

<b>Application Number</b>	21/01521/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1/4/2021	<b>Officer</b>	Dean Scrivener
<b>Target Date</b>	8/10/2021		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Land R/O 56-58 Cherry Hinton Road		
<b>Proposal</b>	Erection of 7 apartments comprising 1 x 2-bed and 6 x 1-bed units, including bin and cycle storage facilities, together with reconfiguring the pedestrian access to 56A and 58A Cherry Hinton Road and installation of a new ground floor rear wall to the retained retail unit at 56-58 Cherry Hinton Road, following demolition of existing warehouse building		
<b>Applicant</b>	Mr Andy Brand		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The design and scale of the proposed development would not have an adverse impact on the character of the surrounding area;</li><li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li><li>- The proposed development would provide a high-quality living environment for the future occupiers</li></ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is located to the rear of 56-58 Cherry Hinton Road and is currently occupied by a warehouse unit which used

to be used in association with former Hughes unit to the north. This warehouse ceased use in 2019 and is now redundant.

- 1.2 The existing site is accessed via Rathmore Road to the east which affords access to a private car park which currently has 8 car parking spaces.
- 1.3 The land to the northern part of the Application Site comprises an existing retail unit at ground floor (occupied by East Anglian Children's Hospice (EACH)) together with two duplex apartments (56A and 58A Cherry Hinton Road) all within a building which is 10 metres high to ridge.
- 1.4 The site is located in an area characterised by two and three storey properties comprising residential units together with some flats above commercial ground floor uses.

## **2.0 THE PROPOSAL**

- 2.1 The application is a resubmission of a previously withdrawn planning application (18/0993/FUL) which sought permission for 10 x 1-bed units, and a subsequent planning application (19/0687/FUL) which sought permission for 9 x 1-bed units. The resubmission follows pre application discussions with the LPA's Planning and Urban Design Officers.
- 2.2 Following the demolition of the existing warehouse building, the proposed development is to erect a three storey flat roofed modern designed building incorporating seven new residential 1 and 2-bed apartments. Amenity spaces would be provided for each apartment within the boundary of the site. The proposal also provides bin storage areas (which would be the subject of a commercial collection) and secure cycle storage with one space provided per bedroom. The development would be car free and so no on-site car parking space is provided to serve the development. A turning area is provided to the south of the building which would be used for deliveries and by those residents who have rights of access. The application proposes the upgrading of the access from Rathmore Road with permeable block paving and low level lighting. Access to the flats would be from Rathmore Road.

2.3 The application is accompanied by the following supporting information:

1. Planning, Design and Access Statement
2. Daylight, Sunlight and Overshadowing Assessment
3. Ecological Appraisal
4. Geo-Environmental Desk Study
5. Sustainable Drainage Strategy
6. Transport Statement
7. Water Calculations
8. Existing and proposed plans

### 3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
18/0993/FUL	Erection of 10 x 1-bed apartments, including new amenity space, bin and cycle storage facilities together with reconfiguring the pedestrian access to 56A and 58A Cherry Hinton Road and installation of a new ground floor rear wall to the retained retail unit at 56-58 Cherry Hinton Road, following demolition of existing warehouse building.	Withdrawn
19/0687/FUL	Erection of 9 x 1-bed apartments, including bin and cycle storage facilities together with reconfiguring the pedestrian access to 56A and 58A Cherry Hinton Road and installation of a new ground floor rear wall to the retained retail unit at 56-58 Cherry Hinton Road, following demolition of existing building	Withdrawn
19/0143/PPP3	Conversion of building from	Prior

B8 use to C3 Residential  
Use to create 9 no. flats

Approval not  
determined  
(lawful  
consent does  
not apply)

## 4.0 PUBLICITY

4.1 Advertisement: Yes  
Adjoining Owners: Yes  
Site Notice Displayed: Yes

## 5.0 POLICY

### 5.1 Cambridge Local Plan 2018

PLAN		POLICY NUMBER
Cambridge Plan 2018	Local	1 3
		28 31 32 33 34 35 36 41
		50 51
		55 56 57 59 70 71 72
		81 82

### 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2021  National Planning Policy Framework – Planning Practice Guidance from 3 March
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	<p>2014 onwards</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Documents	<p>Greater Cambridge Sustainable Design and Construction (Jan 2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

**Cambridgeshire County Council (Highways Development Management)**

6.1 No objections subject to a conditions/informatives regarding the following:

- ☐ A Traffic Management Plan requiring that no demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Local Planning Authority
- ☐ A condition restricting the times of vehicles with an excess gross weight of 3.5 entering and exiting the site
- ☐ The granting of planning permission does not constitute a permission or licence to a developer to carry out works within, or disturbance of, or interference with, the public highway

### **Environmental Health**

6.2 Insufficient information has been provided to fully demonstrate that the development would not be affected by odour emissions/noise impact from the nearby food outlets, Cyprus Kebab House and Taj Tandoori Indian Restaurant. Therefore, odour emissions and noise are considered to be material considerations and further information is required from the applicant to demonstrate the mitigation of this impact.

