

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

03 June 2015

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/2625/14/FL
<b>Parish(es):</b>	Cottenham
<b>Proposal:</b>	Erection of 2 detached dwellings following demolition of existing building
<b>Site address:</b>	1, Lambs Lane, Cottenham, Cambridge, Cambridgeshire
<b>Applicant(s):</b>	Mr James Matthews
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Principle of development, density and housing mix, impact on the amenity of neighbouring properties, impact on the character of the surrounding area, highway safety
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	David Thompson
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due</b>	31 December 2014

### 1. Update following April committee meeting

2. At the May 2015 meeting of the planning committee, members resolved to defer making a decision on the application to allow the applicant time to complete a daylight and sunlight assessment in relation to the impact of the proposals on the neighbouring property at no. 206 High Street and to seek further advice from the Highway Authority in light of the Parish Council concerns.
3. The applicant has provided the daylight and sunlight assessment and has also reduced the footprint of both of the properties, to increase the separation distance between the property at plot 1A and 7 Good Close by an additional 850mm.
4. The daylight assessment indicates that at 3 pm in winter months (i.e. last hour of sunlight in the day) and late afternoon in autumn, the rear extension of no. 206 would

be shaded. However, the extensive tree coverage on the southern boundary within no. 206 ensures that this already occurs and therefore the proposal would not make this situation materially worse. In winter months large parts of the rear garden of the property would be in shade in the late afternoon. However, the established tree planting within the garden of that property (excluded from the assessment) ensures that the garden would be in shade at this time of year. In summer months, when the sun is higher in the sky, the assessment indicates that none of the garden would be in shade at midday and at 3pm only the north western corner of the garden would be shaded, the majority of the space and all of that directly adjacent to the property would remain unaffected.

5. The occupiers of the property at 206 have maintained their objection and have stated that the impact on sunlight into their garden as a result of the proposed property at plot 1 has been ignored. It is considered that the assessment has addressed the impact on sunlight sufficiently to demonstrate that the loss of light to the dwelling itself would not be harmful at any point in the year given that any shading would be late in the daytime and the height of the existing trees within that property currently shade the affected areas.
6. On that basis, it is considered that the revised scheme would not have a sufficiently harmful impact on the residential amenity of that neighbouring property to warrant refusal of the application. The length of the separation distance to be retained between the buildings themselves (approximately 13 metres between the rear offshot of 206 and the gable elevation of plot 1) exceeds the minimum separation distance quoted in the design guide in this situation (12 metres where direct overlooking cannot occur) and this is considered sufficient to offset the height of the proposed development in terms of any unreasonable impact on the residential amenity of that property.
7. In relation to the impact on no. 7 Goode Close, the reduction in the width of the proposed dwellings and the consequential increase in the separation distance between the property at plot 1A and the neighbouring dwelling would further reduce the impact on that property. Following this revision, all of the two storey parts of the scheme are now outside of the 45 degree line when taken from the centre point of the window in the rear elevation of no.7 that is closest to the common boundary with the application site. This is an improvement on the previous amended scheme and ensures that the point of intersection would be 10 metres from that window and would intersect with the single storey element at the rear of 1A.
8. The Parish Council asked a number of questions with regard to highway safety following the April meeting. These questions were referred to the Highway Authority and the County Council has provided a detailed response. The Parish Council suggest that the site is so close to a blind corner that the proposed additional access would be harmful to highway safety. The Highway Authority consider that, because Goode Close serves only 7 properties, traffic volumes at even peak times are not sufficient to indicate that a net increase of 1 dwelling on the application site would result in a highway safety hazard.
9. The Parish Council have commented that the double yellow lines within the highway adjacent to the proposed new access indicate that attention is being drawn to the blind bend, suggesting that it is a hazard. The Highway Authority has responded by indicating these markings are to prevent parking in this location, not to highlight a road safety hazard. In relation to the visibility splays to be provided, the Highway Authority has not objected to the scheme because the level of additional traffic generated by the scheme is considered not to be significant and the fact that cars

may reverse into the highway is not sufficient to demonstrate a safety hazard. Given that parking arrangements similar to that proposed in this scheme already exist at adjacent properties on Lambs Lane, it is considered that the scheme would not result in a detrimental impact on highway safety.

