



Cambridge City Council Planning

Date: Wednesday, 1 November 2023

Time: 10.00 am

Venue: Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

1 Order of Agenda

The Planning Committee operates as a single committee meeting but is organised with a three-part agenda and will be considered in the following order:

- **Part One**
General and Enforcement Items
- **Part Two**
Major Planning Applications
- **Part Three**
Minor/Other Planning Applications

There will be a thirty minute lunch break some time between 12noon and 2pm. With possible short breaks between agenda items subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned.

2 Apologies

3 Declarations of Interest

4 Minutes

To follow

Part 1: General and Enforcement Items

- 5 23/0119/TTPO St Matthews Centre (Pages 5 - 40)
6 23/0159/TTPO Howes Place (Pages 41 - 52)

Part 2: Major Planning Applications

- 7 23/02071/S73 Botanic Place, 104-112 Hills Road (Pages 53 - 126)

Part 3: Minor/Other Planning Applications

- 8 23/02094/FUL 5 Hinton Avenue (Pages 127 - 150)

Planning Members: Smart (Chair), Baigent (Vice-Chair), Bennett, Carling, Dryden, Levien, Porrer and Thornburrow

Alternates: Flaubert, Gilderdale, Howard, Nestor and Nethsingha

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Planning Committee Date	1st November 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	23/0119/TTPO
Site	St Matthews Centre, Sturton Street
Ward / Parish	Petersfield
Proposal	Remove (fell) to ground level and treat stumps to prevent regrowth
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents, ward cllrs and Friends of St Matthew's Piece
Options	Grant consent Grant consent subject to conditions Refuse consent

1.0 Executive Summary

- 1.1 In 2022 a tree work application was received to reduce the height by 5m and spread by 4m of three London Plane trees located within the grounds of St Matthews Centre opposite 193 Sturton Street. This application was refused at committee because of incomplete data supporting the application, the lack of heave assessment and the lack of information regarding the installation of a root barrier.
- 1.2 The current application concerns the same three trees. It is alleged that following additional movement of foundations the removal of the three trees is now necessary.
- 1.3 Numerous objections to the trees' removals have been received from residents, councillors and other groups. Officers have been requested to seek independent expert assessment of the application submissions.
- 1.4 Expert opinion has been requested from an independent structural engineer. The structural engineer has confirmed technical data supports a causal link between the trees and damage to the building and that the risk of heave associated with tree removal is minimal.
- 1.5 Legal advice has also been sort from counsel and the advice supports the information contained in this report.
- 1.6 Consideration has been given to underwriting possible cost associated with refusing permission but the financial consequences of doing so, or of refusing consent were, at the time of the previous committee report not considered to be justified.
- 1.7 Members may refuse consent, grant consent unconditionally or grant consent subject to conditions/informatives

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area	X	Listed Building	NA

*X indicates relevance

- 2.1 The St Matthews Centre is located on the corner of Sturton Street and New Street within the Mill Road conservation area. The TPOd trees on the west, north and east boundaries of St Matthews Centre form part of a larger group that extends into the adjacent St Matthews Piece, one of the three open spaces cited to have significance in the conservation area appraisal.
- 2.2 The three subject trees are located on the west boundary of St Matthew's Centre. They form part of the visually significant group that bounds the

Centre and the adjacent St Matthew's Piece. The three subject trees are located within the line of 13 trees that run the full length of the combined boundary with Sturton Street.

3.0 Relevant Site History

Reference	Description	Outcome
22/0271/TTPO	Reduce the height of 3 London Plane trees by 5m and spread by 4m	Refused

4.0 Legislation and Policy

4.1 Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012. Tree Preservation Order number 04/2005. National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG)

5.0 Consultations

5.1 The application was published on public access in addition to standard councillor and extended resident consultation. A Site Notice was issued for display.

6.0 Third Party Representations

6.1 Comments have been received from a large number of local residents, councillors, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. These can be viewed in full via Public Access using the reference 23/0119/TTPO. Objections are consolidated and summarised in the table at Appendix 1 and a response provided.

6.2 Additional comments and questions have been received following the independent structural engineer review. These are provided below at Appendix 2 in full along with the officer response in italics.

6.3 A letter was also received from Richard Buxton Solicitors. This is addressed at Appendix 4

7.0 Member Representations

7.1 A formal objection to the removal of the trees has been received from the Green Party.

7.2 Cllr Thornburrow expressed concerns over the accuracy of the evidence provided and requested that the submitted evidence be reviewed by an independent structural engineer. Additional questions following that review have been received and are set out below at Appendix 3 in full with the officer response in italics.

7.3 Full details of all representations are available on the Council's website.

8.0 Assessment

8.1 Planning Considerations

Amenity – Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Justification for Tree Works – Are there sound practical or arboricultural reasons to carry out tree works?

- i. What is the justification
- ii. Is there a financial consideration
- iii. Is there a health and safety consideration
- iv. Does the nuisance out way the benefit of retention

8.2 Officer Assessment

Amenity – St Matthew's Centre visually forms part of St Matthews Piece, one of two important open spaces with public access in the Mill Road Conservation Area. As cited in the conservation area appraisal its mature trees are important in long and short views. The trees are highlighted on the Townscape Analysis Map as Important Trees/Tree Groups. Officer opinion is that the trees have a significant amenity value.

Condition/Nuisance – Section 14.-(1)(a)(ii) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that nothing shall prevent the cutting down, topping, lopping or uprooting of a tree in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However when deciding what is necessary to prevent or abate a nuisance consideration should be given to steps other than tree work.

Justification for Works – It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 193 Sturton Street.

Foundations are bearing on a clay subsoil with a Low to High potential for volumetric change relating to changes in soil moisture. Moisture content comparisons suggest moisture depletion in two locations to the west (TP/BH2) and north (TP/BH3) of the property. Roots from London Plane trees were recovered from samples in TP/BH3. The subject trees are located to the east of the property.

Level monitoring has recorded a pattern of seasonal soil drying below the property foundations.

Submitted evidence has been reviewed by an independent structural engineer who has concluded that;

- the technical site inspections are in accordance with current best practices and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.
- on the balance of probability there is a causal link between the trees, the underlying geology and damage to the building.
- the heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and
- the conclusion that the risk of heave is minimal is concurred with.

8.3 Observations and Implications

Under regulation 14(1)(a)(ii) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, nothing in regulation 13 prevents the cutting down, topping, lopping or uprooting of a tree so far as may be necessary for the prevention or abatement of a nuisance.

In *Perrin* [2008] 1 WLR 1307 the Court of appeal held that whether or not works are necessary to prevent or abate a nuisance must involve consideration of all of the circumstances, including the existence of alternative engineering solutions which would or might prevent or abate the nuisance. In this case, and as explained below, alternative engineering schemes involving underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations are available. In those circumstances, the Council has proceeded on the basis that consent is required for the proposed work.

The Planning Practice Guidance (reference ID 36-090-20140306) states that when considering an application for consent the local authority should:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;

- consider other material considerations, including development plan policies where relevant; and
- ensure that appropriate expertise informs its decision.

Officers have considered the amenity value of the trees and have concluded that their amenity value is significant. In this regard officers note that the trees are in a conservation area and give very considerable importance and weight to the contribution that the amenity value of the trees makes to the character and appearance of the conservation area. Officers have taken into account section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring it to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. It is accepted that the loss of the trees would harm the character and appearance of the conservation area and that this harm must carry great weight in accordance with the NPPF and the principles of relevant policies in the Council's adopted development plan including policies 14, 55, 59, 61, 67, 69 and 71, which seek to protect amenity to which the trees contribute in terms of, history, character and appearance and in terms of ecology/biodiversity and other environmental considerations. Taking all of the above into account, officers believe that the amenity value of the trees is high and carries substantial weight.

However, on the basis of the independent structural engineer's opinion (whose expertise the tree team regards as being appropriate), the tree team is satisfied that the evidence provided by the applicant demonstrates on the balance of probability that there is a causal relationship between the trees and the damage to the subject property. The work proposed will remove the trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out with the estimated cost of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal. In this regard, the tree team is of the view that the works for which consent is sought may be justified, subject to the consideration of other factors identified below.

There are two alternatives to tree work, underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations. Both these solutions could have financial implications for Cambridge City Council and/or the property owners if permission for tree removal is not granted. The trees make a significant contribution to amenity, sufficient that consideration should be given to underwriting the cost of alternatives to removal. The cost of underpinning has been estimated at £120,000 and the cost of installing a root barrier has been quoted at £79,571.40 + VAT but excluding the removal and reinstatement of the highway surface. To underwrite the cost of underpinning or the full costs of installing a root barrier, which is the less expensive of the two options identified, might be disproportionate and not justified notwithstanding the significant contribution that the trees make to amenity and a preliminary Capital Asset Value for Amenity Trees (CAVAT) valuation of the trees, which is in the region of £200,000. In this regard, the Council is required to balance

a wide range of competing considerations and financial demands. Whilst the preliminary CAVAT valuation of £200,000 exceeds the costs quoted for underpinning or the installation of a root barrier, the requirement to underwrite the cost of such works would necessitate the making of a payment by the Council which could be regarded as being unjustified and disproportionate to the benefit of retaining the trees when considered in the context of all demands upon the Council's finances.

The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions, but that where the authority believes that some loss or damage is foreseeable, it should not grant consent automatically, but should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works before reaching its final decision.

Notwithstanding the significant amenity value of the trees and the considerable importance and weight this carries, the need to prevent further damage to property, coupled with the arguably disproportionate cost of paying compensation as a result of the foreseeable loss and damage that will result if consent is refused means that a refusal might not be justified, essentially for the same reasons as are explained in relation to the potential to underwrite the costs of alternative engineering solutions.

The trees are, however, located in third party property land, and regardless of any permission granted by the council, permission from the property owner will be required before their trees may lawfully be removed. Even if the Council decides that sufficient evidence has been presented to support the application to fell the trees and permission is granted by the Council, the tree owner is not legally obliged to carry out the work or permit its completion and could consider alternatives to minimising the influence of their trees on the subject property, in the interests of amenity.

9.0 Options

The payment of costs or the potential payment of compensation is not a decision that can be taken at officer level. As negotiations regarding costs have been reopened but no direction has yet been received by officers, officers are not able to make a recommendation on this element of the application. For this reason a recommendation is not given but possible the options are set out below.

1. Grant consent
2. Grant consent subject to replacement planting conditions and an informative highlighting the value of the trees and recommending the use of alternative measures to stabilise 193 Sturton Street.
3. Refuse consent

Background Papers:

The following list contains links to the documents on the Council's website.