### **City Council Sustainable Drainage Engineer**

6.3 Acceptable subject to conditions/informatives regarding the following:

- ☐ No development shall commence until a surface water drainage strategy has been submitted and approved
- ☐ Details for the long term maintenance arrangements for the surface water drainage system to be submitted and approved

### **Landscape Officer**

6.4 No objections subject to conditions/informatives regarding the following:

- ☐ Hard and soft landscaping details

- ☐ Landscape maintenance and management plan
- ☐ Boundary Treatment

## **6.5 Sustainability Officer**

No objections subject to the units benefiting from openable windows and the retention of the south facing balconies. The following conditions are recommended:

- ☐ Water efficiency calculations
- ☐ Carbon Reduction Implementation

## **6.6 Urban Design officer**

No objections subject to a condition requesting material details.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations which object to the application:

- ☐ 9 Rathmore Road
- ☐ 31 Rathmore Road
- ☐ 33 Rathmore Road
- ☐ 35 Rathmore Road
- ☐ 37 Rathmore Road
- ☐ 39 Rathmore Road
- ☐ 5 The Mill, Rathmore Road
- ☐ The Red House, 11 Clare Street
- ☐ 52 Cherry Hinton Road

Furthermore, a letter objection has been submitted which has been signed by owners/occupiers of the following addresses:

- ☐ 9 Rathmore Road
- ☐ 15 Rathmore Road
- ☐ 17 Rathmore Road
- ☐ 19 Rathmore Road
- ☐ 25 Rathmore Road
- ☐ 27 Rathmore Road
- ☐ 31 Rathmore Road
- ☐ 32 Rathmore Road

- ☐ 33 Rathmore Road
- ☐ 35 Rathmore Road
- ☐ 37 Rathmore Road
- ☐ 40 Rathmore Road
- ☐ 45 Rathmore Road
- ☐ 34A Cherry Hinton Road
- ☐ 36 Cherry Hinton Road
- ☐ 42 Cherry Hinton Road
- ☐ 62 Cherry Hinton Road
- ☐ 64 Cherry Hinton Road

## 7.2 The representations can be summarised as follows:

- ☐ Blue line on site plan drawing crosses over the property of No. 37 Rathmore Road. The distance of the clearance line of 6m between the site and the neighbouring property is incorrect and should be amended to 5m which is more accurate and to allow more sufficient clearance for access eg. emergency vehicles, deliveries
- ☐ Good visibility is required for the residents accessing their properties along to the rear of the site, as well to maintain safety for pedestrians
- ☐ There are no parking spaces for flats and confirmation for the development to be car free should be confirmed
- ☐ Flooding is a concern and if there is less ground and more flooding, this will need to be improved or garages and properties will flood
- ☐ The existing property fronting Cherry Hinton Road is already substantially extended to the rear and the proposals seek further extension to substantially fill the available plot space
- ☐ The proposals represent a gross overdevelopment of the site creating a poor precedent for others to follow and fails to respect the garden context of the location



- ☐ There is a lack of on-site amenity space, and windows are close to boundaries compromising privacy/ overlooking
- ☐ A lack of on-site carparking provision will put pressure back on to Rathmore Road and undo the benefits currently afforded by the residents carparking scheme
- ☐ The shadowing projections provided by the applicant do not take into account all the relevant windows in my property. In particular I am concerned that the strip of skylights in the kitchen/dining/living room at 52, which is the main light source for that room, is not even shown on any of the before or after diagrams, neither is the strip of skylights in 52A which is the main light source for that room. The full impact of the height of the proposed building on the light within either building cannot possibly be ascertained without this information
- ☐ All but one of the windows in the east elevation have obscured glass to ensure privacy, however, the western elevation - which overlooks my residential property has eleven very large windows on the first and second floors and two balconies to the western elevation in Flats 4 and 6. None of these has obscured glass. These windows and balconies would directly overlook the kitchen/dining/living room skylight and rear garden at 52. They are directly opposite this residential living space and located at the lower section of the building which has just been approved 20/0050/FUL. The balconies on the first and second floors in Flats 3 and 7 southern elevation would also overlook the skylight which is the main light source for 52A as well as the rear garden there. These areas have all been private to this point.
- ☐ Additionally, there would be loss of privacy and light in the garden
- ☐ This further three floor development the other side of a very narrow private road within a residential area represents an

