quality – development should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity – developments should not have an unacceptable impact on the amenity of existing and future occupiers.
- **B7** – Listed Buildings – lists the criteria against which development proposals affecting the fabric or setting of a listed building should be assessed.
- **B8** – Conservation Areas – states the criteria against which developments within or affecting a conservation area should be assessed.
- **T1** - Transport Impacts - development proposals should be capable of being served by safe convenient access to the

transport network and should not give rise to traffic volumes that exceed the capacity of the local transport network.

- **T2** – Car and Cycle Parking – development proposals should limit car parking and provide cycle parking facilities to the levels set out in the Council’s parking standards.
- **P10** – Flood Risk. Development should not take place in areas of flooding or increase the risk of flooding elsewhere. Flood risk assessments are required where appropriate. Sustainable drainage systems should be used where appropriate.

3.6 Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all development will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered, including design, implementation and function of development.
- **CS3**: Settlement hierarchy. St Ives is a market town within which housing development of all scales may be appropriate.

3.7 The SPD Design Guide (section 2.2) is a material consideration.

4. **PLANNING HISTORY**

4.1 None relevant

5. **CONSULTATIONS**

5.1 **St Ives Town Council – NO OBJECTION** (copy attached)

5.2 **Environment Agency – OBJECTION** on grounds of insufficient information.

5.3 **Local Highway Authority (HDC) – OBJECTION** Inadequate access for additional use. It is unclear whether the existing parking spaces on the site are allocated to a specific unit.

5.4 **Environmental Health Officer – OBJECTION** on grounds that plans do not show how dwellings will be protected from the odours, noise etc from the adjoining uses, especially from the restaurant and the P.H.

6. **REPRESENTATIONS**

6.1 Neighbours – two letters have been received. The following points have been raised:-

1. There will be a loss of amenity to adjoining properties due to overlooking. This is because of the number of windows located on the first and second floors, including the balcony. The distance between

the proposal and Elwyn House is very limited and both the house and garden will be affected.

2. The building, due to its height will be a visually very dominant and alien feature when viewed from Elwyn House. The existing walls at Elwyn House will not provide any screening.

3. The applicants have not shown how the proposal will deal with pollution.

4. The occupants of the dwellings will suffer noise and disturbance from the adjoining land uses, notably the public house.

5. The building is poorly detailed, notably the dormers and the roof, and it does not preserve the character of the Conservation Area. It will also adversely affect the setting of the adjoining Listed Buildings. The roof materials are not appropriate for a Conservation Area.

6. The proximity of the building to other structures will make maintenance very difficult.

7. Elwyn House is an 18c. Listed Building, and it could be damaged during the construction phase.

8. Some residents may not have commented because of restrictive covenants.

7. SUMMARY OF ISSUES

7.1 The issues in this case relate to the principle of residential development, the effect on the amenities of the immediate neighbours, the effect on the character and appearance of the Conservation Area and the setting of adjoining Listed Buildings, access, flooding and the impact of the existing nearby uses on the occupiers of the proposed dwellings.

The principle of new residential development

7.2 St Ives is classified as a market town in the settlement hierarchy, where development of all scales may be appropriate within the built up area. The site is within the built up area and the erection of two dwellings would be consistent with the provisions of policies STR1, STR3 and CS3.

7.3 This site is previously developed land within the definition of PPS3, and thus its more efficient use would be in line with one of the major thrusts of this guidance. The use of land for residential purposes would be in keeping with the present land use pattern, and, in terms of principle, could be supported. However, there are other significant issues to consider, which have a bearing on the ultimate recommendation.

Impact on neighbouring properties

7.4 This is a large building, and there will be a 2½ storey high gable wall directly on the boundary with garden of the adjoining public house. This will inevitably have a significant impact on the enjoyment of this

space in terms of overshadowing, and overbearing impact. The effect on other properties will be less, but there will be overlooking of the front of Elwyn House. This will mainly be over the front, or more public aspect of the property, including the main room windows. To the south west, the proposal will have an overbearing effect on land presently used for parking. Overall, loss of amenity is a significant issue, and the proposal is contrary to the provisions of policies H31 and B4.

