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**MAIN CASE**

**Reference No:** 17/00358/FUL

**Proposal:** Construction of 4 bedroom, two storey detached dwelling with access, parking and associated works

**Site Address:** Land Adj. 29 Broad Piece Soham Ely Cambridgeshire CB7 5EL

**Applicant:** Gray's Property And Development Ltd

**Case Officer:** Catherine Looper, Planning Officer

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Mark Goldsack  
Councillor Carol Sennitt

**Date Received:** 3 March 2017      **Expiry Date:** 20 September 2017  
[S98]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed dwelling by reason of its bulk and siting in close proximity to the adjoining property, would result in a loss of residential amenity by reason of its overbearing impact. As such it is contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015.
  2. It has not been satisfactorily demonstrated that the future occupiers of the dwellings will not be adversely affected by odour from the nearby 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 and Policy ENV 9 of the East Cambridgeshire Local Plan 2105.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks to erect a two-storey dwelling with access for parking and garaging. The application also seeks to create access and parking for the adjacent dwelling, Number 29. The dwelling would be positioned slightly further back than the neighbouring dwellings and would be approximately 21m from the public highway.

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.**

### 3.0 PLANNING HISTORY

3.1

16/01750/FUL	Proposed detached four bed dwelling, access parking, garaging and associated site works. Access and parking for existing dwelling at No 29	Refused	28.02.2017
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the north-west of Soham and is within the designated development envelope. The site comprises a modest two-storey dwelling (Number 29), with a large area of land to the side which is currently unmaintained and overgrown. A bungalow also borders the site and has a tall brick wall running along the boundary. The dwellings within the street scene are generally set back from the public highway, and are more traditional in design. A narrow public footpath borders the public highway in front of the dwelling.

### 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.

**Minerals And Waste Development Control Team** - The development site falls wholly within the Safeguarding Area for the Soham Waste Water Treatment Works (WWTW), and the site immediately adjoins the works.

This Safeguarding Area is designated through the adopted Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan (2012), in accordance with Policy CS31 Waste Water Treatment Works Safeguarding Areas of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

The Safeguarding Area extends 400 metres around the WWTW and within this area Policy CS31 places a presumption against allowing development which would be occupied by people, including residential uses. Where such development is proposed Policy CS31 requires that the planning application be accompanied by an odour assessment report; which must consider existing odour emissions of the WWTW at different times of year and in a range of different weather conditions. Planning permission should only be granted when it has been demonstrated that the proposed development would not be adversely affected by the continued operation of WWTW.

I note you have also consulted Anglian Water and that you have received their reply advising that an odour assessment is required. This would be consistent with our Policy CS31 which is referred to above.

**Parish** – No objections but concerns raised from committee regarding the number of spaces for parking given the size of the property and their location relative to the dwelling.

**Ward Councillors** - No Comments Received

**Local Highways Authority** – The Highways Authority has no objections in principal to this application. The parking arrangement would require a prolonged dropped kerb access. This can be disturbing to the physically impaired due to the number of vehicles that could emerge and the length of the vehicle access that must be crossed. This parking arrangement will also likely cause disturbances on the road due to the number of manoeuvres that will be required for vehicles to leave/arrive and park. Also the centre spaces may have problems with accessing the vehicles e.g the physically impaired. Conditions recommended.

**Waste Strategy (ECDC)** - No objections raised. Standard informatives recommended.

**Anglian Water Services Ltd** - As you may be aware Soham Water Recycling Centre (WRC) has been the subject of several detailed odour risk assessment over recent years, all of which have indicated high probability of strong emissions at the location of the proposed development. Given the proximity of the boundary of the WRC there is also potential for disturbance from mechanical plant and vehicle movements associated with the WRC's operations.

Based on all evidence we would advise that the site is at high risk of regular exposure to malodour from the WRC to an extent that would impair the amenity of the proposed property.

Whilst we acknowledge the existence of similar land use close by we have received complaints due to odour and a dwelling at this location would increase the potential for issues and complaints.

**Environmental Health** - Further to our various discussions regarding the above and the additional information supplied, I note the information within the odour impact assessment entitled 'Land adj. 29 Broad Piece, Soham, Ely Cambs CB7 5EL' and dated 6th May 2017, and the subsequent response from Anglian Water.

Both reports conclude that the site will be subject to some odour impact from the sewage works and they agree that there is potential for loss of amenity due to odour emissions (pg 8 & 9 of odour report).

Whilst the proximity of other residential properties in the area is noted, I have discussed this case with my manager and from the information received officers have reached a similar conclusion to Anglian Water, that there is likely to be an adverse impact on the residential amenity of the proposed property. Therefore it is

considered that this department cannot support the proposed residential development on this site, due to the proximity of the sewage works (the plans indicate this would be the closest property) and the difficulty in designing mitigation for odour impact.

- 5.2 Neighbours – One neighbouring property has been notified and a site notice was posted on 3<sup>rd</sup> April 2017. One response has been received and is summarised below. A full copy of the responses are available on the Council's website.
- The proposed dwelling would create overlooking.
  - The proposed dwelling would block sunlight to the rear private amenity space of the neighbouring occupiers.
  - Noise disturbances from building works and increased vehicle movements.
  - Highway safety due to the parking arrangements.
  - Highway safety due to the construction stage.
  - A bungalow would be more in keeping with the adjacent single storey dwelling.