- [22/0271/TTPO 22/0271/TTPO | T1, T2 & T3: London Plane - Reduce height by ~5m and spread by ~4m balancing crown of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions. | St Matthews Centre and St Matthews Piece Sturton Street Cambridge Cambridgeshire CB1 2QF \(greatercambridgeplanning.org\)](#)
- [23/0119/TTPO 23/0119/TTPO | T1 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. T2 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. T3 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. Reason: Clay shrinkage subsidence damage at 193 Sturton Street, CB1 2QH | St Matthews Centre Sturton Street Cambridge Cambridgeshire CB1 2QF \(greatercambridgeplanning.org\)](#)

Appendices:

- Appendix 1 Consultee Comments
- Appendix 2 Third Party Observations and Questions
- Appendix 3 Cllr Thornborrow Observations and Questions
- Appendix 4 Richard Buxton Solicitors Letter
- Appendix 5 Location Plan
- Appendix 6 TPO Plan

Appendix 1

Consultee Comments

Comment	Officer Response
<p>Mature trees are incredibly important for the health of the local ecosystem, for mental health, in capturing storm water, in absorbing carbon dioxide, in providing shelter for wildlife and shade during increasingly hot summers. These trees are especially important given their location in Petersfield which is a densely populated ward with limited public open space.</p>	<p>Agreed. The three subject trees make a significant contribution to amenity, the character of St Matthew's Piece and the surrounding street-scape.</p>
<p>193 Sturton St was constructed in 1995/1996 the foundations should have been designed and constructed to a standard which would have withstood any subsoil shrinkage associated with the long-established plane trees opposite and the applicant has no grounds for damaging a highly valued public amenity just 30 years later.</p>	<p>NHBC foundation depth calculation, considering mature height of trees, distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.</p>
<p>TPO implies a presumption against removal</p>	<p>A TPO is served to prevent unjustified and harmful works to trees of value.</p>
<p>Felling the tree would breach Local Plan Policies 14, 23, 55, 56, 61, 67 and 71 and National Planning Policy Framework sections 91, 92 and 96. In December 2020 Cambridge Council signed up to the National Tree Charter for Trees, Woods and People (2017). Permitting this application would counter the council's commitment to the charter.</p>	<p>The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act)</p> <p>When assessing the impact of any tree work application consideration should be given to all relevant plans, policies and charters. Any plans, policies and charters do not however outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will result in the loss of trees of value.</p>

<p>T1, T2 and T3 are an important part of the ecosystem of 24 mature trees surrounding St Matthew's Piece. The cutting down of these three trees impacts other trees in this urban forest ecosystem.</p>	<p>The removal of T1, T2 and T3 will have no material impact on the health of the remainder of the group.</p>
<p>The insurer's Technical Report from Aug 2019 did not detect any movement consistent with subsidence. As the trees have co-existed with the residences for decades the proposed removal is illogical.</p>	<p>Tree related subsidence can occur at any time. A lack of history of subsidence does not mean subsidence cannot occur.</p>
<p>Previous application was for a reduction what is justification now for removal.</p>	<p>Continued Level monitoring shows significant foundation movement continued following the removal of T4, from within the property boundary, through the summer and autumn of 2022, this can only be attributable to the influences of trees T1, T2 & T3.</p>
<p>The list of consultees is less than the neighbours and interested parties.</p>	<p>In addition to the standard consultation, notifications were sent out in February to all those who objected to 22/0271/TTPO. There are no legal requirements for a council to consult on tree work applications therefore the extent of consultation is not a reason for refusal.</p>
<p>The trees were there first and there seems to be little real evidence for the claim that damage has been caused by them.</p>	<p>Any justification for tree work is not outweighed by the age of a tree in relation to the age of any property affected. The evidence has been independently verified.</p>
<p>Changes in a Conservation area must show that public benefit outweighs public harm</p>	<p>The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act (as amended) Part VIII, Chapter I and the 2012 Regulations. In this context the benefits of retaining the trees may be outweighed by the nuisance associated with tree related subsidence.</p>
<p>Removing the trees in not proportionate to the damage alleged.</p> <p>Trees should be retained and property underpinned or root barrier installed. Cheapest option should not be automatically chosen without consideration of the value of the trees.</p>	<p>The subject trees are a significant asset. A preliminary assessment using CAVAT (Capital Asset Value for Amenity Trees) calculated their combined value to be in the region £200,000.</p> <p>There are options available, not exceeding the above cost, that would allow the retention of the trees and officers would welcome the use of</p>

	<p>underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals. Nevertheless, as it may be disproportionate for the Council to underwrite the cost of such work or to be required to pay significant compensation as a result of refusing the application.</p>
<p>CCC have declared biodiversity and climate change emergency permitting removal would be a contradiction.</p>	<p>Granting permission in accordance with The Act would not be a contradiction. As living organisms trees decline and are lost naturally, they can fail structurally in extreme conditions and their removal can be justified for sound practical reasons. The removal of individuals from any population is inevitable and in any year new trees are planted, existing trees establish and grow and trees are lost. Key to the continuity of tree cover is limiting losses where possible and proving new and replacement trees where possible.</p>
<p>Insufficient information as requested in previous application.</p>	<p>Additional level monitoring was provided, a heave assessment undertaken and the possible installation of a root barrier explored. The heave assessment was updated following confirmation of the age of the building.</p>
<p>Removing the trees is not proportionate to the damage alleged. Level monitoring data is still patchy, incomplete and suggests the greatest movement in December 2022. Cracking is described as “slight” which is insufficient justification to remove the trees. Cracking is reported to have been worsening during summer 2022 but no evidence is presented. Heave assessment makes assumption trees are younger than the house</p>	<p>An independent structural engineer was provided with all application documents. It was concluded that;</p> <p>The technical site inspections are in accordance with current best practices and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.</p> <p>On balance there is a casual link between the trees, the underlying geology, and the damage to the building.</p> <p>The heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and The conclusion that the risk of heave is minimal is concurred with.</p>

Appendix 2

Third Party observations and questions with officer responses in italics.

Previous application 22/0271/TTPO, to severely prune the three TPO'd plane trees, was refused due to its damaging effects on

1. Tree health
2. Amenity contribution
3. The character & appearance of the area (within a Conservation Area)

The previous application was refused because insufficient evidence was submitted to allow works that would be detrimental to tree health and amenity contribution and therefore to the character and appearance of the area.

Does 23/0119/TTPO, to fell these TPO'd three plane trees have a less detrimental effect or a more detrimental effect on these three parameters?

Previous application 22/0271/TTPO, to severely prune the three TPO'd plane trees, was refused due to its deemed failure to have provided sufficient justification for its proposed works regarding:

1. level monitoring
2. a recent full assessment of damage to the house
3. alternative solutions e.g., root barrier
4. heave assessment

In view of the many questions raised in this document, how does the Case Officer persuasively demonstrate that the even more impactful 23/0119/TTPO, to fell these TPO'd three plane trees, has satisfactorily addressed each of these crucial issues?

The tree team is not intending to suggest that the removal of the trees as opposed to reduction work has been satisfactorily addressed.

The tree team is however satisfied that continued movement of foundations since the removal of the False Acacia indicates the significant influence of the London Plane trees. The application is for felling therefore the council is required to decide whether or not the evidence submitted is sufficient to approve.

What view does the Case Officer take of the level monitoring data supplied by the applicant for 23/0119/TTPO?

In replying response should be provided to all of the following issues:

1. The applicant's Level Monitoring data in 22/0271/TTPO was deemed by the

Planning Committee to have been “incomplete and patchy”, when the 22/0271/TTPO had 6 sets of level monitoring data (from 7/20–7/21, i.e., <12 mo)

2. However, 23/0119/TTPO had only 4 sets of data (1 incomplete!) from 8/21–12/22 (>17 mo) – does the case Officer agree this is even less complete and even more patchy?

3. What is the case Officer’s view of 23/0119/TTPO’s Monitoring Plus Report merging the 10 data sets (6 from 22/0271/TTPO + 4 from 23/0119/TTPO)? Does this conceal the paucity of new data?

(2 and 3) The additional level monitoring carried out continues from the previous data and together they provide a more complete picture.

4. What is the Case Officer’s view of the significance of the striking final data set from 23/0119/TTPO not always presented by the Applicant?

The Monitoring Plus report of December 2022 includes four sets of data from March 2022 to December 2022. The March to May data shows a slight upward movement, which is before the significant downward movement from May. The most significant drop occurred May to August but continued well into the autumn. The last four readings are taken April, May, August and December and show a downward trend without showing the exact monthly pattern. It is possible that a reading in October/November would have shown an increased downward movement before December or the relative lateness of the soil rewetting could be a result of seasonal lag. Either way and notwithstanding breaks in measurements, the level monitoring from May 2020 to December 2022 shows a cycle of seasonal movement that can only be explained by the influence of vegetation.

5. Unlike 22/0271/TTPO data (showing that 193 Sturton Street foundations moved **in synchrony** with the established annual cycles of soil drying), the greatest downward foundational movement in the 23/0119/TTPO data was shown in *December 2022*. What is the Case Officer’s view of the significance of this pattern being inverse to the applicant’s own prior data from 2021, as well as contradicting the pattern in Environment Agency data?

The penultimate reading was taken on 2nd August 2022. Continued moisture abstraction by trees after this date is common.

6. Why have the Applicant, the Structural Engineer, and the Case Officer been unanimous in passing wholly unchallenged every aspect of the quality, quantity and use of the Level Monitoring data, but only used it to assert that subsidence due to the presence of Plane trees has been demonstrated?

Tree team has obtained the opinion of a chartered structural engineer on request and while we have working knowledge of tree related subsidence the expert opinion of the chartered structural engineer has informed the team’s recommendation.

Dessication at depth can only be attributed to the influence of vegetation. With the removal of the false acacia, Planes are the only trees in influencing distance.

London plane roots found.

Level monitoring shows foundation movement seasonally.

Foundations are sufficient to withstand soil movement in the absence of vegetation.

7. Significant errors in the Applicant's analysis of their Level Monitoring data were ignored by both the Structural Engineer and by the Case Officer. For example: the Applicant's 28/12/22 *Arboricultural Recommendations* asserted a 28mm downward foundational movement occurred "when the Plane trees' extraction of moisture would be at its peak", despite this movement having been recorded in **December 2022** – when the Plane Trees were leafless, dormant, and extracting minimal (not peak) moisture.

8. The error raised in the preceding point had been highlighted in detail in an Objection correctly uploaded to the portal before the consultation deadline – but was one of *many* significant observations unaddressed in the Case Officer's review of Third Party Representations – why?
Specific

Comments have been received from a large number of local residents, councillors, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. Most of the pertinent comments are repeated numerous times in different ways. Objections were consolidated and summarised for the benefit of members.

What view does the Case Officer take of the information on recent assessment of damage in 23/0119/TTPO?

The Case Officer's response should address all of the following issues:

1. The Insurer's 7 August 2019 Technical Report (uploaded for both 22/0271/TTPO and 23/0119/TTPO) assessed the damage as being "Category 2" (i.e., "slight"; on a scale of 0–5). This is the only document for either of these two planning applications that includes any photographs of the (mainly hairline) cracks.

Even though slight, the technical report does show damage. The seasonal movement, which indicates an increase seasonally will only lead to progressing damage. Since and application was submitted originally the cost of repair has increased with increased damage.

2. No additional recent or current photographs or measurements have been provided by the applicant with 23/0119/TTPO.

This is correct but it is not required to determine the application. Since the original application was submitted the cost of repair has increased with increased damage.

3. The applicant's 28 December 2022 Addendum Report On A Subsidence Claim (in 23/0119/TTPO) asserts "damage worsening during summer 2022" while providing no pictorial or quantitative evidence to support this assertion.

Again, this is correct and was a piece of evidence that was previously requested however it is not required to determine the application based on the evidence that has been submitted.

4. The applicant's unchallenged simplistic approach is: the (undocumented) problems *cannot* be caused by the already felled Acacia, so fault must lie with the Plane Trees – wholly ignoring heave caused by the felling by the applicant of the Acacia (despite this heave being apparent in both the level monitoring data and visually, on site).

Datum points 4 and 5 closest to the False Acacia show a degree of recovery, however even though the tree is removed datum points also show continued downward movement which is not attributed to heave.

5. Neither the Structural Engineer, nor any of the applicant's Reports ever provided any **evidence** to challenge the statement from their own 2019 Technical Report : "The pattern and nature of cracking is indicative of thermal movement", or its conclusion that they "could not detect any movement consistent with subsidence (downward movement of foundations)".

They have provided technical reports showing shrinkable clay, desiccation, root presence and seasonal foundation movement. All reviewed as a whole by a chartered structural engineer.

What view does the Case Officer take of the information so far presented on the use of alternative measures, such as a root barrier, to resolve 23/0119/TTPO?

