

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 September 2010

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

S/0998/10/F - COTTENHAM

Dwelling at Land to the South-east of 88 Rampton Road and New Access to Existing Dwelling for Mr & Mrs Bainbridge
Recommendation: Approval

Date for Determination: 1 September 2010

A. Update to the report

Agenda report paragraph number 6 – Planning Policy

Additional policy to be considered:

South Cambridgeshire Local Development Framework Development Control Policies
DPD 2007: Policy NE/14 – Light Proposals

Agenda report paragraph number 23 – Planning comments

The application site falls within Cottenham village framework and Cottenham is a Minor Rural Centre, not Linton as appeared on the agenda report.

B. Further Information received after publication of the agenda report.

Agenda report paragraph number 16 – Consultations

The Chief Environmental Health Officer raises no objections in principle although does express concerns about potential noise disturbance and light impact to neighbouring residents. As such, it is recommended that conditions be attached to any permission to include details of any power driven plant for heating, ventilation or extraction of odours, the times of power-operated machinery, details of a lighting scheme, restricting the use of gravel for the driveway, and informatives relating to details of driven pile foundations and no bonfires or burning of waste on site. It is also suggested that due to the close proximity of the neighbours, natural light to the neighbouring property may be adversely affected to levels that are not acceptable for normal use of the property, a report is required detailing the amount of light that would be available in the neighbouring property once the building has been constructed.

Agenda report paragraph number 19 – Representations

The residents at No. 84 Rampton Road raised concerns about officers' assessment and working of this application and submitted further comments in response to the planning comments on the agenda report (reported at paragraph 26). In summary, the residents states that:

1. Given that the proposed dwelling is set 1.5m from the windows at No. 84, it is expected that the location of the windows to be accurately established; however, there is no information on the case file to indicate that the windows have been accurately plotted.
2. There is no light assessment in relation to the impact on No. 84, not even the basic test based on the Building Research Establishment (BRE) guidance.

3. Even if a test were undertaken, there is a factual inaccuracy. The light assessment should not be based on an old (year 1992) internal layout of No. 84 given that there was a significant redesign in the 1990s that a ground floor side window provides light to the kitchen/ family room.
4. There is no measurement/ consideration to the 50 years old hedge which cannot be retained.
5. The incorrect labelling on one of the site photos in the case file gives a very misleading impression of the impact on residential amenity loss.
6. The reported height at paragraph 26 is inaccurate as the proposed dwelling is 7m on the south-east boundary and this is facing the kitchen window at No. 84.
7. The light test and 7m height facts should be reported to Members of Planning Committee.

Agenda report paragraph number 26 – Planning comments

Siting, scale and design

Regarding the neighbours' concerns about the height of the proposed dwelling, the ridge and eaves heights are correctly reported that it would be 7m high to the ridge, and the eaves heights would be ranged from 2.3m to 5m. The eaves height adjacent to the south-east side boundary would be 2.3m high.

Members should note that details of the proposed dwelling in relation to the kitchen window at No. 84 are stated in paragraph number 30 of the agenda report.

Agenda report paragraph number 30 – Planning comments

Residential amenity interests – Impacts on No. 84 Rampton Road

For clarity purpose, the third sentence of this paragraph should be read as:

The proposed dwelling would have a 7m high gable end and a sloping roof on the south-east side boundary facing the kitchen windows at No. 84, and a sloping roof facing the first floor landing window and the ground floor toilet window at No. 84 at an oblique angle.

