
MAIN CASE

Reference No: 18/00448/FUL

Proposal: Demolition of Existing Outbuildings to allow for Proposed Residential Development Comprising of Three Bedroom Two Storey Dwelling, along with Access, Parking & Associated Site Works.

Site Address: Land Adjacent 20 Broad Piece Soham Ely Cambridgeshire CB7 5EL

Applicant: Mr J Fenn & Mrs V Stoneham

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 9 April 2018 **Expiry Date:** 8th August 2018

[T71]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reasons:

1. The area of application site measures approximately 250 square metres, not meeting the 300 square metres plot size guidance set out within the East Cambridgeshire Design Guide SPD. In addition, the width of the application site is 9.3 metres, of which 8 metres would be taken up by the proposed dwelling. By virtue of its scale in relation to the modest size of the plot, the proposed dwelling would appear cramped and contrived within the site, creating a detrimental impact on the visual amenity of the street scene, contrary to Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.
2. The East Cambridgeshire Design Guide Supplementary Planning Documents states that the rear elevation of any dwelling to be located at least 10 metres from the rear boundary. The bedrooms windows within the first-floor rear elevation of the proposed dwelling would be located 7.6 metres and 8.9 metres from the rear boundary of the site which forms the neighbouring boundary with the garden of No.25 Broad Piece. Due to the close proximity of the first-floor bedroom windows to the neighbouring rear boundary, the

proposed dwelling would create significant overlooking and loss of privacy to the garden of No.25 Broad Piece to the detriment of the residential amenity of this property, contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017.

3. It has not been satisfactorily demonstrated that the future occupiers of the proposed dwelling will not be adversely affected by odour from the nearby Soham Water Recycling Centre (Waste Water Treatment Works) to the detriment of residential amenity and the future operation of the Waste Water Treatment Works. As such it is contrary to policy CS31 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP26 of the Submitted Local Plan 2017.

2.0 SUMMARY OF APPLICATION

- 2.1 Planning permission is being sought for the erection of a two-storey dwelling within the residential curtilage of No.20 Broad Piece. The proposed dwelling would measure 8m wide and 11.7m deep, with a ridge height of 7.9m and an eaves height of 4.8m. The external surfaces of the proposed dwelling would comprise through-colour rendered walls and slate grey colour roof tiles. The proposed development would include the demolition of an existing single-storey double garage. The proposed development would provide 2 car parking spaces for the proposed dwelling, served by an existing vehicular access, and 2 car parking spaces would also be retained by the existing dwelling.
 - 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.eastcamb.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 called-in to Planning Committee by Councillor Carol Sennitt as she feels the application would add to the Council's housing, that this development should not be excluded because of the officer's concerns in respect of the rear-facing windows due to many developments being passed with the same, and also as she considers that the hedge at the back of this land still gives a lot of privacy.
- ## 3.0 PLANNING HISTORY
- 3.1 Off-site history (land to the rear of the application site including No.25 Broad Piece).

14/01229/RMA	Reserved matters application for residential development of two storey and a half dwellings including access, parking, turning & associated site works. (13/00553/OUT)	Approved	08.12.2014
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13/00553/OUT	Residential development of two storey and a half dwellings including access, parking, turning & associated site works.	Approved	03.10.2013
12/00083/OUT	Residential development of two detached bungalows including access, parking, turning & associated site works.	Approved	03.10.2012

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the north-east side of Broad Piece, within the established development framework for Soham. The site forms part of the curtilage of an existing residential property, No.20 Broad Piece, comprising a single-storey double garage and part of the parking area and rear garden of No.20 Broad Piece. The site shares its north-west boundary with No.21 Broad Piece (a two-storey dwelling) and its north-east boundary with the rear garden of No.25 Broad Piece. The south-east boundary of the site would be shared with the host dwelling. The form and character of the area is mixed, with some dwellings sited near to the public highway and other dwellings set significantly back from the public highway or to the rear of other dwellings. The application site located within the Water Treatment Works Safeguarding Area which is a buffer zone around the nearby Soham Water Recycling Centre.

5.0 RESPONSES FROM CONSULTEES

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

5.2 Soham Town Council – No concerns, comments or objections.

5.3 Ward Councillor Carol Sennitt – Calls-in the application to Planning Committee. Feels the application would add to the Council's housing supply. Believes the case officer is not happy about the rear facing windows, but there are many developments that have recently been passed with the same so feels that this should not be excluded for this reason. There is a very high hedge at the back of this land that still gives a lot of privacy.

5.4 Consultee For Other Wards In Parish - No Comments Received.

5.5 Local Highways Authority - No objections. Recommends conditions in respect of the following:

- No gates to be erected across the vehicle access
- Parking
- Pedestrian visibility 2m x 2m either side of the vehicle access

5.6 Anglian Water – “The site is situated in close proximity to Soham Water Recycling Centre. Soham WRC has been the subject of several detailed odour risk assessments over recent years, all of which have indicated a high probability of strong emissions from the WRC processes being detectable at the location of the proposed development. Given the proximity to the WRC boundary there is also potential for disturbance from mechanical plant and vehicle movements associated with the WRC operations.