The Case Officer's response should address all of the following issues:

1. The Case Officer's Report to Committee notes options costing a small fraction of the Council's own preliminary CAVAT-value calculation of the values of these trees (~£200,000) – allowing their retention (a root barrier costs £79,571.40 + VAT, i.e., less than half).

The tree team supports the use of a root barrier.

2. This crucial CAVAT value clearly needs to be fully explained in a document available for scrutiny before 23/0119/TTPO can be fairly evaluated and determined.

The amenity value of the trees has not been contested. CAVAT is useful but not an essential tool to allow the determination of an application.

3. Is the Council's preliminary CAVAT-value calculation based only on the sum of T1 + T2 + T3 individually?

The sum in the report is based on individual calculations for T1 + T2 + T3.

4. Or did the Council's preliminary CAVAT-value calculation also take full account of the contribution of T1 + T2 + T3 to the overall treescape (cf the photographic evidence of this in Appendix 5, pp 40–44, of the February 2023 Objection from the Friends of St Matthew's Piece, on the Planning Portal)?

Yes. The assessment considers the contribution of the trees to the townscape.

5. Did the Council's preliminary CAVAT-value calculation also take full account of the collective importance of the complete group of trees of the northern half of St Matthew's Piece in mitigating the Urban Heat Island Effect (an issue raised in Appendix 6, p. 45, in the February 2023 Objection from the Friends of St Matthew's Piece, on the Planning Portal)?

The value of the group before and assumed after has not been assessed.

6. How is the answer to this question on Urban Heat Island Effect altered by the imminent proposals to redevelop and intensify both the nearby Grafton Centre and Beehive sites – which would heavily impact St Matthew's Piece, the **only** substantial public open space in Petersfield.

We are obliged to determine the application based on the justification presented and the impact on amenity.

7. All of these elements need to be fully and openly accounted for in determining a true CAVAT value for these three Plane Trees in their particular and unique context. Once this information is available, what is the process for re-examining the issue of Cambridge City Council underwriting the costs associated with refusing permission? This could pay for installing a root barrier and save the trees. It could be done with a view to recovering all (or some) of these funds via legal challenge directed at those who have been responsible for the design/ build /sale / purchase / rental / routine management and/or annual insurance (and re-insurance) of 193 Sturton Street. All of these have taken place in the obvious vicinity of this avenue of plane trees, planted 100 years before 193 Sturton Street was planned.

If the application is refused the council might receive a claim for compensation. This is separate from the council deciding to underwrite costs. As the council has to date not decided to fully underwrite the costs of underpinning or the installation of a root barrier we are obliged to determine the application on the evidence provided. The application determination does not preclude any decision the owner, applicant or council could make in the future regarding underwriting costs.

What view does the Case Officer take of the applicant's approach to credibly and accurately reporting e.g., the age of the property at 193 Sturton Street in 23/0119/TTPO?

The Case Officer's response should address all of the following issues:

1. The declaration signed 30/01/23 on the Application form for 23/0119/TTPO confirmed that "to the best of my/our knowledge, any facts stated are true and accurate".

The applicant was requested to reassess the application submissions on the basis of the incorrect assumption of the age of the property. The outcome remains the same.

2. Yet a Soil Risk Analysis dated 22/11/22 was submitted by the applicant in the documents for 23/0119/TTPO. Page 5 of this document stated that its analysis relies on the assumption of the tree under consideration being “younger than the house”.

See above

3. Further, the applicant’s Revised Arboricultural Appraisal Report of 15/12/2021 provides a property description (cf. its p. 2) as an “end terrace 2 storey house built circa 1900, a substantive and highly significant error that is repeated again three times in the same document, incorrectly claiming the age of the trees (documented as having been planted in 1898) to be “similar” to the property.

See above

4. Yet documentation provided in an Objection to 23/0119/TTPO unequivocally demonstrated that – while the trees of St Matthew’s Piece do date from 1898 – the property at 193 Sturton Street (with its unambiguously modern foundations and brickwork) was built after 1995, or about 100 years later.

See above

5. That evidence for this comprised: extracts from Ordinance Survey maps of 1886, 1901, 1925, 1938 & 1965; material from Planning documents of 1935, 1981, 1986, 1995 & 2006; Kelly’s Directory listings from 1967 & 1975; Cambridge Commons Committee records from 1897 & 1898; an article from the *Cambridge Independent Press* of 12 July 1907.

6. Does the Case Officer believe that the insurer of the property, 4 years into the process of addressing problems at 193 Sturton Street, genuinely had not found out that this property was 100 years younger than the Plane Trees opposite? Or was it too inconvenient to the arguments being made by the applicant to admit that the house was so much younger than the trees?

Whether or not the applicant had an ulterior motive does not alter the data submitted, which supports the claim.

7. Why did the Structural Engineer or the Case Officer not challenge the repeated absurdity in the Applicant’s assertions regarding the ostensible age of the property, when the Applicant’s papers had been formally declared to contain only “true and accurate” facts? .

The tree team highlighted the inaccuracy and requested a reassessment, this reassessment was made available to the chartered structural engineer to inform his opinion.

8. Does this indicate that an even greater degree of caution and scrutiny needs to be applied in evaluating other information from this applicant, – e.g., their level monitoring data?

Errors and incorrect assumptions are found in expert reports on occasion, officers do not automatically assume a lack of professionalism simply because an error was

made. The application has been made by professionals and experts with relevant experience in their respective fields.

9. If not, why not?

See above

10. Does the **exact same** uncertainty apply also to the value and credibility of the Structural Engineer, who allowed all of these many issues pass by, wholly unchallenged?

The independent assessment of the application submissions was carried out by a chartered structural engineer and technical director of a well established company and we have no reason to doubt their professionalism and/or competence.

11. If not, why not?

See above

Further information is needed on the Case Officer views on the identification of pertinent Public Open Space, in forming a balanced view on 23/0119/TTPO

The Case Officer's response here should address each of the following issues:

1. In her Report to Committee the Case Officer states that ""St Matthews Piece, one of two important public open spaces in the Mill Road Conservation Area." Can the Case Officer clarify which is the second of the two important "public open spaces" that she has in mind? Is it Mill Road Cemetery?

It is Mill Road Cemetery

2. What is the Case Officer's response to the significance of these five listed points, drawn from a document already on the Planning Portal (in an unmentioned but highly relevant part of Planning history, i.e., 20/04514/FUL, and specifically Appendix IV of the Objection by the Friends of St Matthew's Piece):

1. Open Space is defined in Section 336 of the Town and Country Planning Act 1990: "open space" and *can* include land that is a disused burial ground.
2. Mill Road Cemetery is **not**, however, a disused burial ground. Reverend M. Widdess, Chair of the Parochial Burial Grounds Management Committee, has written to FoSMP to confirm that Mill Road Cemetery "remains consecrated" despite being a "closed cemetery", due to having "become full to the extent that no new burials can be accommodated". Nevertheless, "burials of coffins and cremated remains can still be carried out where there is room in existing family graves. Such burials and graveside visits by bereaved friends and family members do occur".
3. According to a 2020 document by the Trustees for Methodist Church Purposes, the legislation relevant to "disused burial grounds" is the Disused Burial Grounds (Amendment) Act 1981. Section 5 of this 1981 Act states explicitly that it "shall not apply to any consecrated land".
4. Mill Road Cemetery being consecrated, therefore cannot be considered a 'Disused Burial Ground' as it is not affected by the provisions of the Act. A still-active cemetery in consecrated grounds, Mill Road Cemetery therefore cannot meet the

definition of Public Open Space, due to it not being laid out for – or of a nature suitable to – sport, recreation or play.

5. Furthermore, its gates are locked to the public 1 day per year, to prevent the establishment even of a public right of way through it.

The intention of references to open spaces was to highlight the importance of both trees at St Matthew's Piece, and those in the adjacent private land that contribute to the open space, and the very significant amenity value they have.

Further information is needed to establish a balanced view on 23/0119/TTPO on the Case Officer views on the significance of St Matthew's Piece and T1 T2 & T3 in the context of their importance to a unique Public Open Space.

The Case Officer's response here should address each of the following issues:

1) Is there an enhanced significance of the trees of St Matthew's Piece in the St Matthew's area of Petersfield, bearing in mind that The Environment 'Domain' of the latest iteration of the government's Index of Multiple Deprivation reveals that the area around St Matthew's Piece falls into the 2nd most deprived of 10 deciles nationally, with regard to this parameter?

This information would not alter the tree team's assessment of the trees, which is that they have significant amenity value. The information does not alter the tree team's position, which is based on the trees' significant amenity value, the evidenced presented with and during the application and the expert opinion of an independent chartered structural engineer.

5. 2) Is this enhanced significance reflected in the Council's initial CAVAT calculations?

No

3) If not, why not?

Not a CAVAT criterion

4) At the time of construction of 193 Sturton Street, T1, T2 & T3 were already shielded by both section 211 of the Town and Country Planning Act 1990, and Cambridge's Mill Road Conservation Area (since 1993). Would it be reasonable to conclude that the additional individual Tree Preservation Orders in No. 4/2005 were issued because T1, T2 & T3 (and all the trees of the northern half of St Matthew's Piece) needed protection as much – or more – than any trees in Cambridge.

5) If not, why not?

We do not have the site-specific reasons for making the trees the subject of a TPO in 2005. However, it is reasonable to conclude their amenity value was considered to be significant, their loss would be detrimental to amenity and that there was at the time a potential threat to their healthy retention.

Further information is needed to establish a balanced view on 23/0119/TTPO on the Case Officer views on the degree to which 193 Sturton Street has complied with National House-Building Council (NHBC) requirements for construction in shrinkable soils, as in force at the time of its design and construction.

The quality of the construction of 193 Sturton Street would only be pertinent to the determination of the application submitted if the building was so poorly constructed that its structural integrity was so compromised to necessitate proactive structural works irrespective of continued influence from trees. In which case, if the building were to be underpinned anyway, the trees might be accommodated.

The Case Officer's response here should address each of the following issues:

1) How well did 193 Sturton Street comply with National House-Building Council (NHBC) requirements (see Section 4.2.7 'Foundations in shrinkable soils')?

2) Bearing in mind that London Plane Trees (like the robust and healthy T1, T2 & T3) should have been reasonably expected to grow to height and girth very much greater than was the case when C/95/0638/FP was approved in 1995, were these NHBC Requirements met:

(1 and 2) NHBC foundation depth calculation, considering mature height of trees, distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.

"Foundations shall be capable of accommodating the effects of trees, shrubs and hedgerows on shrinkable soils without excessive movement. Items to be taken into account include:

a) foundation type

b) distance between tree and foundation

c) method of assessment of foundation depths

d) foundation depths related to the zone of influence of new tree planting

e) foundation depths related to new shrub planting."

3) What is the Case Officer's view of the relevance to a fair determination of 23/0119/TTPO of: BS5837:2012, which replaced BS 5837:2005 which had, in turn, superseded BS 5837:1991, which these address British Standards recommendations with regard to "trees in relation to design, demolition and construction"?

BS 5837 is not pertinent to the determination of 23/0119/TTPO. BS 5837 is a British Standards Publication that gives recommendations and guidance on the relationship between trees and design, demolition and construction processes.

4) In the context of an existing 100-year old avenue of Plane Trees within the Conservation Area in the late 1990s:

- what evidence has the Applicant provided that the late 1990s foundations for 193 Sturton Street were not under-designed?

None

- what evidence has the Applicant provided that there were no relevant structural flaws in the construction of 193 Sturton Street?