## **10. Planning History**

C/0731/70/D – erection of bungalow and garage – approved.

## **11. Planning Policies**

*National Planning Policy Framework*

*National Planning Policy Guidance*

*Local Development Framework*

Core Strategy:

ST/5 Minor Rural Centres

Development Control policies DPD

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and new developments

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

CH/5 Conservation Areas

NE/1 Energy efficiency

NE/6 Biodiversity

NE/9 Water and Drainage Infrastructure

NE/10 Foul Drainage

NE/15 Noise Pollution

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11 – Open Space Standards

TR/2 - Car and Cycle Parking Standards

Supplementary Planning Documents

District Design Guide SPD – adopted 2010

Trees and Development Sites SPD – 2009

Development Affecting Conservation Areas SPD – 2009

Cottenham Village Design Statement SPD – adopted 2007

*Draft Local Plan*

S/8 Rural Centres

HQ/1 Design Principles

H/7 Housing Density

H/8 Housing Mix

H/9 Affordable Housing  
H/11 Residential Space Standards for Market Housing  
NH/4 Biodiversity  
NH/14 Heritage Assets  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Play Space  
SC/11 Noise pollution  
TI/2 Planning for Sustainable Transport  
TI/3 Parking Provision

## **12. Consultations**

13. Cottenham Parish Council: Recommend refusal for the following reasons:
- Highway safety concerns due to lack of sufficient visibility from the driveways and the lack of turning areas within the site (visibility will be detrimentally affected by the bend in the highway)
  - Concerned about the density of the proposed development – with four parking spaces being created without adequate turning space.
14. The Parish Council has maintained the above concerns in response to the re-consultation on the amended plans.
15. Local Highway Authority:
- No objection raised, subject to standard conditions relating to the construction of the driveway and the retention of pedestrian visibility splays free from obstruction.
16. Environmental Health Officer (EHO):
- No objection subject to conditions requiring a survey to be undertaken assessing the impact of the noise generated by the adjacent garage use and any resulting mitigation measures to be incorporated within the development.
  - Standard condition relating to noise during construction is also proposed

## **17. Representations**

18. 8 letters of objection from local residents have been received, which outline the following concerns (summarised):
- The proposed development will result in increased congestion on Lambs Lane. On street parking is already a problem in the locality
  - The location of the proposed access to plot 1 would be too close to the junction between lambs Lane and the High Street
  - The location of the access in relation to 204 High Street (to the north east of the application site) would be detrimental to highway safety and the amenity of that property
  - The parking spaces are shown in a tight arrangement which will restrict visibility from them
  - A tree in the garden of the neighbouring property at 7 Lambs Lane will restrict visibility to the south
  - The Cottenham Village Design Guide SPD includes a policy (B/6) which states that development should respond to the context of the surrounding area, avoid

pattern-book designs and ensure that parking areas do not obscure house frontages

- The proposal represents over-development of the site by intensifying the use beyond the existing single dwelling
- The scale of the proposal would have a detrimental impact on the character of the adjacent conservation area
- Loss of light to the windows and doorway in the northern elevation of no. 7 Lambs Lane has not been considered. The proposal would be contrary to the guidance within the BRE Digest 209 'Site layout planning for daylight and sunlight' document.
- The proposed development would be detrimental to the amenity of the garden space at the rear of 7 Lambs Lane
- The windows in the rear elevation of the proposed properties will allow overlooking into the garden of the neighbouring property
- If the application is approved, permitted development rights should be removed to prevent further extensions without planning permission first being obtained
- The scheme will result in the loss of a bungalow in an area short of this type of accommodation
- The revisions to the scheme have not addressed concerns relating to highway safety and residential amenity

## **19. Planning Comments**

20. The application site is a bungalow located on Lambs Lane, immediately adjacent to the Cottenham conservation area. Neighbouring properties are located to the east and west of the site. The streetscene contains a mixture of detached and semi-detached properties, the majority of which are two storey in height.