The dispersion modelling and assessments to date have considered other sites around the WRC and will not have included empirical evidence (eg boundary surveys and sniff tests) specifically related to the land in question. Therefore, it is possible that the modelled odour dispersion over-predicts in the area of this site.

However, based on the existing evidence we would advise that the site is at risk of regular exposure to malodour from the WRC operation to an extent that would be expected to impair the amenity of the property. Whilst we acknowledge the existence of similar land use close by without an extensive history of complaint, the exposure of more receptors to the odour potential is in our view, likely to increase the potential for complaint.

We would strongly recommend the applicant undertakes an odour survey prior to the LPA deciding this application.”

5.7 CCC Growth & Development - No Comments Received.

5.8 Minerals and Waste Development Control Team - No Comments Received.

5.9 Waste Strategy (ECDC) –

- East Cambs District Council 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 boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a

separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

5.10 Neighbours – 2 neighbouring properties were notified of the application and a site notice was displayed near the site on 2nd May 2018. 1 representation has been received from the occupier of No.25 Broad Piece and this response is summarised below. A full copy of the responses are available on the Council's website.

5.10.1 Neighbour representation - No.25 Broad Piece, Soham

No objection to there being a dwelling on the site, however do not wish for any windows whatsoever to overlook the property of No.25 Broad Piece. The top two rear windows on the proposed dwelling would really overlook the neighbouring property of No. 25 Broad Piece. The windows on side elevation facing No. 21 Broad Piece are obscure, so would not cause a problem.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network

- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

6.5 Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011

CS31 Waste Water Treatment Works Safeguarding Areas

7.0 PLANNING COMMENTS

7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts upon visual amenity, residential amenity and pollution, and highway safety and parking.

7.2 Principle of Development

7.2.1 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies 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 an additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

7.2.3 The application site is located within the development envelope of Soham. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore considered to be in a sustainable location.

7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application. The main considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development.

7.3 Visual amenity

7.3.1 The surrounding area is mixed in respect of the form, layout, styles and appearances of nearby dwellings. The proposed dwelling would be located between two existing dwellings, continuing the linear form of these dwellings to each side.

The location of the proposed dwelling would therefore not be out of keeping with the existing built form or character of the area.

7.3.2 However, the area of the application site is modest in size, measuring only approximately 250 square metres which falls short of the 300 square metres plot size guidance set out within the East Cambridgeshire Design Guide SPD. As a result of the modest size of the site in relation to the size of the proposed dwelling, the proposed development would appear cramped and contrived within the site, causing detrimental harm to the visual amenity of the street scene. Amendments have been sought by the case officer to reduce the scale of the proposed dwelling, however no amended plans have been received by the Local Planning Authority.

7.3.3 It is therefore considered that the proposed development is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, Policies LP22 and LP28 of the Submitted Local Plan 2017 and guidance set out within the East Cambridgeshire Design Guide SPD.

7.4 Residential amenity and pollution

7.4.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of existing and future occupiers of dwellings.

7.4.2 Impacts on existing occupiers of nearby dwellings

7.4.2.1 The proposed dwelling would be located between No's 20 and 21 Broad Piece. No.21 has 1No. window on its side elevation facing the application site, however this window serves the neighbours garage and therefore the impact to this window is acceptable. The main two-storey of No.20 does not have any side elevation windows facing the application site. It does have side windows within the single-storey rear extension, however these are secondary windows and there primary windows are situated within the rear elevation which would not be significantly impacted. The proposed dwelling would only project 1.7m beyond the rear elevation of No.21, not creating any significant loss of outlook, loss of light or overbearing impact to this neighbouring property. The proposed dwelling projects further to the rear of the host dwelling No.20, however this neighbouring property would retain an acceptable level outlook and amenity. Furthermore, the proposed dwelling would be located to the north-west of this neighbouring host property and therefore would not create a significant loss of light.

7.4.2.2 The north-east boundary at the rear of the application site borders the garden of No.25 Broad Piece. This section of the boundary currently comprises a dense hedge and some trees to the opposite side within the garden of No.25. However, this planting cannot be relied upon to protect residential amenity as it could be removed, or die, in the future. The proposed dwelling includes two first-floor bedroom windows within its rear elevation facing the garden of No.25 Broad Piece. These windows would be distanced only 7.6 metres and 8.9 metres from the rear boundary of the site which adjoins the garden of No.25 Broad Piece. This distance fails to comply with guidance in the East Cambridgeshire Design Guide

Supplementary Planning Document which requires the rear elevation of any dwelling to be located at least 10 metres from the rear boundary.