None

- despite the relevant Building Regulations, have heave effects following the 2021 felling of T4 nevertheless caused damage? (These heave effects appear in documents published for 23/0119/TTPO in (a) the Applicant's submitted Level Monitoring data, and (b) a photograph in the February 2023 Objection from the Friends of St Matthew's Piece).
- what evidence has the Applicant provided that this recorded damage from heave effects following the felling of T4 is not being mis-attributed to effects of the 3 Plane Trees?

Level monitoring shows a continuing seasonal downward trend, which is not indicative of heave.

What are the Case Officer views on the implications for 23/0119/TTPO of the Greater Cambridge Biodiversity Supplementary Planning Document 2022? This outlines current pertinent legislation, including Town and Country Planning (Tree Preservation) (England) Regulations 2012, noting (in its ¶2.1.7) that Tree Preservation Orders can be made for trees or groups of trees because of their nature conservation value, as well as for their amenity value. This has been cited in the March 2023 Supplementary Objection from the Friends of St Matthew's Piece (on the Planning Portal), but has not been addressed in the Case Officer's Report to Planning for 23/0119/TTPO.

The Town and Country Planning Act does not define amenity, but Government advises that local authorities develop ways of assessing the amenity value of trees in a structured way. When referring to amenity the tree team is not simply referencing visual significance. Policy P2 of the Cambridge City Council City Wide Tree Strategy sets out the criteria against which trees in Cambridge will be assessed. The criteria are visual, impact, atmospheric, climate change, biodiversity, historic or cultural and botanical. Against a number of these criteria alone the trees would be considered suitable for TPO. The trees are already protected by TPO however and the suitability of the TPO is not disputed by any party.

What are the Case Officer views on the implications for 23/0119/TTPO of the the Environment Act 2021? This legislation was cited in the 7 January 2023 Planning Appeal Court ruling to dismiss an appeal against the refusal of 21/01437/FUL. The full text of the

Appeal decision was uploaded to the planning portal on 16 February 2023, and has been cited in the March 2023 Supplementary Objection from the Friends of St Matthew's Piece (also on the Planning Portal), but has not been addressed in the Case Officer's Report to Planning for 23/0119/TTPO.

21/01437/FUL is a planning application not a tree work application. The application was for permission to erect two dwellings following the demolition of 18 Adams Road. 23/0119/TTPO applies for permission to remove trees due to alleged tree related subsidence. As a planning application Biodiversity Net Gain is a material consideration. As a tree work application the impact on biodiversity is considered through our amenity assessment. The significant loss of amenity that would result from approval is not contested.

What are the Case Officer views on the implications for 23/0119/TTPO of the following specific quoted provisions of the Environment Act 2021, all of which that came into force on January 1 2023 (and all raised in the March 2023 Supplementary Objection from the Friends of St Matthew's Piece, but not yet addressed in the Case Officer's Report to Planning for 23/0119/TTPO?

1) "Section 102 makes amendments to section 40 of the Natural Environment and Rural Communities Act 2006 (c. 16). Section 40 places a duty on public authorities to have regard to the conservation of biodiversity when delivering their functions. **The revisions to section 40 strengthen the requirement for public authorities, to assess how they can take action to conserve and enhance biodiversity, and then take these actions.**"

2) "Section 103 inserts a new section 40A to the Natural Environment and Rural Communities Act 2006, which requires local authorities and local planning authorities, excluding parish councils, **to produce biodiversity reports detailing the action they have taken under the biodiversity objective set out in section 102.** It defines, at a high level, the content of the biodiversity reports and their frequency. Additionally, it creates a power for the Secretary of State to designate other public authorities that are required to report, and to specify quantitative data to be included in the reports."

(1 and 2) The tree team recognises the importance of trees to the city, which is why a condition requiring replacement planting has been recommended, in line with the council's tree strategy and how it manages its own tree stock. The council has been undertaking a lot of work to increase the tree stock in the city, including through the Cambridge Canopy Project, which recently ended. During the four years that the project ran we planted over 2,300 trees in public open spaces and gave away over 1,200 trees through our schemes designed to get residents engaged in planting more trees. We are also partnered up with Trees For Streets, which makes it easier for residents and community groups to get trees planted across the city.

Trees support biodiversity, help create better places for people to live and work and help the city adapt to a changing climate. Our Tree Strategy and complimentary Biodiversity Strategy are just some of the ways we are tackling the climate and biodiversity emergencies. As part of our wider aims to help tackle climate changes, the council is supporting, promoting and facilitating sustainable travel, decarbonising our buildings, encouraging and supporting residents to retrofit their homes and reduce their emissions and building new sustainable homes.

3) "Section 114 introduces Schedule 16, which makes amendments to Part 2 of the Forestry Act 1967 (c. 10) strengthening enforcement in relation to controlling the felling of trees. These amendments enable the Commissioners to create a local land charge, where illegal felling has taken place or a felling licence has not been complied with, to give a further enforcement notice on the land where the land ownership has changed during the enforcement period, and amends the provisions in relation to the service of documents as to who can be served with a document and who can be required to provide information. In addition, the amendments enable the court to make a restocking order upon conviction for a section 24 offence (non-compliance with an Enforcement Notice) and **to impose an unlimited fine for the offence committed in England under section 17 for felling without a licence.**"

Section 114 does not remove a council's obligation to assess tree work applications on their merits and approve applications that are evidently supported. As living organisms, the loss of individuals from any tree population is inevitable. Key to the continuity of tree cover and the benefits associated is limiting losses where possible and providing new and replacement trees where possible.

The Case Officer's Report to Planning for 23/0119/TTPO includes the following statement": "the tree team is satisfied that the evidence provided supports the claim that trees are a causal factor in damage to the subject property and that the work proposed will remove the trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out with the estimated cost of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal." Section 8.3 of this report refers to whether "it is determined that sufficient evidence has been presented to support the application to fell the trees". In view of the many detailed questions to which answers are now being sought, does the Case Officer wish to reconsider the recommendation to approve the felling of T1, T2 and T3, as initially provided on 25 July to the Planning Committee?

With reference to the answers provided, and in particular the independent expert opinion that the evidence supports the proposal, officers are satisfied that unless an engineering solution can be utilised to stabilise the building, the removal of the trees is necessary to avoid continued movement. However as the question of whether or not there is opportunity for the council to contribute to costs associated with alternatives to tree felling, the tree team has insufficient authority to confirm the recommendation made in the officer report to planning on 25th July, which was based on the understanding the council was not minded to accept the full costs associated with compensation or engineering solutions.

Appendix 3

Cllr Thornborrow observations and questions with offers responses in italics.

On what basis does the Case Officer consider that the Applicant has justified the removal of the trees?

How has the applicant demonstrated the merit of the request in terms of demonstrable and evidenced actual damaged to 193 Sturton Street?

Damage in the form of cracking was recorded in 2019.

Foundations are bearing on a clay subsoil with a Low to High potential for volumetric change relating to changes in soil moisture.

Roots from London Plane trees were recovered from samples in TP/BH3. The subject trees are located to the east of the property.

Level monitoring has recorded a pattern of seasonal soil drying below the property foundations which has continued following the removal of the False acacia.

An independent chartered structural engineer has reviewed the data and confirmed the causal link.

How has the Applicant quantified the value of any objective damage at 193 Sturton Street vs possible damage by heave to St Matthew's Centre?

An assessment of this nature has not been provided and is not necessary to allow determination of 23/0119/TTPO.

How has the Applicant quantified the value of any objective damage at 193 Sturton Street vs the loss of public amenity in a Conservation Area?

The applicant is not required to provide a quantitative comparative assessment of this type and has not. The merits of retaining the trees is considered in the assement set out in this report.

Our decision on the application should be based on the merits of the case, in the public interest.

Has an adequate history of the site been provided and considered?

The pertinent history is 22/0271/TTPO

The 3 trees are on the site of St Matthew's Centre. Why is the site history not referred to?

One example of relevant previous site history not addressed.

Previous refusal on site for 20/04514/FUL

Reason 4 - Overall, the scale and height of the proposed building is deemed to be excessive and would not respect the existing trees which significantly contribute to the visual amenity of the site and local area. The removal of two trees along the New Street frontage, as well as the anticipated harm brought upon the surrounding trees would result in significant harm upon these trees and therefore the proposal is not in accordance with policy 71 of the Cambridge Local Plan (2018).

This relates to a planning application not a tree work application. Furthermore the importance of the trees is not disputed.

Is actual damage to 193 Sturton Street is proven?

The Technical Report on a Suspected Subsidence Claim, by Crawford & Company, dated 07-08-2019, states that damage was first noticed on 02-07-2019.

The 2019 document concludes that the damage is ‘slight’ and indicative of thermal movement and explains “We could *not* detect any movement consistent with subsidence (downward movement of foundations). The pattern and nature of cracking is indicative of thermal movement. Masonry expands and contracts with changes in temperature” and goes on to say “In subsequent years, there can be further cyclical and reversible movement which causes minor cracks to develop.”

Further investigations show that movement is consistence with subsidence damage.

The MWA Report refers to the damage listed in this report.

As earlier tree application on site, reference 22/0271/TTPO was refused on 25-07-2022. One of the reasons for refusal was “A recent full assessment of the damage to the house has not been submitted”.

Does the case officer accept that the applicant continues to have provided precisely no evidence that the damage in the form of internal cracks to the property is ongoing, improving, deteriorating or vanished entirely?

No visual evidence of the extent of increased damage has been submitted. However, the downward movement of the foundations has increased along with the superstructure repair estimate.

Does the case officer agree that there is no evidence as to when the minor damage listed in the 2019 report occurred (as distinct from when the cracks were first reported)? Is there proof that the minor cracks had not arisen in earlier years, perhaps even dating back to when this new build house was constructed?

The technical report states that damage was first noticed in July 2019 and was reported to the insurer a few days later. The tree team has no reason to dispute this record.

Is it proven that there are roots from the three Plane trees under the foundations of 193 Sturton Street and that these (and only these) are causing clay-shrinkage subsidence and foundational movement?

The Site Investigation Technical Report cites root from Plane tree to a depth of 3m

The Site Investigation Factual Report, by CET dated 22-06-2020 shows that the trial pit closest to the front of the house was abandoned at 1200mm deep. The bottom of the foundation had not been reached.

The adjacent trial pit 3 showed that the bottom of the foundation was at 2100mm. The *Revised Arboricultural Appraisal Report* by MWA Arboriculture Ltd, dated 15-12-2021 states that were roots from *Leguminosae spp.* (which includes the false acacia family) under the foundations at 2100mm, but that it is not until the lower level of 3000mm is reached that there are any roots of *Platanus spp.* (which include Plane trees) found, so there is a gap of 900mm from the bottom of the foundations and any Plane tree roots.

The results are point samples from a large volume of soil, a gap of 900mm does not indicate a lack of plane roots above. Furthermore, soil shrinkage at a lower level can still impact on foundations above.

On page 4 of his recently submitted "Responses to Questions", the Structural Engineer writes "The Council's refusal of consent for the trees to be reduced in August 2022 meant that downward foundation movement continued to **January 2023**". The Structural Engineer provides a graph that shows level monitoring data through December 2022. These latest data show a shocking -30mm downward vertical movement at the sample sites nearest the three Plane Trees. Note that the December 2022 data shows downward vertical movement about **twice as great** as the Applicant reported in the summers of 2020 and 2022. (Note: zero data on foundational movement were collected by the applicant between June 2021 and April 2022.)

During the unusually snowy and cold weather of December 2022 the three Plane Trees were entirely leafless, quiescent, inert. They would neither be transpiring water nor drawing intensively via their roots on water from anywhere – including from under 193 Sturton Street.