overdevelopment and changes the character of the neighbourhood

- ☐ Provision for vehicular access for Rathmore Road residents is inadequate and there is insufficient room, even to cater properly for cycles
- ☐ The site has become a meeting place during the evenings. This has resulted in loud anti-social behaviour; it is packed with cars; loud music is played; people urinate and occasionally defecate in gateways; access to residents parking spaces and gateways are blocked and residents are intimidated and abused. Damage has occurred to private property
- ☐ It needs to be an enforceable condition if the site is to be developed that a long-term security solution is established by the site owner, and any future owners, which allows only those with lawful access to enter the site
- ☐ There is no parking provision for disabled visitors to the site. I guess this is a requirement, although the site is so cramped it is not clear where on site it can be accommodated without blocking vehicular access for Rathmore Road residents. However, this is achieved it must allow easy access for users of the disabled parking space whilst preventing general access to the site which has created the problems described above
- ☐ I would also suggest that the west side fence is made higher and robust enough to deter easy access to and from the private lane beyond. This may help prevent the problems described above from spreading further afield and/or damage to the fence resulting from a short cut being formed between the 2 sites
- ☐ Some units are still very small and it is easy for the amenity areas and balconies to be used for storage and washing, which quickly detracts from the attractiveness of the building. I am aware that similar developments have had conditions imposed relating to the use of balconies and amenity areas, including the

control of loud music being played after 10.pm. and we would ask that these conditions be applied to this application

- ☐ The illustrations of the proposed building showing trees and shrubs are attractive and we would ask that permanent provision for the planting and control of trees and shrubs be a condition of this application being accepted
- ☐ Security needs to be considered to ensure no anti-social behaviour occurs as a result of the development
- ☐ The red line site boundary would overlap land upon which local residents have a right of way deed dated in 1969. It is therefore required to clarify that this right of way should be maintained for these residents
- ☐ Increased use of cars using the access and parking to the rear of the site would result in more congestion to the rear of the site and prevent residents from accessing the rear of their properties. This would also create more noise disturbance and disruption upon the neighbouring properties. Although this would be a car free scheme, visitors will inevitably park their cars here
- ☐ The top two floors of the new site will have a direct view upon 33 Rathmore Road and back garden. This represents a potential loss of privacy and of living standards. The top floor should have no balconies and very few windows facing South. In any south-facing windows, obscure glass should be used to prevent overlooking directly in the adjacent properties on Rathmore Road.
- ☐ Spaces for 8 bicycles will be provided (one space provided per bedroom). How is this compatible with sleeping accommodation for up to 16 people?
- ☐ The access via Rathmore Road is very narrow and would not allow for access of emergency vehicles

- The change of use from retail to residential requires a full impact assessment on the loss of this use
- The west side fence should be raised higher and be made more robust enough to deter easy access to and from the private lane beyond. This may help prevent problems described above from spreading further afield and/or damage to the fence resulting from a short cut being formed between the 2 sites
- Some of the units are small and the balcony areas would be quickly used for washing storage which would detract from the local area quickly. A condition should be imposed to ensure the use of the balconies remains for amenity purposes
- Conditions regarding the planting of trees and shrubs should be imposed, as illustrated in the Design and Access Statement
- The Sunlight, Daylight and Overshadowing Impact Assessment does not accurately represent the adjoining development which has been approved at No. 54 (20/0050/FUL)
- The development would have negative impact on both the practical and aesthetic ability of the studios to function effectively
- The amended Daylight, Sunlight and Overshadowing Assessment does not overcome previous objections raised and therefore previous objections should still stand

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

### **Principle of Development**

8.1 Policy 3 of the Cambridge Local Plan (2018) seeks to ensure that the majority of new development should be focused in and

around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. Given the location of the site is within a sustainable location and is in walking and cycling distance of Cambridge City Centre, the application site is considered suitable to accommodate residential development.

- 8.2 Policy 41 of the Cambridge Local Plan (2018), seeks to protect the loss of business space or floor space within the Use Class B (now Class E as of September 2020), and requests a marketing period of a minimum 12 months to be carried out to ensure the site is no longer viable to remain within Class Use B.
- 8.3 The site is currently occupied by a warehouse which used to be used in association with Hughes, to the north of the site. This warehouse ceased use in 2019 and is now redundant. An application was submitted to the LPA (19/0143/CPP3), to convert the existing warehouse to residential use to create 9 no. flats. This application was not determined within the statutory time period and therefore no lawful residential use has been granted.
- 8.4 No marketing information has been provided within the application and the proposal is technically contrary to Policy 41 (d) of the Local Plan. However, the building to be demolished is dilapidated, was part of a retail function for Hughes Electrical on the Cherry Hinton Road facing unit which would remain as retail for the existing charity and the site could not easily be utilised independently from Rathmore Rd as the access and visibility is poor for service and delivery vehicles.
- 8.5 The existing warehouse has now been redundant for a significant period of time where no prospective buyer has come forward to express interest in using the building for former Class B use, it is unlikely that the building would be a viable option to retain a use for business purposes. In addition, given the site is situated within a rear area which is predominantly residential use, Officers are of the view that a warehouse containing a B8 Use is inappropriate in this locality and would very likely to give rise to amenity issues upon neighbouring properties.