Impact on the Conservation Area/Listed Buildings

- 7.5 The site is within the St Ives Conservation Area, and there are three listed buildings in close proximity. The grain of the historic burgage plots is still evident, as is the hierarchy of buildings, with the principal structures being on the street frontages, and ancillary buildings to the rear. The proposed development does not respect its historical context in that the building is too tall and does not respect the grain of the burgage plots. The development is too cramped within the site, and it is not subservient to the frontage properties. Its scale is unsympathetic to its backland location, and it will be over-dominant on the site. It does not relate well to the adjacent listed buildings, either in terms of its setting, or detailing, which fails to build on the local vernacular and incorporates too many “standard” features. It is considered that the proposal would harm the character and appearance of the Conservation Area, and would not respect the setting of the Listed Buildings. In this respect, the proposal would be contrary to the provisions of policies En2, En5, En6, HL5, B1, B7, B8 and ENV7.

Access

- 7.6 The access to the site is narrow, and the visibility at the entrance is poor. The access serves a number of properties already, and there is a substantial number of parking spaces within the confines of the overall site, although there is no clear indication as to who uses them. The proposed development will remove five of these spaces although each dwelling will be provided with a single space. It is likely, therefore, that the proposal will result in a net decrease in traffic generation, and hence a reduction in the use of the access. The proposal would comply with policies T1 and T2.

Flooding

- 7.7 The Environment Agency has objected to the proposal on the grounds of insufficient information given in the Flood Risk Assessment. The site is within the E.A. flood zones 2 and 3, and the Flood Risk Assessment does not meet the requirements for new development as laid down in PPS25. In particular, it has not addressed the issue of climate change. It is considered that this is a valid objection, and that the proposal is contrary to the provisions of policies P10 and CS8.

Impact of existing uses

- 7.8 The Environmental Health Officer has commented that the site is located very close to two sources of pollution, i.e. noise and disturbance from the adjoining beer garden, and odours from the

tandoori restaurant. The occupiers of the proposed dwellings could suffer a loss of amenity from these uses unless suitable preventative measures are taken. None are shown on the submitted plans, and thus the proposal is considered to be contrary to policy H37.

Other issues

- 7.9 A respondent's concern that some neighbouring residents may not have commented because of legal restrictions in covenants is not a material planning consideration.

Conclusions

- 7.10 This proposal is unacceptable for the reasons given above, and should not be approved.
- 7.11 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – REFUSE, for the following reasons:

- 8.1 The proposal would be contrary to the provisions of policies ENV7 of the East of England – Revision to the Regional Spatial Strategy 2008, policy HL5 of the Huntingdonshire Local Plan Alteration 2002, policies En2, En5 and En6 of the Huntingdonshire Local Plan 1995, and policies B1, B7 and B8 of the Huntingdonshire Interim Planning Policy Statement 2007, in that the development, by reason of its scale, location and design would not be sympathetic to the historical development of the site or the locality, and would thereby be detrimental to the character and appearance of the site and the Conservation Area, and the setting of the adjacent Listed Buildings.
- 8.2 The proposal would be contrary to the provisions of policy H31 of the Huntingdonshire Local Plan 1995, and policy B4 of the Huntingdonshire Interim Planning Policy Statement 2007, in that the development would result in an unacceptable loss of amenity to the adjoining properties by reason of loss of light, loss of privacy and overbearing impact.
- 8.3 The proposal would be contrary to the provisions of policy CS8 of the Huntingdonshire Local Plan 1995, policy P10 of the Huntingdonshire Interim Planning Policy Statement 2007 and PPS25 in that the application does not adequately demonstrate that due regard has been taken of the potential flood risk to the site during the likely lifetime of the building, nor has assessed the flood risk resulting from climate change.
- 8.4 The proposal would be contrary to the provisions of policy H37 of the Huntingdonshire Local Plan 1995 and policy B4 of the Huntingdonshire Interim Planning Policy Statement 2007 and policy B4 of the Huntingdonshire Interim Policy Statement 2007 in that it

does not demonstrate how the development would incorporate measures to adequately protect the amenities of the inhabitants of the dwellings from noise, disturbance and odours emanating from adjacent properties.

BACKGROUND PAPERS:

Cambridgeshire and Peterborough Structure Plan 2003

Huntingdonshire Local Plan 1995

Huntingdonshire Local Plan Alterations 2002

Huntingdonshire Interim Planning Policy Statement 2007

Policies from the Huntingdonshire Local Development Framework Submission

Core Strategy 2008

The SPD Design Guide

CONTACT OFFICER:

Enquiries about this report to **David Hincks Development Control Officer**

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