The Monitoring Plus report of December 2022 includes four sets of data from March 2022 to December 2022. The March to May data shows a slight upward movement, which is before the significant downward movement from May. The most significant drop occurred May to July but continued well into the autumn. The last four readings are taken April, May, August and December and show a downward trend without showing the exact monthly pattern. It is possible that a reading in October/November would have shown an increased downward movement before December or the relative lateness of the soil rewetting could be a result of seasonal lag. Either way

and notwithstanding breaks in measurements, the level monitoring from May 2020 to December 2022 shows a cycle of seasonal movement that can only be explained by the influence of vegetation

Can the Case Officer explain how this severe and dramatically deteriorating mid-winter downward foundational movement, recorded by the Applicant, can have been caused by tree-related clay soil shrinkage?

See Above

The downward movement recorded in December includes movement post September. The cyclical/seasonal movement can only be attributed to the influence of trees.

The penultimate reading was taken on 2nd August 2022. Continued moisture abstraction by trees after this date is common.

In trail pit 2, at the rear of the property (to the rear of the property) it is shown that the foundations go to a level of 1500mm but there are no roots, even though the monitoring levels chart does show movement, of -18mm to +5mm.

Has the Applicant explained what other than the Plane Trees is causing this foundational movement?

No, but the lack of roots in a single point sample does not disprove that other parts of the building are moving as a result of tree related moisture loss.

Could the tree T4 False Acacia cause the above ground foundation movement?

21/0089/TTCA Notice gives consent, on 12-03-2021, to the removal of T4 False Acacia, with the reason: Clay shrinkage subsidence damage at subject property.

Further reports, provided about the adjacent site, states that T4 was removed in June 2021.

T4 was felled but the stump was not removed, and it is still growing.

Should post-felling heave effects really be discounted?

21/0089/TTCA Notice gives consent, on 12-03-2021, to the removal of T4 False Acacia, with the reason: Clay shrinkage subsidence damage at subject property.

The Applicant reports that T4 was removed in June 2021, although the stumps were not removed, and the tree continues to grow.

Please consider both

- a) The graph previously mentioned, from page 4 of the Structural Engineer's recently submitted "Responses to Questions" (with level monitoring data to December 2022) and also
- b) And also the truncated version of this graph on p.3 of the Applicant's 'Statement Of Work', (that also provides Level monitoring Results, but only to summer 2022)

Both of these graphs clearly trace the foundation level at Sample Point 4 (the data points represented by green triangles), which is the sample point farthest to the north east. This is the Sample Point closest to the Acacia that had been felled in June 2021.

Data from Sample Point 4 after June 2021 shows **upward** vertical movement. This seems to be post-felling heave. But neither the Structural Engineer nor the Case Officer have commented on this.

In the wall immediately adjacent to the 2 acacia tree stumps, significant cracks recorded in February 2023 photograph, already uploaded to the 23/0119/TTPO portal (p. 10 in the Objection from Friends of St Matthew's Piece (FoSMP), uploaded 20 Feb 2023).

Is the Case Officer confident that these wall cracks are not due to heave effects following the 2021 felling of the young acacia?

Yes, the cracks to the boundary wall are indicative of direct damage caused by physical pressure from the false acacia and not as a result of soil movement associated with subsidence or heave.

Is the Case Officer still of the opinion, along with that of the Applicant's Structural Engineer, that there will be no significant heave effects after the felling of the three very much older and very much larger Plane Trees?

The tree team accepts the results of the heave assessment, confirmed by the chartered structural engineer, that the risk of heave minimal.

Have the possible heave effects been considered in relation to the Old Howard Mallet building, which is directly adjacent to trees T1, T2 and T3?

No

If demonstrable evidence of heave effects are already clear both visually and within the Applicant's own data following the 2021 felling the small acacia, how much greater would it be reasonable to expect the 360° heave effects from the felling of three 28m tall, mature Plane Trees?

There is an extensive, lower level of the Howard Mallett Centre building. This cellar level extends much farther west and south than does the upper level of the building. See the 2006 map, already uploaded to the 23/0119/TTPO portal (p. 11 in the Objection from FoSMP, uploaded 20 Feb 2023). That map is reproduced here to shows how close the three plane trees (the green dots) are to the cellar level of the old Howard Mallett Centre building on St Matthew's Piece:

The effects of heave on the old Howard Mallett Centre building, which is much closer to the three Plane Trees than is 193 Sturton Street, could be substantial – and potentially very dangerous indeed. This building is now used as an educational establishment for young adult students, with a sitting tenant.

Has this been considered by the Structural Engineer or the Case Officer, and is the Case Officer confident that these matters have been adequately considered.

This is not pertinent to the determination of the application. This is a consideration for owners of HMC.

Appendix 4

Richard Buxton Letter with offer responses in italics.

The writer is a Cambridge resident well familiar with the area in question so with an interest in this matter. However, we believe it may help the committee to write reflecting some professional background in the issue now before it.

We frequently come across these tree issues where insurers or their agents (such as Crawfords here) seemingly single-mindedly seek felling of trees as a quick and easy solution to alleged tree-root damage). In our experience these issues need looking at far more carefully. As the Courts recognise when we have sought injunctions to stop felling trees, that is an irrevocable step, presently here prevented by the TPOs in place.

Surprisingly, the application does not state who the owner of the trees is. It is redacted on the application form, but the Land Registry reveals it to be trustees known as Metro Property Unit Trust and BNP Paribas Depositary Services (Jersey) Limited. We are aware that there may be a complex history to this, but given the location and environmental circumstances, and indeed reference to a covenant, the Council should be in a position fully to illuminate the position. We suspect that in fact it may be somewhat more than simply the TPO authority.

The Council must also recognise that Crawfords are making this application apparently on their own (or their insurer principals') behalf. There is no indication that they have the permission of the owner of No 193 Sturton Street.

Overall, it is essential that there is transparency in the matter. What is the position of the respective owners of the trees and property allegedly affected? What do they actually want?

Anyone can make an application to carry out work to trees. One does not need to be the tree owner. If an application is made by persons with no legal interest in land on which the subject trees stand and if the application was approved, the applicant would then need to seek the permission of the landowner before works could lawfully commence.

As to the substance, we note the committee report states (p.215):

The subject trees are a significant asset. A preliminary assessment using CAVAT (Capital Asset Value for Amenity Trees) calculated their combined value to be in the region £200,000.

There are options available, not exceeding the above cost, that would allow the retention of the trees and officers would welcome the use of underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals.

The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However when deciding what is necessary to prevent or abate a nuisance consideration should be given to steps other than tree work.

Then in Observations and Implications (p.218) the analysis starts to go wrong. ... superstructure repairs to be carried out with the estimated cost of £16,000. ... There are two alternatives to tree work, underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations. Both these solutions could have financial implications for Cambridge City Council and/or the property owners if permission for tree removal is not granted. The trees make a significant contribution to amenity, sufficient that consideration should be given to underwriting the cost of alternatives to removal. The cost of underpinning has been estimated at £120,000 and the cost of installing a root barrier has been quoted at £79,571.40 + VAT. CCC is not minded to underwrite the cost of underpinning or the full costs of installing a root barrier. ...

First, as a matter of fact, the Crawfords estimate for underpinning “over £80,000”. Where is the £120,000 figure from?

At the time of the application Crawfords stated that should consent not be granted partial underpinning of the property will be required to arrest the movement, should the planes remain, with cost rising over £80,000. However a later and more detailed submission set the superstructure repair reserve at £16,000, the quote to install a root barrier at £79,571.40 +VAT and an increased estimate to approximately £120,00 to effectively underpin. The increased costs being attributed to increased movement.

In any event this is similar to the stated costs of a root barrier. However, the Council does not appear to have taken any steps itself to ascertain whether either of these figures are correct.

This is correct, the applicant is required to provide the evidence and other supporting information to justify their proposal.

Also, if the Council paid it presumably could recover VAT.

But importantly, there is a complete disconnect in the officer’s analysis as to the CAVAT value of the trees (stated as above to be c. £200,000) and the Council stating it is not minded to underwrite the costs of underpinning or a root barrier. It is irrational not to weigh one up against the other, and indeed for the Council to have considered the position with the owners of the land or its own insurers. Also, it is surely a matter for the committee not officers as to what the Council is “minded” to do.

When the application was received, officers sought confirmation as to whether or not the council would consider underwriting any costs associated with retaining the trees from the then leader. Whether or not the council would be minded to underwrite costs is not a planning committee decision but it is pertinent to the decision making process put before planning committee as is the potential claim for compensation and the amenity value of the trees. All of this information was included in the previous committee report to allow each to be weighed up against the other.

We also note that the alleged damage to 193 Sturton Street would only cost £16,000 to repair. The tree owner/insurers may turn out not to be fully responsible even for that. Surely contemplating the loss of trees valued at £200,000 is in context disproportionate?

Superstructure repairs are estimated at £16,000, double the cost estimated when the application was made. The applicant might seek to recover the difference. However, if the application is refused an engineering solution will be implemented to stabilise the property. It is the cost of the chosen solution that the applicant would most likely seek to recover.

Overall, this application is (at least) premature and as put forward not rational for the reason mentioned. Careful consideration must be given to exact costs or possible underpinning, root barriers, funding thereof, and all in the context of CAVAT and similar valuation.

The value attributed to trees using CAVAT is a very useful tool however the funds might not be available to underwrite the costs associated with keeping the high value (£200,000) assets irrespective of the differing values. Officers consider this point to be pertinent to the decision making process.

We have seen other correspondence which sets out factual matters in more detail and also clearly indicating the need to investigate carefully further. Our observations are mainly based on obvious difficulties in the report with other matters taken at face value.

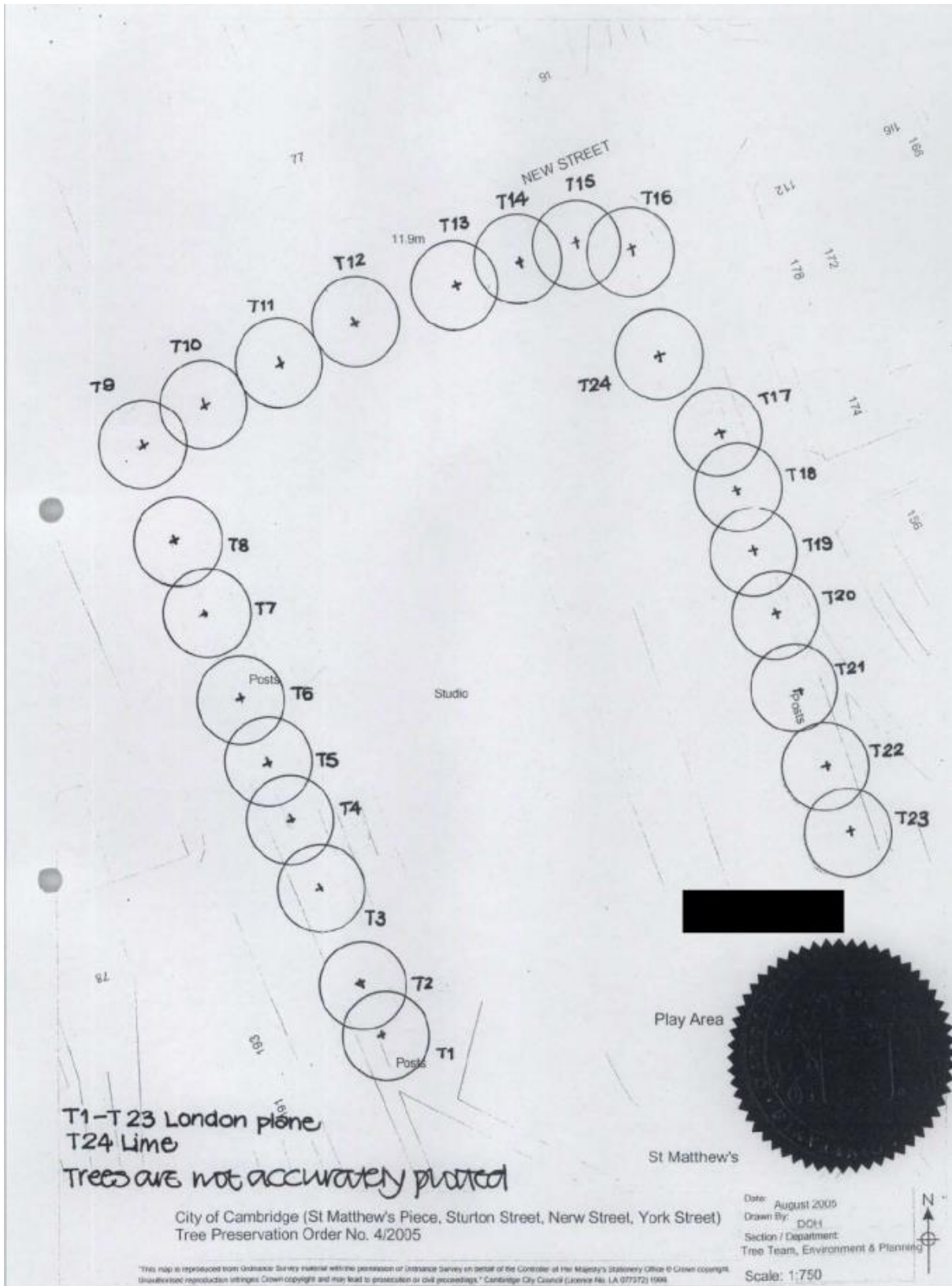
We trust this will assist the committee's determination of the matter, which should be either to refuse the application or to defer it pending provision of further information.