- 8.6 Moreover, Table 5.1 and paragraph 5.8 of the Cambridge Local Plan (2018) confirms that the LPA currently has a significant over supply of B8 warehousing (by some 33,700m<sup>2</sup>) and so the loss of 355m<sup>2</sup> of B8 floorspace that would result from this development would not jeopardise the requirement for such floorspace within the LPA's jurisdiction.
- 8.7 Furthermore, Policy 72 of the Cambridge Local Plan (2018) seeks to ensure that certain uses proposed are complementary to the existing district, local or neighbourhood centre. The site lies within an area designated as a Local Centre which should provide a mix and balance of uses to provide for the day-to-day needs of local people. Table 8.1 under this policy lists suitable uses and not suitable uses, at floor levels in buildings. The existing use (B8 Use) is listed as not being a suitable use and therefore the replacement of this use for residential (C3 Use) is acceptable, provided it complements the retail function and maintains or adds to the vitality, viability and diversity of the centre. Officers consider that given the existing residential uses within the immediate locality, residential use is considered to be acceptable in this instance.
- 8.8 On balance, Officers consider the principle of the loss of B8 floorspace is acceptable in this instance and that a residential use is more appropriate within this location.

### **Context of site, design and external spaces**

- 8.9 Cherry Hinton Road mainly comprises two storey buildings, with a few three storey buildings in and amongst the built form, one of which is located to the south east of the site, called The Mill, which comprises flats. This will allow both pedestrian and vehicle access. The existing storage unit on the site is a two storey building which is no longer in use, with a car parking area set to the rear. This car parking area is accessed via Rathmore Road, situated to the rear, which connects to Cherry Hinton Road.
- 8.10 The proposal intends to demolish the existing building on the site and replace this with a three storey building, comprising 6 x 1 and 1 x 2 bed flats. Although the building is taller than the existing building, the height would be similar to the buildings at the junction of Hills Road and Cherry Hinton Road, as well as The Mill to the south east. Therefore, Officers are of the view

that the scale of the proposal would be in keeping with the character of the local area.

- 8.11 The elevations would comprise buff brick with grey zinc metal panels, which would portray a more modern appearance than the existing built form along this section of Cherry Hinton Road, however given the location of the building being set back behind 56-58 Cherry Hinton Road, the building would not be excessively prominent within the street scene. It is acknowledged that the third floor of the building would be visible from Cherry Hinton Road however the main bulk of the building would not be visible to result in any significant visual impact and is therefore acceptable. The Urban Design Officer has been consulted on the application and has raised no objections, subject to a condition to secure material details prior to commencement.
- 8.12 There are concerns raised in respect of overdevelopment of the site. The previous applications proposed 9 flats whereas the current application proposes 7 flats. The site is considered to be of a sufficient size to accommodate 7 flats and therefore Officers are of the view that the proposal is acceptable.
- 8.13 Overall, the form, height, scale, and layout of the proposed development is considered to be in keeping with the surrounding pattern of development and the character of the local area. The proposal is therefore compliant with Cambridge Local Plan (2018) policies 55, 56 and 57.

### **Residential Amenity**

- 8.14 The site is situated in amongst a mix of retail, residential and office uses. Nos. 56, 58 and 60 Cherry Hinton Road which are directly set to the front and north east of the site contain retail use at ground floor level, with residential use at first floor. The neighbouring unit at No. 54 is a retail use. An application has been approved directly to the west of the site, which is for a change of use from a HMO to artist studios and associated extensions (20/0050/FUL).
- 8.15 No. 52 and 52A are set beyond No. 54 and approximately 10m away from the west elevation of the proposed development. The properties along Rathmore Road to the south, are approximately 20m from the south elevation of the proposed

development, with their rear boundaries set approximately 11m from the development. These properties benefit from long generous gardens with detached garages set at their rear boundaries.

### Overbearing Impact

- 8.16 The proposed building would be three storeys in height, with the third floor storey being set in. The building would project further into the rear of the site, more than the existing building. There are residential flats to the front and to the east of the site, at Nos. 56, 58 and 60. Although the building projects further into the site, the rear elevation of the building would be staggered, so that the overall massing of the building at the rear would be reduced, limiting any significant overbearing impact upon No. 60. In addition, there is an existing outbuilding within the rear garden of No. 60 which would limit any significant sense of enclosure.
- 8.17 The third floor storey would be set back from the front elevation as opposed to sitting flush. There are two first floor dormer windows set within the rear roof slope of 56-58 Cherry Hinton Road. These serve flats 56a and 58a. The third floor storey would be set back by approximately 8.2m from these windows. Officers acknowledge that the proposed building would be clearly seen from these windows however the separation distance is considered to be sufficient to retain a good level of outlook from these windows and therefore reducing any significant overbearing impact.
- 8.18 The rear garden areas serving Nos. 52 and 52a to the west, is approximately 10m from the proposed development. Although Officers acknowledge that the proposed building would be in clear views, given the set back of the third floor storey, this is considered to be a reasonable distance away from these neighbouring properties to not result in any significant overbearing or sense of enclosure in this instance.
- 8.19 The rear elevation of the proposed building would be situated approximately 11m from the rear boundaries of the neighbouring properties along Rathmore Road, to the south. These properties benefit from generous garden areas and therefore the proposal is not considered to result in any significant overbearing or sense of enclosure in this instance. In



addition, the proposal involves improvements to the public realm and the existing access, which will make the rear area of the site more attractive and overlooked, which will decrease some of the existing anti-social issues which have been raised as a concern.