Additional comments in response to further representations:

1. Kitchen windows at No. 84 – The submitted drawing number 369/3B indicates the approximate position of the ground floor windows at no. 84 as shown on the 1:100 ground plan. The national requirements for validating a full application do not include plans to be submitted to indicate the locations of windows and openings at neighbouring properties. Therefore, it is not a requirement to request the applicants or their agent to submit plans accurately showing the locations of windows at your property. When considering this application, the case officer assessed the residential amenity interests by site visits to view from the application site and neighbouring properties. The application file includes a 1:500 OS plan indicating the locations of the ground floor windows at No. 84 through observation during officer's site visit and with reference to a ground floor plan of No. 84 under a previous planning application reference S/0184/93/F. It is considered that there is sufficient information to understand the relationship of the proposal with regard to the windows at No 84.
2. Light assessment – A light test was undertaken to assess the daylight impact upon No. 84. The basic test is based on the BRE guidelines. It is a simple 'angle test' to consider if an existing building will continue to be able to receive good levels of natural daylight provided that the height of the proposed development does not breach a vertical angle subtended at 25 degree from the horizontal taking the mid point of the ground floor window in the neighbouring building, usually taken from the middle of the lowest window. The 25-degree is a simple test and should only be applied where the proposed obstruction is directly

opposite and parallel to the plane of the window being tested. From the planning point of view, this test is applied to the impact on the main habitable room windows of the neighbouring properties. Given the close proximity of the kitchen window at No. 84 and the proposed dwelling, it is noted that the proposed development breaches the 25-degree test. Officers note that the large window affected provides daylight to the kitchen at No. 84, given that a kitchen in planning is not taken to a main habitable room, it is not afforded the same degree of protection. It is therefore considered that the harm to the amenities of occupiers at No. 84 resulting from the loss of daylight to the kitchen is not so significant to substantiate a reason for refusal of planning permission. Officers understand that the kitchen also links to a dining area (a habitable room) and that the dining area is under a single storey rear element with glazing/ windows facing the garden. It is considered that the proposal would not harm the residential amenity of No. 84 by loss of light or affecting the outlook, such that planning permission should be refused.

3. Layout of No. 84 - The purpose of attaching a copy of the ground floor plan of No. 84 under reference S/0184/93/F is for officers to get a general idea on the approximate locations of the ground floor windows in the side elevation of this neighbouring property. Planning permission does not have control on internal alterations and officers understand that the approved floor plan may not represent the present layout of No. 84. Officers would not solely rely on this ground floor plan to understand the internal arrangement of No. 84. Officer's site visit gives a clear picture of the existing layout when considering this application. Officers understand that the large kitchen window serves a sink area and the relationship of the kitchen layout and the dining area.
4. Hedge – Comments from the Council's Landscape Design Officer have been sought and it is recommended in the agenda report that a planning condition should be attached to any consent for a landscape scheme to be submitted and agreed to ensure the development to be assimilated into the character and appearance of the area and would enhance biodiversity, agenda report paragraph numbers 14, 41 and 42 refer.
5. Site photo – The incorrect labelling on one of the site photos taken from No. 1 Manse Drive is noted. This has now been corrected to identify that the structure in question is the existing side and rear element at No. 88 Rampton Road, not the garage. The incorrect labelling did not affect officers' recommendation.

Agenda report paragraph number 50 – Planning comments

Other issues

Having considered the Chief Environmental Health Officer's comments, the paragraph should be revised as follows:

In order to minimise noise disturbance and effects of light pollution from any external light to neighbours, it is considered that any consent could be subject to conditions to limit the times of operation of power-operated machinery and to include details of any external security lighting to be submitted prior to the commencement of the development.

Having considered the scale and type of this proposed development for a dwellinghouse, planning officers do not consider that a condition requiring details of any power driven plant is required in this instance.

Given that the existing gravel driveway would serve the proposed dwelling, a condition to prevent the use of gravel for the existing driveway is not required.

Suggestion made by the Chief Environmental Health Officer regarding a light impact assessment is noted. As explained in the agenda report and the additional planning comments on residential amenity interests, the harm to the amenities of occupiers at No. 84 resulting from the loss of daylight to the garden area, main habitable rooms and kitchen is not so significant to substantiate a reason for refusal of planning permission; therefore, a report detailing the amount of light that would be available in the neighbouring property once the building has been constructed is not required.

Agenda report paragraph number 52 – Planning conditions

Condition 10 – The Arboricultural Practice Note has been revised, the correct version is Arboricultural Practice Note 12.

Additional condition

Condition 18 - No external security lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

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