Appendix A



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Appendix B



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Planning Committee Date	1 st November 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	23/0159/TTPO
Site	18 Howes Place
Ward / Parish	Castle
Proposal	TG1 Lime and Beech Group. Remove (fell) closest 5x Lime stems to near ground level and remove regrowth as it emerges.
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents.
Recommendation	Grant consent subject to replacement planting conditions

1.0 Executive Summary

- 1.1 A tree work application has been received to fell 5 lime stems from a group of pleached limes that contribute to the double avenue that borders Howes Place. The reason given is clay shrinkage subsidence damage to 18 Howes Place, Cambridge, CB3 0LD.
- 1.2 Objections to the trees' removals have been received from residents of Howes Place.
- 1.3 Evidence has been submitted with the application supporting the claim that the subject trees are contributing to damage to the adjacent house.
- 1.4 Members may refuse consent or grant consent subject to conditions/informatives.

2.0 Site Description and Context

Conservation Area		Tree Preservation Order	X
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*X indicates relevance

- 2.1 Howes Place is a private no-through road off Huntingdon Road and adjacent to NIAB. Tree Preservation Order (TPO) 10/1991 protects individual trees and six groups of pleached limes within NIAB and along Howes Place. Along Howes Place the TPOd trees form four groups that collectively form an avenue that is in locations double.
- 2.2 The 5 subject trees are located to the front of 18 Howes Place where there is a double row of pleached trees, G5 and G6 on the TPO. It is the row closest to the house that contains the 5 subject stems. It is proposed to retain G5 with a continuation of existing management.

3.0 Relevant Site History

- 3.1 In 2020 similar applications were received for the removal of stems from with G6 to the front or 2 Howes Place and 3 Howes Place. The application references are 20/1065/TTPO and 20/1276/TPO. In both applications permission was granted for the removal of trees from TPO reference G6

4.0 Legislation and Policy

- 4.1 Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation) (England) Regulations 2012. Tree Preservation Order number 10/1991. Tree Preservation Order number 04/2005. National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG)

5.0 Consultations

- 5.1 The application was published on public access in addition to standard councillor and resident consultation. A site notice was issued for display.

6.0 Third Party Representations

- 6.1 Comments have been received from residents within Howes Place. These can be viewed in full via Public Access using the reference 23/0159/TTPO. Objections are consolidated and summarised in the below table and a response provided.

Comment	Officer Response
The application should be rejected because the trees are protected	A TPO is served to prevent unjustified and harmful works to trees of value. It is not intended to prevent tree works regardless of justification.
The groupings of mature pleached lime trees form a critical and integral part of the formal landscaping of Howes Place.	Agreed. The three subject trees make a significant contribution to the appearance and character of Howes Place
Policy 62 of the Cambridge Local Plan 2018 states that "The Council will actively seek the retention of local heritage assets, including buildings, structures, features and gardens of local interest	The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act) When assessing the impact of any tree work application consideration should be given to all relevant policies but local plan policies do not outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will result in the loss of trees of value.
Underpinning would remedy the subsidence problem, but at a cost to the householders and their insurance company. Surely the protection of the trees should be prioritised over these costs.	There may be options available that would allow the retention of the trees and officers would welcome the use of underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals.
The previous removal of previous lime trees has had a significant negative impact on the local environment in	As with previous applications the proposal needs to be assessed on the justification presented for works and not historic tree removal.

Howes Place and further removal must be refused.	
Have other investigations taken place to explain the subsidence	The applicant has submitted evidence supporting the claim that damage is related to moisture uptake from nearby trees and on balance the evidence shows a causal link between the trees, the underlying geology, and the damage to the building, negating the need for investigation of alternative causes.

7.0 Member Representations

7.1 No formal representation has been received from a member.

8.0 Assessment

8.1 Planning Considerations

Amenity - Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?

- i. What is the justification
- ii. Is there a financial consideration
- iii. Is there a health and safety consideration
- iv. Does the nuisance out way the benefit of retention

8.2 Officer Assessment

Amenity – The pleached limes that surround NIAB and line Howes Place make a significant heritage and amenity contribution to the character and appearance of Howes Place. Howes Place is however a private, no-through road and the trees are necessarily managed to control their size. The wider contribution the trees make to the surrounding area is therefore more limited.

Condition/Nuisance - Section 14.-(1)(a)(ii) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that nothing shall prevent the cutting down, topping, lopping or uprooting of a tree in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However when deciding what

is necessary to prevent or abate a nuisance consideration should be given to steps other than tree work.

Justification for Works – It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 18 Howes Place.

Damage in the form of cracking is evident throughout the property internally and externally. The timing of the damage, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced. Foundations are bearing on a clay subsoil with a high potential for volumetric change relating to changes in soil moisture. Conditions necessary for clay shrinkage subsidence to occur related to moisture abstraction by vegetation have been confirmed by site investigations and the testing of soil and root samples. Roots from lime trees were recovered from samples in TH2, at the front of the house. The subject trees are located to the front of the property. Level monitoring has recorded a pattern of seasonal soil drying below the property foundations. Following initial reporting of damage trees including ash and false acacia were removed. Movement to the front of the property has continued since these trees were removed.

8.3 Observations and Implications

The tree team is satisfied that the evidence provided supports the claim that trees are a causal factor in damage to the subject property and that the work proposed will remove the trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out. Officers are also of the opinion that the risk of heave associated with the trees' removal is minimal.

Alternatives to tree work may be possible but information in this regard has not been provided. Alternative solutions are expected to be more costly and could have financial implications for Cambridge City Council if permission for tree removal is not granted. The trees are, however, located in third party property and, notwithstanding any permission granted by the council, permission from the property owner will be required before their trees may be lawfully removed. If it is determined by committee that sufficient evidence has been presented to support the application to fell the trees and permission from the council is subsequently granted, the tree owner is not legally obliged to carry out the work or permit its completion and could consider alternatives to minimising the influence of their trees on the property.

9.0 Recommendation

Grant consent subject to replacement planting conditions.

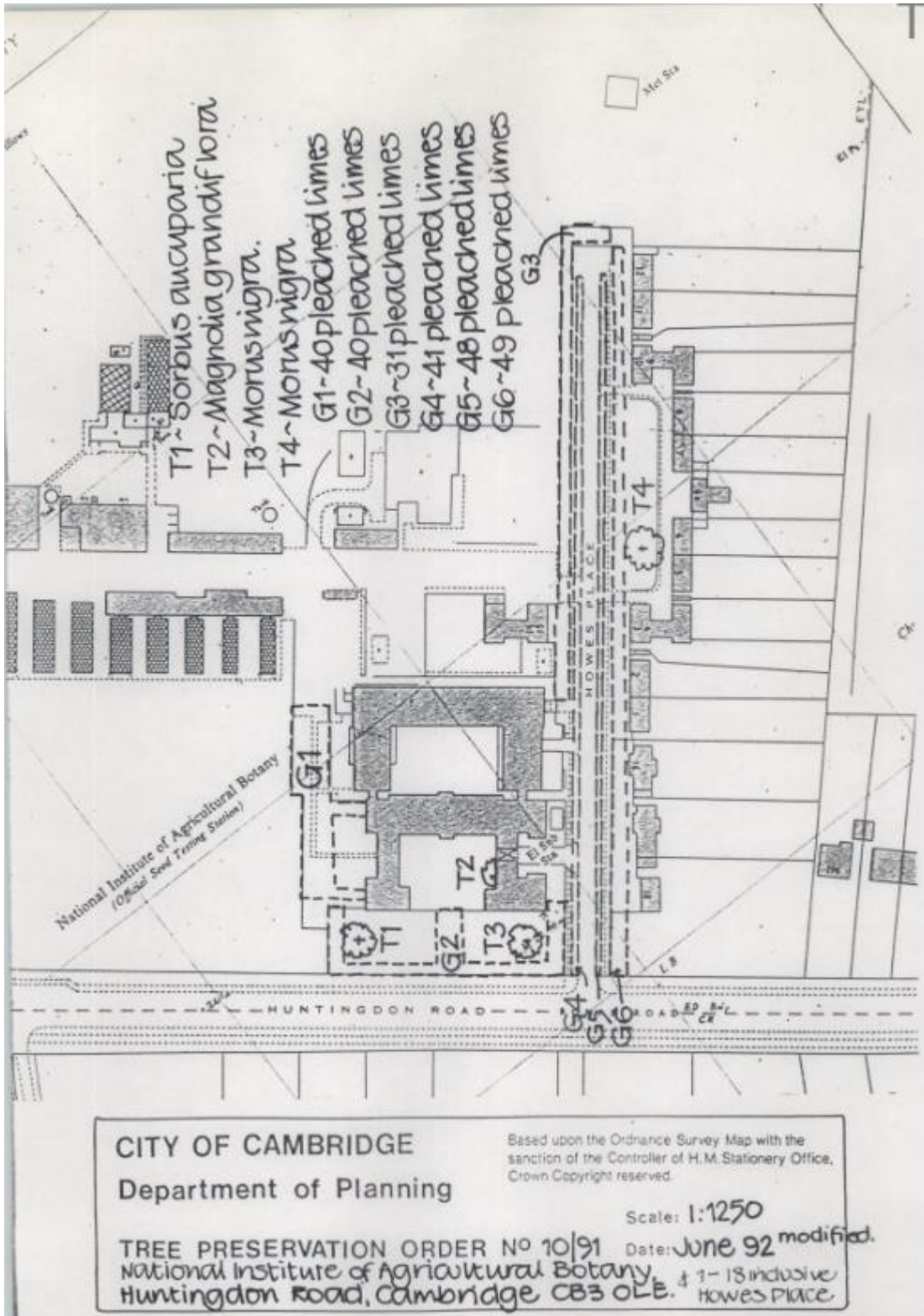
Background Papers:

The following list contains links to the documents on the Council's website.