#### Overshadowing Impact/Loss of Light

- 8.20 The application is supplemented by a Daylight, Sunlight and Overshadowing Assessment, conducted by WSP, Abbey Developments Cambridgeshire Ltd. The assessment quantifies the daylight and sunlight within the proposed dwellings and the Impact Assessment on the daylight and sunlight of the existing residential buildings surrounding the site. The BRE Guide: Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice is recognised as the most appropriate method for daylight, sunlight and overshadowing assessments.
- 8.21 Following the concerns raised within the representations, the applicant has submitted an amended Daylight, Sunlight and Overshadowing Assessment (August 2021), which includes windows within the rear extension and outbuilding at No. 52 Cherry Hinton Road. A 14 day re-consultation has been undertaken following the submission of this document.
- 8.22 The assessment has carried out a Baseline Condition, which has quantified the levels of light received in the existing building and the surrounding neighbouring properties. These values were then compared with the proposed scenario. A total of 81 windows surrounding the site were assessed to verify the amount of light reaching each window, via the Vertical Sky Component (VSC). The results showed that 80 of the windows (98.8% of the total windows assessed) would retain suitable levels of daylight either by keeping a VSC value of 27% or greater, or by keeping a ratio of change of 0.8 or greater, as recommended by the BRE Guide. One window set within the side elevation of No. 60, fell below the minimum VSC value however this is a side window and the room it serves has additional windows in the south elevation and therefore the room would still receive sufficient light levels.
- 8.23 The Sunlight Impact Assessment focused on the receptors that have windows facing 90° of due south, in line with BRE Guide. The results of the Sunlight Impact Assessment showed the vast

majority of the assessed windows with a negligible magnitude of change after the introduction of the Proposed Development and therefore, within the recommended threshold. A total of 43 windows surrounding the site were assessed, from which 42 (97.4% of the total) showed suitable levels of sunlight. The assessment indicated only 1 window below the criteria (2.3% of the total); however, since this window belongs to 54 Cherry Hinton Road which has a non-residential use, reduced daylight and sunlight within the rooms of this property are not considered to be expected by the user. It is also noted that application 20/0050/FUL is for the change of use from a HMO to artist studios. There are comments raised amongst the representations received which raise concerns that the submitted assessment does not accurately reflect the building at No. 54 as approved under application 20/0050/FUL. However, given that the use of the approved development will comprise an office use, artist studios and a barbers, these uses are not awarded the same level of amenity protection as they are not considered to be sensitive. Therefore, Officers consider that the proposed development will not result in any significant overshadowing impact upon this neighbouring development in this instance.

- 8.24 An existing flat occupies the second floor within No. 54 and is to be retained as part of application 20/0050/FUL. There is a new rooflight window proposed within the east roof slope of No. 54 however this window will be offset from the proposed development and Officers consider this window will still receive sufficient light levels.
- 8.25 In regard to the overshadowing impacts of the proposed development, all the open amenity areas of the properties adjacent to the site have been assessed. The results of the Overshadowing Assessment indicated that all the tested areas receive at least two hours of sunlight on the 21st of March on at least 50% of the area and therefore, satisfy the BRE recommendation.
- 8.26 The Daylight Assessment for the internal spaces is a two-stepped process requiring initially the calculation of the VSC at the face of each window to assess the level of obstruction / availability of daylight in relation to the proposed massing and other obstructions such as balconies and surrounding buildings. According to the BRE Guide, if the VSC is greater than 27%,

standard window and room design will give reasonable ADF results. The results of the Internal Daylight Assessment indicated that all 14 rooms (100%) satisfy the minimum recommended ADF criteria.

- 8.27 Moreover, the access to sunlight was assessed for the windows of habitable rooms/ living spaces (living rooms, kitchens and dining rooms) and therefore, a total of 7 living spaces were tested in the Internal Sunlight Assessment. The results indicated that all the 7 Living Spaces tested (100%) satisfy the BRE criteria due to the orientation and geometry of the building.
- 8.28 In line with the BRE Guide, the Overshadowing Assessment on the amenity spaces within the proposed development scheme seeks to identify the spaces for which at least half their area receives at least two hours of sunlight on 21st March. The results indicated that while the south facing ground floor garden satisfies the BRE criteria, the north facing one serving Flat 2, receives less than two hours of sunlight on most of its area on the 21st of March. This space is north-east oriented and subject to both shading effects from the proposed development and the neighbouring building (60 Cherry Hinton Rd), and therefore, fails to accord with the criteria. Despite this, Officers are of the view that the applicant is providing an external amenity area for future occupants to enjoy and promote a better quality of living, which overcomes this shortfall.
- 8.29 On balance, whilst Officers acknowledge that the proposed development does not fully comply with the BRE guidance, this scheme is not considered to result in any significant overshadowing or loss of light impact upon the neighbouring properties and would provide sufficient sunlight levels into the development to promote a good standard of living for future occupants, in accordance with policies 55, 56 and 57 of the Cambridge Local Plan 2018.