### **21. Principle of development:**

The application site is within the village framework of Cottenham which is classified as a Minor Rural Centre in the Core Strategy and would be classified as a Rural Centre in the emerging Local Plan. The principle of a net increase of 1 dwelling on the site in this location is therefore acceptable in principle, subject to all other material considerations being satisfied (assessed below).

### **22. Density and housing mix:**

23. The erection of two dwellings would be slightly over 30 dwellings per hectare requirement of policy HG/1. The proposal does not conflict with policy HG/1, which states that densities of up to 40 dwellings per hectare can be acceptable in more sustainable locations. Given that Cottenham is classified as a Minor Rural Centre, the higher threshold within the policy is considered applicable to this scheme.

24. In terms of housing mix, the current LDF policy (HG/2) suggests that at least 40% of properties in new development should be 1 or 2 bedrooms in size – equating to 1 of the 2 in this proposal. However, policy H/8 of the emerging Local Plan applies housing mix thresholds only to schemes of 10 or more dwellings. Given that the objections received to the emerging policy are seeking further flexibility as opposed to less, it is considered that significant weight can be applied to the emerging threshold. On that basis, it is considered that the proposal could not be refused on the grounds that the application is for one 3 bed dwelling and one 4 bed property.

### **25. Residential amenity:**

26. The applicant has provided a daylight assessment with the revised proposals, assessing the impact of the development on the neighbouring property to the west. This assessment indicates that when taken from the centre point of the closest window on the neighbouring property, the development would remain clear of the 45 degree 'rule of thumb' until the point where the single storey rear element begins, on the horizontal line. This point is 9.5 metres from the rear elevation of the neighbouring property on this line.
27. In relation to the vertical test, the 45 degree line clips the edge of the roof but at a point where then ridge is hiping back to the ridge height of the building and so will not block an unreasonable amount of sunlight or daylight to the window of the neighbouring property.
28. The separation distance to be retained to the point where the 45 degree line intersects and the fact that the point of intersection is with the single storey element of the proposed property ensure that, on balance, the relationship is considered not to be detrimental to the amenity of the neighbouring property.
29. The only opening on the northern eastern elevation of no. 7 is an entrance doorway. This provides additional light into the kitchen of that property but it is not a primary window. Whilst there would be some loss of light to that elevation of the neighbouring property, due to the close proximity of the 2 storey element of the building, this would not result in harm to the amenity of that property due to the location of the primary window serving that room, which is on the rear elevation of no. 7.
30. In terms of overlooking into gardens, the oblique angles from the windows in the rear elevations of each of the dwellings to neighbouring properties to the east and west ensure that overlooking would not be unreasonable and would be typical of the first floor overlooking that can occur between properties in a residential area.
31. In relation to the neighbouring property at 206 High Street (to the east), a separation distance of approximately 12 metres would be retained between the eastern elevation of plot 1 and corresponding single storey gable end to the rear of that neighbouring property. The only first floor level window in the north eastern elevation would be obscurely glazed (to be secured by condition) across the common boundary with the property at 206. In terms of potential for overlooking, the erection of a suitable boundary treatment would prevent overlooking at ground floor level and no overlooking could occur from the first floor level due to the window being obscurely glazed,
32. Given this situation, and the fact that the separation distance between the rear elevation of the main body of the neighbouring property and the proposed development would be approximately 26 metres, it is considered that the proposal would not have an adverse impact on the residential amenity of that property, meeting the guidelines within the design guide.
33. In relation to 204 High Street, a separation distance of 12 metres would be retained to the corresponding gable end at the rear of that property. The separation distance, oblique relationship between the windows of the proposed dwelling and the neighbouring property and the fact that the first floor window of plot 1A would be obscurely glazed ensure that the development would not result in unreasonable overlooking into or overshadowing of that neighbouring property.
34. In terms of the relationship between the proposed properties, whilst the rear elevation of no. 1 would be set further back than the rear of no. 1A, the relationship would not

contravene the '45 degree rule of thumb' and the first floor windows on the north eastern elevation of plot 1A and the south western elevation of plot 1 would be obscurely glazed (to be secured by condition), ensuring that unreasonable overlooking between the properties would be avoided.