- 23/0159/TTPO

Appendix A TPO Plan

Appendix B Tree location and photos



TPO Plan 10/1991

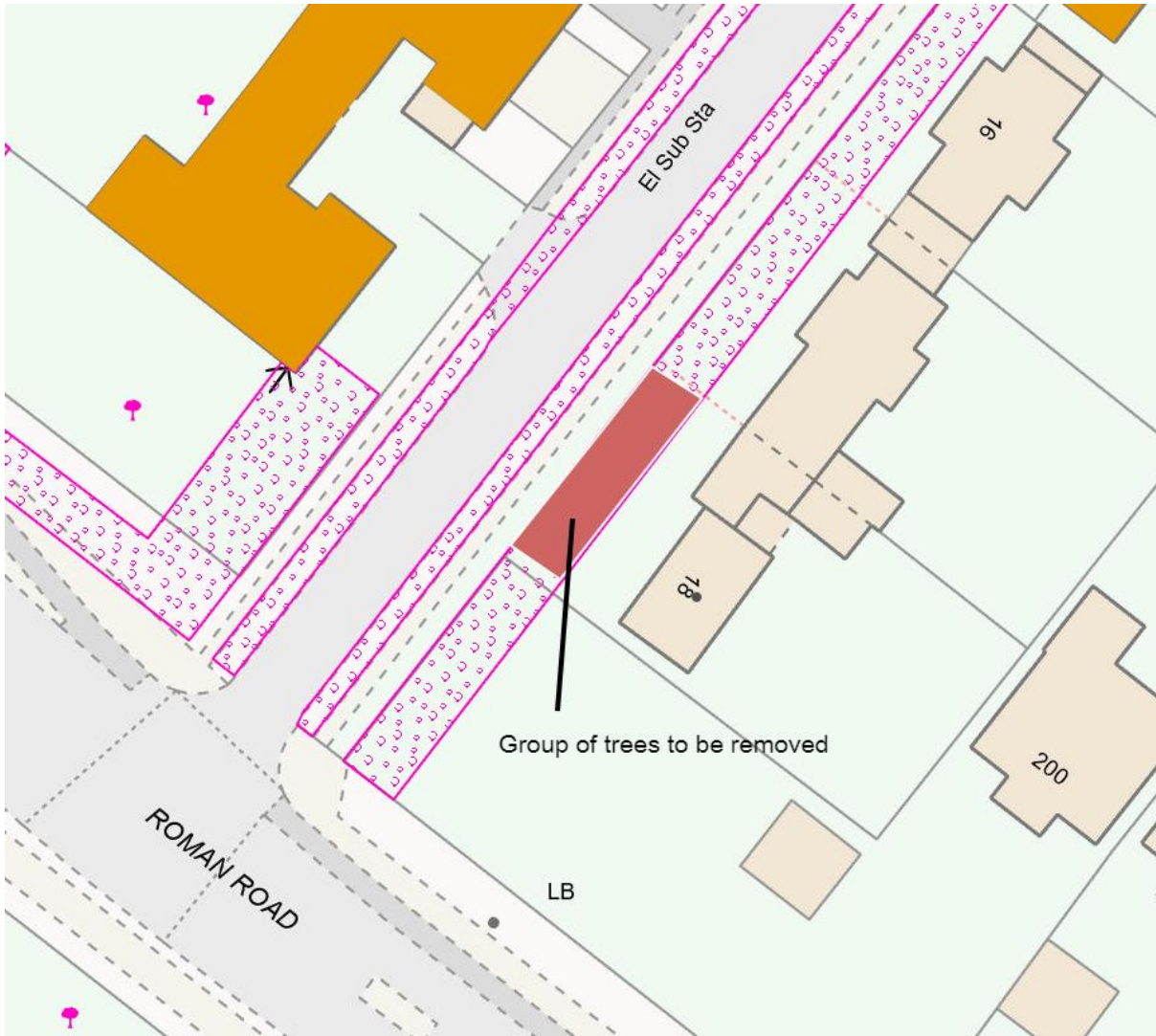
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View of the TPO group G5 with G6 shaded to the right.



View of G4, G5 and G6 from Huntingdon Road.





Planning Committee Date	1 November 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/02071/S73
Site	104 - 112 Hills Road Cambridge Cambridgeshire
Ward / Parish	Petersfield
Proposal	<p>S73 planning application pursuant to ref.20/03429/FUL (original planning permission) for the following:</p> <ol style="list-style-type: none">1.Variation to Condition 2 (approved drawings) to allow for the following amendments to the scheme: a) reduction in basement dig, b) a reduction in car parking spaces, c) improved cycle parking, d) relocation of servicing and loading to basement level, e) additional lower ground area for market hall, f) substitution of part roof plant enclosure for office space on both buildings, and g) improved quality of public realm and landscaping enhancements including additional mature tree planting.2.Variation to effect discharge of planning Conditions, 5 (Traffic Management Plan), 6 (Hydrogeological Matters), and 9 (Tree protection methodology).3. Variation to revise planning condition 8 (Sustainable Urban Drainage) to allow demolition in advance of detailed SUDS information being provided.
Applicant	Socius and Railway Pension Nominees Limited

Presenting Officer	Cuma Ahmet
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	Design & Landscape Townscape, Visual Amenity and Heritage Transport, Highways & Parking Sustainable Design
Recommendation	APPROVE subject to conditions.

1.0 Executive Summary

- 1.1 This Section 73 (minor material amendment) application is made pursuant to the original planning permission ref. 20/03429/FUL (hereafter referred to as the “extant scheme”) which was granted on appeal on 21 March 2022 (PINS Ref: APP/Q0505/W/21/3282911).
- 1.2 In summary, the extant scheme allows for the redevelopment of the existing site (excluding Botanic House) for 2 no. new commercial buildings of 5 and 7 storeys respectively to provide flexible B1(a), B1(b), A1, A2, A3 uses on the ground floor and Class B1(a) and B1(b) on the upper floors. A new basement including mezzanine; the refurbishment of the Flying Pig public house; and the creation of new public realm and landscaping form the remaining parts of the same scheme. The full development description is provided in paragraph 3.2 of this report.
- 1.3 This Section 73 application essentially seeks to vary condition 2 (approved drawings) including the discharge and/or variation of relevant pre-commencement planning conditions.
- 1.4 The amendments seek permission for design refinements including: a reduction in the basement dig; reduction in car parking; improved cycle parking; relocation of servicing and loading from the ground level into basement level; additional lower ground space for food and beverage use; substitution of plant roof enclosure for office spaces across both buildings; and improved public realm and landscaping.
- 1.5 These amendments are predicated upon the Applicant’s stated vision for the site, which is “*to deliver the most sustainable and intelligent new-build speculative office buildings outside London in the UK.*”
- 1.6 The proposed amendments introduce key improvements that would positively enhance the design and function of the development. These changes are considered minor in their individual and collective parts yet make further significant strides in delivering an exemplar performing sustainable office-led scheme for Cambridge.
- 1.7 The existing S106 benefits of the extant scheme are still secured under the terms of this Section 73 and together with the reimposition of planning conditions would ensure the original scheme, as amended, can be delivered. Accordingly, the application is recommended for approval.

2.0 Site Description and Context

Conservation Area	X	Historic Park and Gardens (Re. Botanic Gardens adjoining to west)	X
Air Quality Management	X	Controlled Parking Zone	X
Area of Major Change	X	Safeguarded Pubs	X

Cambridge Airport Safeguarding Zones	X	Opportunity Area	X
Grade II listed Cory Lodge	X		

*X indicates relevance

- 2.1 The site is currently comprised of 5 buildings; Betjemen House, Francis House, Ortona House, The Flying Pig public house and a multi-storey car park. There is some surface level car parking at the northern end of the site. Betjemen House is a 3 storey buff brick building set back from the road frontage bordering the western boundary. The Flying Pig public house, Ortona House and Francis House all front onto Hill Road with minimal setback from the street. Francis House is 3 storey 'U' shaped red brick office building with a grey profiled metal mansard roof. The multi-storey car park sits to the rear of Francis House and is constructed of similar materials. Adjoining Francis House to the north is Ortona House which is 4 storeys constructed in a mix of stone cladding and yellow brick and lead porch extending across the ground floor face. The Flying Pig is a 2 storey Victorian era pub with slate roof, blue rendered frontage and walled beer garden to its rear.
- 2.2 The site has 3 vehicle access points into the application site, one along the southern boundary serving the multi-storey car park, one for the Flying Pig and one to the ground level car park which is shared by Botanic House and Betjeman House.
- 2.3 Hills Road is a primary distributor single carriageway road and is one of the major routes into Cambridge. The carriageway includes a mandatory (northbound) and advisory (southbound) cycle lane in each direction. The signalised junction with Station Road and Hills Road is in close proximity to the northeast of the application site.
- 2.4 The character of the area is mixed in terms of land use and built form. The scale of buildings in the immediate context of the application site ranges from 2 to 7 storeys. The terraces opposite are of a finer urban grain and domestic scale however, this quickly transitions to the coarser grain of a larger scale such as Kett House and Botanic House which is directly adjacent to the application site. The area east of the application site contains the more recent development known as CB1. Areas to the north are predominantly traditional residential terrace housing, save for the development along Hills Road which varies in character. The open space of the Botanic Garden adjacent to the application site spreads to the west as far as Trumpington Road and south of the application site where it abuts Hills Road. Beyond the Botanic Gardens to the south is predominantly a pocket of residential development, although this is interspersed with some commercial offices towards Hills Road.

- 2.5 The application site lies within the New Town and Glisson Road Conservation Area and adjacent to the Cambridge University Botanic Gardens which is a Grade II* registered park and garden.
- 2.6 The application site is located approximately 500m walk from Cambridge railway station and guided busway and is 1km walk from the city centre. The site is well connected with cycle paths and footways and there are also bus stops within 50m both north bound and south bound directions along Hills Road as well as Station Road.
- 2.7 The application site is also located within a Controlled Parking Zone and there are other residents parking schemes surrounding it. The nearest on street parking (pay and display) is located in Shaftesbury Road which is approximately 500m walking distance southwest of the site.

3.0 The Proposal

3.1 This Section 73 (minor material amendment) application is made pursuant to the parent planning permission ref. 20/03429/FUL, the extant scheme, which was granted on appeal on 21 March 2022 (PINS Ref: APP/Q0505/W/21/3282911). The Appeal Decision is appended in full at Appendix 1 of this officer report.

3.2 For clarity, the full description of development under the extant scheme includes:

- 1) The demolition of Betjeman House, Broadcasting House, Ortona House, Francis House, and the rear multi-storey carpark to Francis House, together with existing refuse and cycle stores; to allow for construction of two new commercial buildings of five and seven storeys respectively, providing flexible B1(a), B1(b), A1, A2, A3 uses on the ground floor and Class B1(a) and B1(b) on the upper floors.*
- 2) The construction of basement with mezzanine level to provide for building services, cycle parking and car parking for the proposed commercial buildings, cycle and car parking spaces for Botanic House and services for Flying Pig Public House.*
- 3) The refurbishment of the Flying Pig Public House at 106 Hills Road, including demolition of part single/part two storey outrigger and single storey store, alterations to elevations, construction of extension to enable level access and layout pub garden.*
- 4) Creation of new public realm and landscaping, incorporating segregated vehicular and cycle access from Hills Road, a new access to service areas and substations, and taxi drop off for both the development proposed and existing Botanic House.*

3.3 This Section 73 planning application is comprised of two main parts; the first part involves amendments to approved drawings under condition 2;

and the second part involves the discharge and/or variation of pre-commencement planning conditions.