#### Overlooking Impact

- 8.30 The windows at second floor and first floor level will be obscured glazed on the east elevation and would not result in any overlooking impact upon the rear amenity areas serving No. 60 or 62 Cherry Hinton Road. This will be secured via a condition. There is one first floor side window serving the dining area/living area in Flat 5 which is not indicated as being

obscured glazed however this window is set further along near towards to the end of the building and is therefore not considered to result in any overlooking upon the amenity areas to the east and is acceptable.

- 8.31 The balconies at first and second floor on the south elevation are set at approximately 11m from the rear boundaries of the neighbouring properties along Rathmore Road, to the south. The rear garden areas serving Rathmore Road are generous in size and therefore this separation distance is not considered to result in any significant overlooking impact. The balcony serving Flat 4 set within the west elevation would be a winter garden style balcony and therefore would not allow future occupants to overlook any neighbouring properties. The distance between this balcony and the neighbouring garden serving No. 52 is set a reasonable distance away to not result in any significant overlooking impact in this instance and is therefore acceptable.
- 8.32 The first floor and second floor windows set within the west elevation are set approximately 10m from the rear garden area serving Nos. 52 to the west, which is considered to be a reasonable distance away to not result in any significant overlooking impact upon these neighbouring properties. As mentioned above, No. 54 is to be converted into an office use, artist studios and a barbers which are not considered to be a sensitive uses and therefore overlooking impact onto this unit is not considered to warrant a reason for refusal of the application in this instance.
- 8.33 Overall, the proposal is not considered to result in any significant overlooking impact upon the nearby neighbouring properties and is in accordance with policies 55, 56 and 57 of the Cambridge Local Plan 2018.

#### Wider Area

- 8.34 The Environmental Health Officer has been consulted on the application and has recommended the application be refused due to the impact of odour generated from a nearby kitchen flue serving the Cyprus Kebab House and Taj Tandoori Indian restaurant, to the east of the site. There have been recent complaints received from local residents in this regard and therefore the Environmental Health Officer has recommended

refusal on these grounds. There are concerns regarding the rear balconies located on the south elevations serving apartments 1, 3, 5 and 7 with openable glass doors. Due to the close proximity of the low level Indian restaurant discharge located almost in line with the balconies of 3, 5 and 7 approximately 15m away, odour is a significant concern. It is recommended that these balconies are removed to prevent harm to amenity and quality of life of future occupants of the habitable rooms served by the balcony doors and users of the balconies.

- 8.35 WSP have submitted a letter dated 8<sup>th</sup> March 2021 which advises that the current application explicitly minimises exposure to potential odour and noise from the commercial sources on the east elevation of the application site due to small unopenable windows and external amenity spaces located on sheltered elevations.
- 8.36 Officers consider the removal of the balconies on the south elevation is not considered to be a reasonable compromise in this instance as Flats 1, 3, 5 and 7 would lose private access to their amenity areas. There is no communal amenity space provided and therefore these amenity spaces should be maintained. This is considered to be a potential existing statutory nuisance and the concerns raised should be resolved by the Environmental Health Department, as opposed to jeopardising the quality of the proposed development.
- 8.37 The windows on the east elevation shall not be fixed shut and there is no necessity for these windows to remain shut, in order to safeguard from odour impact. These windows need to remain openable for ventilation purposes, as supported by the Sustainability Officer, otherwise the flats could overheat and create unacceptable living conditions for future occupants. The Sustainability Officer had originally objected to the application on these grounds however has since removed their objection as these windows are now to remain openable.

8.38 Conditions regarding time restriction on working hours and work-related deliveries, as well as piling methods and mitigation against airbourne dust, are all recommended in order to safeguard against any significant noise upon the neighbouring properties.

8.39 Overall, Officers have taken into account the views of the Environmental Health Officer regarding the impact of noise and odour from the nearby food outlets, however, do not consider the impact to be significant to warrant a reason for refusal. The proposed residential use is in keeping with the existing residential uses within the immediate locality and therefore is not introducing a new use within the area which would otherwise be susceptible such impacts. Therefore, the application is acceptable in this location and is not supported.

Amenity for future occupiers of the site

8.40 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units exceed or are in accordance with the minimum standards. In this regard, the units would provide a high-quality internal living environment for the future occupants. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	3	1	61	63	+2
2	1	2	1	50	50	0
3	1	2	1	50	53	+3
4	1	2	1	50	50	0
5	1	2	1	50	53	+3
6	1	1	1	37	37	0
7	1	2	1	50	50	0

8.41 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space. All flats will have access to private amenity areas which is acceptable.