7.4.2.3 Due to the close proximity of the first-floor bedroom windows to the neighbouring rear boundary, the proposed dwelling would create significant overlooking and loss of privacy to the garden of No.25 Broad Piece to the detriment of the residential amenity of this property, contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017.

7.4.3 Impact on future occupiers of the proposed dwelling

7.4.3.1 The site is located within a safeguarding zone for Anglian Waters Soham Water Recycling Centre (WRC). Policy CS31 of the Cambridgeshire and Peterborough Minerals and Waste Plan 2011 relates specifically to Waste Water Treatment Works Safeguarding Areas and states the following:

7.4.3.2 “Within the Safeguarding Areas there is a presumption against allowing development, which would be occupied by people. This would include new buildings or changes of use of buildings to residential, industrial, commercial, sport and recreational uses. Where new development is proposed within the Safeguarding Areas involving buildings which would normally be occupied, the application must be accompanied by an odour assessment report. The assessment must consider existing odour emissions of the waste water treatment works at different times of the year and in a range of different weather conditions. Planning permission will only be granted when it has been demonstrated that the proposed development would not be adversely affected by the continued operation of the existing waste water treatment works.”

7.4.3.3 In addition, Policy ENV9 of the East Cambridgeshire Local Plan states that new development will not be permitted where there is a potential to conflict with existing developments that require particular conditions for their operation, where it would be likely to impose significant restrictions on the activities of the existing use in the future.

7.4.3.4 Anglian Water has stated that Soham WRC has been the subject of several detailed odour risk assessments over recent years, all of which have indicated a high probability of strong emissions from the WRC processes being detectable at the location of the proposed development. In addition, they have stated that, given the proximity to the WRC boundary, there is also potential for disturbance from mechanical plant and vehicle movements associated with the WRC operations.

7.4.3.5 As the odour risk assessments will not have included empirical evidence specifically related to the land in question, it is possible that the modelled odour dispersion over-predicts in the area of this site. However, based on the existing evidence, Anglian Water advise that the site is at risk of regular exposure to malodour from the WRC operation to an extent that would be expected to impair the amenity of the property and the exposure of more receptors to the odour potential is likely to increase the potential for complaint. Anglian Water strongly recommend the applicant undertakes an odour survey prior to the LPA deciding this application, however no details of an odour survey have been submitted with the application.

- 7.4.3.6 Due to the location and proximity of the proposed dwelling in relation to the Soham WRC, there is a possibility that the odour levels from the nearby sewage works would be unacceptable to future occupiers of additional new dwellings. No information has been submitted with the application to satisfactorily demonstrate that the future occupiers of the proposed dwelling would not be adversely affected by odour from the nearby WRC. The case officer acknowledges that there are existing residential dwellings located within the safeguarding zone, however this is not considered to be sufficient justification for an additional dwelling to be supported as an increase in dwellings would result in an increase in the number of residents affected and the likelihood of additional pressures regarding operations of the WRC.
- 7.4.3.7 It is therefore considered that the proposed development does not satisfactorily demonstrate that the future occupiers of the proposed dwelling will not be adversely affected by odour from the nearby Soham Water Recycling Centre (Waste Water Treatment Works), to the detriment of residential amenity and the future operation of the Waste Water Treatment Works. As such, the proposed development is contrary to policy CS31 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP26 of the Submitted Local Plan 2017.
- 7.5 Highway safety and parking
- 7.5.1 The proposed development includes 2 car parking spaces for the proposed dwelling and would retain 2 car parking spaces for the host dwelling (No.20 Broad Piece), ensuring adequate parking provision which complies with Policy COM8 of the East Cambridgeshire Local Plan 2015. The parking provision for the host dwelling would comprise tandem parking which Policy LP22 of the Submitted Local Plan 2017 discourages. However, Policy LP22 of the Submitted Local Plan 2017 can only be given very limited weight at this stage and therefore the parking layout is considered acceptable. The Local Highway Authority has reviewed the application and has no objections in respect of highway safety. Therefore, it is considered that the proposed development would not create any detrimental impacts in respect of highway safety, in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2017.
- 7.6 Other Material Matters
- 7.6.1 The proposed development shows details of soakaways for disposal of surface water which is considered acceptable, in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017.
- 7.7 Planning Balance
- 7.7.1 The benefits of the proposed development are the provision of an additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling. The site is also located in a sustainable location within the established development framework.

7.7.2 However, on balance, it is considered that the benefits of the proposed development would be outweighed by the significant and demonstrable harm caused to the visual amenity of the street scene, in addition to the residential amenity of existing occupiers of neighbouring dwellings and future occupiers of the proposed dwelling. The proposal is therefore considered to be contrary to Policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015, Policies LP22, LP26 and LP28 of the Submitted Local Plan 2017, guidance set out within the East Cambridgeshire Design Guide SPD, and Policy CS31 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00448/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk

National Planning Policy Framework -
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>