**35. Character of the surrounding area:**

36. The scheme has been amended to amend the design of plot 1A so that it would effectively mirror the design of plot 1, with a short gable feature on the front elevation and the main body presenting a pitched roof to the street. The streetscene contains a variety of properties, with varying sizes of detached dwellings and semi-detached properties evident in the surrounding area. Within this context, the proposed dwellings are considered not to have an adverse impact on the character of the site or the surroundings and would therefore not be detrimental to the setting of the adjacent conservation area, or represent a cramped form of development on the site.

37. In relation to the comment from the objector regarding the Cottenham Design Statement, it is considered that the variety within the streetscene ensures that two similar properties in the design proposed would not have such an impact as to create uniformity that would be harmful to the character of the area as a whole. Parking would be provided to the front of the properties but would not extend the full width of the plots and so would not obscure the development to a harmful extent.

**38. Highway safety:**

39. The proposal makes provision for two car parking spaces to serve each dwelling and cycle storage would be accommodated in each of the rear gardens. It is acknowledged that there would not be space for vehicles to turn within the site but that is not an uncommon situation along Lambs Lane, as is evident in the case of a number of properties to the west of the site, on the opposite side of the road. Two spaces per property meets the required level of parking and therefore the proposal would not increase the need for off-site parking to an unacceptable degree. The Highway Authority have raised no objections to the scheme, subject to the imposition of standard conditions. Given these factors and the fact that the development would result in a net increase of one dwelling only, it is considered that the proposal could not be refused on the basis of causing harm to highway safety.

**40. Environmental Health:**

41. The EHO has not raised any objections to the proposals on the basis that a noise assessment is conducted before development commences, to ensure that the garage business use located to the east of the site would not result in harm to the amenity of the residents of the proposed development. Conditioning this survey is considered reasonable in light of the fact that the site currently has a residential use and the distance to be retained to the main garage buildings would be approximately 15 metres. The recommended condition would also ensure that if any noise mitigation measures are considered necessary, all of these measures are incorporated within the design of the proposed development.

**42. S106 requirements**

43. As the proposed development would result in a net increase of one dwelling, affordable housing contributions would not be required under the provisions of the current LDF or the emerging Local Plan. Under the provisions of policy DP/4 of the current LDF and policies SC/6 and SC/7 of the emerging Local Plan, the applicant

would be required to make financial contributions to towards the supply of off-site open space and infrastructure provision.

44. On 28 November 2014 the National Planning Policy Guidance was updated and now states that on schemes of less than 10 dwellings (such as this), 'tariff based' and affordable housing contributions can no longer be sought. Following Counsel's advice, the Council is no longer pursuing such contributions in light of the changes to the guidance, despite the requirements of the policies within the LDF.
45. As such, if Members are minded to approve the application, the approval will not be subject to the applicant first completing a section 106 agreement.
- 46. Recommendation**
47. Approval, subject to the conditions listed in paragraph 48.
- 48. Conditions**
  - (a) Time limit
  - (b) In accordance with the approved plans
  - (c) Sample of materials
  - (d) Boundary treatment details
  - (e) obscure glazing of specific windows
  - (f) foul water drainage details
  - (g) surface water drainage
  - (h) noise assessment to be undertaken, mitigation measures to be implemented
  - (i) noise control during construction
  - (j) details of traffic management/storage of materials during construction works
  - (k) removal of permitted development rights for extensions
  - (l) landscaping scheme
  - (m) implementation of landscaping scheme
  - (n) driveway construction
  - (o) pedestrian visibility splays to be retained free from obstruction
  - (p) removal of permitted development rights for extensions
  - (q) details of cycle storage to be approved

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004 (Delete as appropriate)



- Cambridgeshire and Peterborough Structure Plan 2003 (Delete as appropriate)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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