### Accessible homes

- 8.42 The development has been assessed for compliance with Policy 51 in relation to all the new units. The Design and Access Statement states the development will comply with the requirements of Part M4 (2) of the Building Regulations. A lift will be provided to allow easier access between all floors within the development. To ensure the A condition shall be imposed upon any consent granted to secure this requirement and comply with policy 51.

### **Refuse Arrangements**

- 8.43 The residential uses and future use of the ground floor will have separate bin store areas. The proposal is compliant with the RECAP guidance and is in accordance with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.44 The Local Highway Authority have been consulted on the application and have raised no objections subject to conditions requesting a Traffic Management Plan and weight restriction of contractor vehicles entering and exiting the site. Given the location of the site, as well as the nature of the access, these conditions are considered to be both necessary and reasonable. There is a concern raised amongst the representations that there could be an element of danger imposed upon pedestrians however the access is an existing access, and no car parking is proposed as part of the proposal. Therefore, no significant risk shall be imposed upon pedestrians within the locality.
- 8.45 Therefore, the proposal is considered to retain the safe and effective operation of the adopted highway and is in accordance with paragraph 111 of the NPPF and Policy 81 of the Cambridge Local Plan 2018.

### **Car Parking**

- 8.46 Most of the representations received have raised concerns regarding the lack of car parking proposed to serve the proposed development. No car parking is proposed for the future occupiers and the development is therefore a car free

development. The use of the vehicular access would reduce when compared to the current situation as it can presently serve 8 car parking spaces together with servicing for the warehouse. It is not deemed necessary to provide any car parking given the excellent links to existing public transport and the provision of on-site cycle parking. Therefore, the lack of car parking in this instance is acceptable.

- 8.47 There are concerns raised regarding the access rights of existing residents who use the access for their garages along Rathmore Road to the south however, the access rights are not under the control of the LPA and is a private matter. In any event, there are no indications that the access rights are not to be retained to allow these residents to continue to access their garages and a turning area is also provided to allow for easier manoeuvring if required.
- 8.48 Another comment refers to the antisocial behaviour and the congregation of cars parking within the area to the south of the site. It is suggested that security measures should be put in place to allow for the management of the access. Officers consider that a condition is not necessary in this instance as no car parking is proposed as part of the scheme and therefore the management of car parking is not considered to be reasonable or necessary in this instance. The applicant is proposing to upgrade the access with suitable permeable paving and lighting, which make the access appear more formal as opposed to a derelict space as it is perceived at present. Furthermore, the site is located within a Controlled Parking Zone (CPZ) and therefore none of the future occupants would benefit from parking permits and will alleviate any concerns regarding the congregation of car parking. A suitable informative shall be attached to ensure the applicant is aware of this.
- 8.49 The proposed level of car parking would comply with the maximum standards set out in Appendix L of the Cambridge Local Plan 2018. For the reasons set out above, officers consider the proposed level of car parking is acceptable and would therefore meet the aims of the Cambridge Local Plan 2018 policy 82.



## **Cycle Parking**

- 8.50 A total of 8 cycle parking spaces are provided within a secure location within the building. This will provide a parking space per bedroom, with an additional space for visitor cycle parking, which is in accordance with the cycle parking standards under Appendix L of the Cambridge Local Plan. Overall, the proposal is compliant with Cambridge Local Plan (2018) Policy 82.

## **Integrated water management and flood risk**

- 8.51 Flooding has been raised as a concern amongst the representations received. The application has been assessed by the City Council Sustainable Drainage Engineer and has been considered acceptable subject to conditions to secure a surface water drainage strategy and maintenance plan. These conditions shall be imposed upon any consent granted to ensure the development adopts sustainable drainage methods in accordance with policies 31 and 32 of the Cambridge Local Plan 2018.

## **Trees/Landscaping**

- 8.52 The Landscape Officer has been consulted on the application and has raised no objections, subject to conditions regarding hard and soft landscaping details, the long-term management and maintenance of the landscaping and boundary treatment details. There is a comment raised amongst the representations received to ensure that the images submitted with the application showing soft landscaping are implemented. These conditions are considered necessary and reasonable to ensure sufficient soft landscaping is incorporated into the development.
- 8.53 In accordance with the Policy 31 of the Cambridge Local Plan (2018), a condition requesting the implementation and details of green roofs is recommended.

## **Affordable Housing**

- 8.54 The proposed development is for a scheme of 7 units. Policy 45 of the Cambridge Local Plan (2018) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed number of units is

below the threshold of 10, there is no policy basis to require affordable housing provision as part of this application. The proposal is therefore compliant with policy 45 of the Cambridge Local Plan (2018).