## 6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015  
*ENV 1 Landscape and settlement character*  
*ENV 2 Design*  
*COM 8 Parking provision*  
*ENV 9 Pollution*

- 6.2 Supplementary Planning Documents  
*Design Guide*  
*Flood and Water*  
*Developer Contributions and Planning Obligations*

- 6.3 National Planning Policy Framework 2012  
*7 Requiring good design*

## 7.0 PLANNING COMMENTS

- 7.0.1 The main considerations in the determination of this application are the residential amenity of neighbouring occupiers and future occupiers of the proposed dwelling, and the visual amenity and character of the wider street scene.

It should be noted that this application is a re-submission of a previously refused application (16/01750/FUL). The differences between the applications include differences in the layout and external design of the dwelling and its position on the plot, and the removal of the previously proposed three-bay car port.

7.1 Residential Amenity

- 7.2 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3 The proposed dwelling is set back further than the neighbouring dwellings and is two-storey in scale, at a height of 8m. There is approximately 4.1m between the proposed dwelling and the neighbouring dwelling at Number 30. There is also 3.1m between the proposed dwelling and the dwelling at Number 29. The dwelling would create a significant level of overbearing on the neighbouring dwelling at Number 30 due to the level of two-storey built form in close proximity to the boundary of the single storey dwelling. Although no windows serving habitable rooms are proposed in the north-west elevation of the dwelling, the level of built-form so close to the boundary would be dominating and overbearing. The proposed dwelling would be positioned to the east of the dwelling, and therefore is likely to create a loss of light to the rear private amenity space of this neighbour.
- 7.4 The previous reason for refusal as part of application 16/01750/FUL has not been overcome in the current application and therefore still stands. The proposal is contrary to Policy ENV2 of the Local Plan 2015 in terms of its detrimental impacts on the residential amenity of neighbouring occupiers.
- 7.5 The site is located within a safeguarding zone for Anglian Waters Soham Water Recycling Centre (WRC). One of the reasons for refusal of application 16/01750/FUL was that it had not been satisfactorily demonstrated that the future occupiers of the dwelling would not be adversely affected by odour from the nearby WRC. As part of the current application, the agent has submitted an Odour Assessment which has been forwarded to Environmental Health, Anglian Water and the Cambridgeshire County Council Waste and Minerals Team. Anglian Water have advised that WRC has been the subject of several detailed odour risk assessments in recent years, all of which have indicated high probability of strong emissions at the location of the proposed development. They have confirmed that in addition to this, there is also potential for disturbance created by mechanical plants and vehicle movements associated with operations. They have received complaints regarding odour, and are concerned that the addition of a dwelling would increase the potential for issues and complaints.
- 7.6 The Council's Environmental Health Technical Officer has advised that the site will be subject to some odour impact from the nearby WRC and they agree that there is potential for loss of amenity of future occupiers due to emissions. They note that other residential dwellings are within the safeguarding zone, however they have advised that an additional dwelling cannot be supported, as this would be the closest dwelling to the WRC.
- 7.7 Based on the consultation responses received regarding the odour assessment, it is likely that the future occupiers of the proposed dwelling would experience a significant loss of amenity due to the emissions of the WRC and the proposal therefore conflicts with Policy ENV2 of the Local Plan 2015.

- 7.8 The presence of other dwellings in the vicinity of the site is acknowledged, however these are historic and were built before the safeguarding zone was introduced in February 2012.
- 7.9 Visual Impact
- 7.10 The design of the dwelling has been simplified and appears more traditional than the previous design, with the front facing gable removed from the scheme. The applicant has proposed facing brickwork and concrete interlocking roof tiles. The dwelling would feature a simple flat-roof porch and a small chimney protruding from the roof. Insufficient information regarding materials has been submitted to determine whether the finished appearance of the proposal would be in-keeping with the street scene, however sample materials can be conditioned.
- 7.11 The proposed dwelling would be 8m to the ridgeline and in close proximity to the neighbouring single storey dwelling and traditional cottage. It is considered that this would be quite dominant adjacent to the properties either side but within acceptable limits.
- 7.12 Highways
- 7.13 The application includes the provision of six vehicle parking spaces. These are arranged so that two vehicles may park behind one another at the front of the site. Four spaces are provided for the proposed dwelling, and two for the adjacent dwelling at Number 29. The Local Highways Authority has been consulted regarding the application and has advised that they do not raise objections to the application, but note that this parking arrangement would require a prolonged dropped kerb access, which can be disturbing to the physically impaired due to the number of vehicles that could emerge and the length of the vehicle access that must be crossed. It has also been noted that this parking arrangement is likely to cause disturbances on the road due to the number of vehicle manoeuvres required to enter and exit the site. It is likely that the centre spaces will create problems with accessing vehicles for the physically impaired. However refusal is not recommended and the provision of six spaces is considered adequate to cater for the needs of the two dwellings.
- 7.14 Planning Balance
- 7.15 The proposed development would create significantly detrimental impacts on the neighbouring occupiers due to the level of two-storey built form along the adjoining boundary, and the resulting overbearing and overshadowing impact. Future occupiers of the proposed dwelling would also be highly likely to experience an unacceptable loss of residential amenity due to the proximity of the site to the Soham Water Recycling Centre.

8.0 APPENDICES

None

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00358/FUL	Catherine Looper Room No. 011	Catherine Looper Planning Officer 01353 665555
16/01750/FUL	The Grange Ely	catherine.looper@e astcambs.gov.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>