### **Other Matters**

- 8.55 There are comments raised amongst the representations received, in respect of the site location plan boundary line not being correct. The applicant has submitted Certificate A within the application form, declaring the area within the site location plan as submitted is lawfully under their ownership.
- 8.56 A concern raised in respect of ensuring that the balconies are not used for hanging up washing as it will detract from the character of the area is not a reasonable condition to impose and therefore will not be recommended.
- 8.57 To ensure compliance with policy 28 (sustainability) conditions in relation to carbon reduction measures and water efficiency standards are recommended. To ensure compliance with biodiversity requirements arising from policies 59 and 69, conditions are also proposed seeking details of bird and bat box provision.
- 8.58 Lastly, there is a comment concerning the narrowness of the access for fire service vehicles to use. Cambridgeshire Fire and Rescue Services have been consulted on the application and no comments have been received. An informative is recommended to ensure the applicant is aware of their responsibilities to provide a fire vehicle access in accordance with the Approved Document B Volume 1 of the Building Regulations.

## **9.0 CONCLUSION**

- 9.1 In conclusion, Officers have weighed up the benefits of the scheme against the potential impacts within the local area. Given the proposal will upgrade the rear of the site and replace a dilapidated building, the proposed development is considered to provide a development which will not only enhance the appearance of the site but also provide much needed housing within Cambridge. Overall, the proposal is considered to be in keeping with the scale and form of development within the local

area and adequately respects the amenities of neighbouring properties.

**10.0 RECOMMENDATION: APPROVE subject to the following conditions and informatives:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35).

4. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35).

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, the applicant shall provide the local authority

with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35).

6. No development or demolition shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

7. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)).

8. No development above slab level shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all new residential units shall achieve reductions in CO<sub>2</sub> emissions of 19% below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:

- a. Levels of carbon reduction achieved at each stage of the energy hierarchy; and

b. A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit

where on-site renewable or low carbon technologies are proposed, the Statement shall also include:

c. A schedule of proposed onsite renewable energy technologies, their location, design and a maintenance schedule; and

d. Details of any mitigation measures required to maintain amenity and prevent nuisance

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and Greater Cambridge Sustainable Design and Construction SPD 2020).

9. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

10. No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

11. No development above slab level shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird boxes on the new

buildings and any other measures to demonstrate that there will be a net biodiversity gain on the site of at least 10%. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancements for protected species on the site (Cambridge Local Plan 2018 policies 59 and 69).

12. Prior to the commencement of development, other than demolition, a scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- 1) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events

- 2) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;

- 3) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;

- 4) A plan of the drained site area and which part of the proposed drainage system these will drain to;

- 5) Full details of the proposed attenuation and flow control measures;

- 6) Site Investigation and test results to confirm infiltration rates

- 7) Full details of the maintenance/adoption of the surface water drainage system;

- 8) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The approved details shall be fully implemented on site prior to

the first use/occupation and shall be retained thereafter.

(Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2018 policies 31 and 32).

13. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the buildings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in accordance with the approved details and shall be retained in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework and policy 31 and 32 of the Cambridge Local Plan 2018.

14. Notwithstanding the approved plans, the flats hereby permitted shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51).

15. No development shall take place above ground level, except for demolition, until samples and details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brickwork; non masonry walling systems; windows; doors and entrances; porches and canopies; external metal work, balustrades, rainwater goods, edge junctions and coping details; colours and surface finishes. Development shall be carried out in accordance with the approved details. Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55 and 57).



Reason: To ensure the development is satisfactorily assimilated within the local area (Cambridge Local Plan 2018 policy 55).

16. Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall enter or leave the site only between the hours of 09.30hrs -15.30hrs.

Reason: To maintain the safe and effective operation of the highway, in accordance with paragraph 111 of the NPPF and Cambridge Local Plan 2018 policy 82.

17. Prior to occupation of the development hereby approved, the improvements to the existing access from Rathmore Road, including resurfacing and the implementation of lighting, shall be implemented in full and shall be retained as such thereafter.

Reason: To ensure the development improves the public realm and provides a good quality development for future occupiers to use, in accordance with Cambridge Local Plan 2018 policies 55, 56, 57 and 59).

18. Notwithstanding the approved plans, all flat roofed elements within the development shall be green or brown roofs. No development above ground level, other than demolition, shall commence until full details of these green or brown roofs have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and the green or brown roof(s) maintained for the lifetime of the development in accordance with the approved details. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The green roofs shall be installed in accordance with the approved details and shall be maintained thereafter for the lifetime of the development. The development shall be retained as such thereafter.

Reason: In the interests of responding suitably to climate change and water management (Cambridge Local Plan 2018; Policy 31).

## **INFORMATIVES**

1. The granting of planning permission does not constitute a

permission or licence to a developer to carry out works within, or disturbance of, or interference with, the public highway and that a separate permission must be sought from the Highway Authority for such works.

2. Before the existing building is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.
3. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
4. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
5. Fire Service vehicle access should be provided in accordance with the Approved Document Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance to within 45m of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwelling cannot meet access requirements for fire appliances, compensatory feature(s) should be provided.