- 3.4 For avoidance of doubt, none of the proposed amendments to be considered under this Section 73 application would directly affect the Flying Pig public house, which is to be retained in accordance with the requirements of the extant scheme.
- 3.5 Part 1 of this application seeks to vary condition 2 (approved drawings) of the extant scheme. The amendments include:
- a) reduction in basement dig;
 - b) reduction in car parking spaces;
 - c) improved cycle parking;
 - d) relocation of servicing and loading to basement level;
 - e) additional lower ground area for Market Hall;
 - f) substitution of part roof plant enclosure for office space on both buildings; and
 - g) improved quality of public realm and landscaping enhancements including additional mature tree planting.
- 3.6 Parts (a-e) comprises changes at basement level; part (f) comprises changes at 5th and 7th floors (respective roof levels of each building); and part (g) comprises external changes at ground level within the open spaces. These changes are described further in the order they are indicated above.

Basement level

- 3.7 The proposed changes at basement level involves reducing the extent of the dig by c.1.15m resulting in a reduced basement height of c.7m (measured lowest to highest outer part of concrete slabs) compared to c.8m as is approved. The removal of the secondary ramp access for cyclists and reduction in car parking (as consented) would allow for the consolidation of additional plant and buildings services equipment from upper levels and creation of a new loading bay area for delivery and servicing vehicles.
- 3.8 Car parking spaces are wholly located to the lower ground level and are accessible via the road ramp off Hills Road. The total parking provision in the amended scheme is 72 spaces, reduced from 200 spaces in the extant scheme. Electric charging infrastructure is provided for 58 spaces at first occupation stage with expandable capacity to all 72 spaces in future. 4 parking spaces (inclusive of the 72) are assigned for disabled users.
- 3.9 Cycle access into the basement will be facilitated via (secure) separate entrances at ground level to each building. Total provision for cycle parking is proposed to increase from 1406 to 1428 spaces, organised across both lower, mezzanine and ground levels, including retention of a

bike repair/service facility. Parking spaces for motorcycles remain in the lower basement area where total provision increases from 9 (as approved) to 17 spaces.

- 3.10 Changing and shower facilities are retained at mezzanine level. Further ancillary space for food and beverage (Market Hall) has been created in both lower and mezzanine levels of the basement.

Ground level

- 3.11 The amendments at ground level comprise both internal and external related changes. They include:
- dedicated new cycle accesses into the basement;
 - removal of vehicle delivery/servicing area in between Buildings B and C;
 - new landscaping/public realm space(s);
 - revised cycle parking, e-scooter parking and taxi and servicing arrangements; and
 - internal related changes including new layouts for reception areas, co-working and food and beverage spaces in both buildings.
- 3.12 Dedicated entrances for cyclists are made in both buildings to facilitate the revised means of access into the basement. These new entrances are located directly from the new public realm space and are equipped with automated bike channels and lifts to enable access into basement.
- 3.13 The vehicle delivery/servicing zone located in between Buildings B and C is replaced by soft and hard landscaping including 5no. new trees. Taxi drop-off bays are provided and designed to accommodate secondary delivery/servicing requirements for the development.
- 3.14 Internal related amendments include enlarged areas for both food and beverage (Market Hall) and co-working. The proposed removal of the secondary cycle ramp has enabled a reconfiguration and enlargement of the ground floor area of Building C (to its south side) to facilitate increased co-working space(s).

Roof level

- 3.15 The reduction in plant space at 5th and 7th floors of both Buildings C and B are respectively substituted for additional office space (facing west onto Botanic Gardens).

Highways

- 3.16 To facilitate the revised access arrangements, the location of the original toucan crossing is proposed to be repositioned to the north in line with the future cycle/pedestrian desire lines. As a consequence, the southbound bus stop would remain in its current position.

Pre-commencement conditions

- 3.17 In addition to the above amendments, the application also proposes to discharge and/or vary the relevant pre-commencement planning conditions to facilitate demolition and construction of the basement:
- a) Discharge planning conditions, 5 (Traffic Management Plan); 6 (Hydrological/hydrogeological matters); and 9 (Tree protection methodology).
 - b) Revise wording in planning condition 8 (Sustainable Urban Drainage) to allow demolition in advance of detailed SUDS information being provided.
- 3.18 Where conditions details have been agreed, they will again be reimposed and reworded on any new decision notice as necessary.
- 3.19 Further amendments have also been made to reflect the substitution of 2-tier cycle parking stands with Sheffield stands; and amendments to the traffic and construction management plans and highway related arrangements which seek to address the concerns of the Local Highway Authority (LHA).
- 3.20 An Environmental Impact Assessment (EIA) Statement of Conformity (SoC) has been prepared to support this Section 73 application, with the main intention to confirm that there are no significant environmental effects beyond those identified in the original EIA (dated February 2020) and subsequent Addendum (dated November 2020) which accompanied the original planning application made under 20/03429/FUL. Officers will consider the additional information made in the SoC to determine whether any additional significant effects would arise from the proposed amendments.
- 3.21 The Section 73 application has been subject to pre-application discussions and officer advice prior to a formal planning application being made. The proposed scheme amendments were also presented to ward and some committee members prior to its formal submission.

4.0 Relevant Site History

- 4.1 20/03429/FUL: *(see para.3.3 above for full development description)*. Granted on appeal March 2022 – PINS Ref. APP/Q0505/W/21/3282911. A copy of the Inspector's decision letter is attached at Appendix 1.
- 4.2 19/1722/SCOP: Scoping Opinion for EIA development. Issued February 2020.
- 4.3 11/0534/FUL: Variation of planning permission 08/1058/S73 to allow class B1 use on ground floor of building D (Phase 1: Office). Granted July 2011.

- 4.4 09/1177/EXP: Extension of time for implementation of 06/0552/FUL- redevelopment to provide mixed use scheme only. Granted June 2010.
- 4.5 08/1058/S73: Variation of conditions 2, 5, 6, 7, 10, 11, 12, 14, 16, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34 and 37 for planning permission 06/0552/FUL to allow the office element of the approved scheme to be constructed as the first phase of the development. Granted October 2008.
- 4.6 06/0552/FUL: Redevelopment to provide mixed use scheme comprising 156 residential units (including 40% affordable housing); B1 office use; retail / food and drink (Classes A1; A3 and A4 uses, including retention of 'Flying Pig' Public House), and new community use, together with associated basement car parking and servicing; amenity space (external and internal) with associated hard and soft landscaping; including re- location of the war memorial and provision of public art respectively. Granted August 2007.
- 4.7 05/0847/FUL: Redevelopment to provide mixed use scheme comprising 188 residential units; B1 office use; retail/food and drink (Classes A1; A3 and A4 uses), together with associated basement car parking and servicing; and two new public open spaces with associated hard and soft landscaping; including relocation of the war memorial. Refused and appeal withdrawn August 2007.

5.0 Policy

5.1 National

National Planning Policy Framework 2023
 National Planning Practice Guidance
 National Design Guide 2021
 Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
 Equalities Act 2010
 Planning and Compulsory Purchase Act 2004
 Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
 Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
 Policy 2: Spatial strategy for the location of employment development
 Policy 5: Sustainable transport and infrastructure
 Policy 8: Setting of the city
 Policy 9: Review of the Local Plan
 Policy 10: The City Centre

Policy 14: Areas of Major Change and Opportunity Areas
Policy 21: Station Areas West and Clifton Road
Policy 25: Cambridge Railway Station, Hills Road Corridor
Policy 28: Sustainable design and construction, and water use
Policy 29: Renewable and low carbon energy generation
Policy 30: Energy-efficiency improvements in existing dwellings
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 33: Contaminated land
Policy 34: Light pollution control
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust
Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding
Policy 40: Development and expansion of business space
Policy 42: Connecting new developments to digital infrastructure
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 60: Tall buildings and the skyline in Cambridge
Policy 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 67: Protection of open space
Policy 68: Open space and recreation provision through new development
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 71: Trees
Policy 76: Protection of public houses
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management
Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.3 **Neighbourhood Plan**

N/A.

5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022
Cambridgeshire Flood and Water SPD – Adopted November 2016
Sustainable Design and Construction SPD – Adopted January 2020

5.5 **Other Guidance**

New Town and Glisson Road conservation area

6.0 Consultations

6.1 County Highways Development Management – Objects

1st Comment (04/07/23)

6.2 Objects for the following reasons:

-Proposed re-design of agreed highway works along Hills Road need to be subject of a Stage 1 Road Safety Audit. Any problems identified should be fully resolved before the planning application is determined.

-Proposed works on Hill Road result in a reduction in the width of the footway in favour cyclists, which conflict with the user hierarchy where pedestrians have primacy.

-Lack of head room and turning area attend of access ramp for some servicing vehicles may result in reversing manoeuvres to detriment of highway safety;

-Format and content of Traffic Management Plan (TMP) is unacceptable particularly in relation to a lack of mention to delivery times; details for pedestrians and cyclists during work stages; clarity around the guided busway; and information relating to hoardings and contractor parking.

2nd Comment (19/10/23)

6.3 Revised Traffic Management Plan (Version 7, dated 11th September 2023) are acceptable subject to an appropriately worded condition to ensure compliance.

6.4 LHA officers will provide a further update on Stage 1 Road Safety Audit for council officers before the meeting.

6.5 County Transport Team – No Objection

6.6 The reduced parking in this central location is appropriate as this reduces the vehicle trip generation of the site. Modal share for car drivers (17%) and walking, cycling and public transport (80%) are also agreed.

6.7 The reduction in onsite car parking will result in trip rates of 30 vehicles inbound in the AM peak and 25 outbound in the PM peak, both of which is agreed.

6.8 The revised scheme will result in a trip generation of 62 cycles arriving in the AM peak and 299 departures in the PM peak, similar to the consented scheme.

6.9 The increased provision for cycle parking exceeds policy requirement of 1 space per 30sqm and will therefore provide a higher proportion of

employees to cycle to work. The location of cycle parking, the means of access into the basement including provision for showers and lockers are appropriate and would encourage staff to cycle to work.

6.10 Objectives and targets for the Travel Plan (TP) are agreed.

6.11 The highway related mitigation package for Hills Road Toucan crossing and Hills Road/Station Road related junction and public realm improvement works should be retained as with the original S106.

6.12 **Lead Local Flood Authority – Objects**

1st Comment (10/07/2023)

6.13 Objections to discharge of Condition 8 (SuDS) on a range of technical grounds. No comments made on Conditions 6 (Hydrogeological matters).

2nd Comment (03/08/2023)

6.14 No objection in principle to the variation of wording for Condition 8 (SuDS) subject to 2 conditions:

- Updated wording to prevent laying/creation of new hard surfaces until detailed design of surface water drainage is submitted and agreed in writing by the LPA.
- No development or preparatory works to commence until details of measures indicating how additional surface run-off water will be avoided during construction.

3rd Comment (29/09/2023)

6.15 Letter confirms that the variation of Condition 8 (SuDS) is agreed as per its previous advice. Further clarification under covering email confirms the recommended condition relating to measures to avoid additional surface water run-off (indicated in paragraph 6.12 above) can be dealt with under part (L) of condition 4 and therefore can be removed as requirement in the event planning permission is given.

6.16 However, it cannot recommend the discharge of Condition 6 (Hydrological/hydrogeological matters) and requests further clarifications and information from the Applicant's consultants.

6.17 **Environment Agency – No Objection**

6.18 No comment to make on amendments. Refer to previous advice dated 25/08/20 which it considers remains pertinent to this application.

6.19 **Cambridge City Airport – No Objection**

- 6.20 Requests include planning conditions relation to a Bird Hazard Management Plan and Glint and Glare Assessment before commencement of development.
- 6.21 Applicant's attention is also drawn to British Standard Code of Practice for the safe use of cranes during construction.
- 6.22 **Design Out Crime Officer (Crime Prevention Design Team) – No Objection**
- 6.23 The DOCO encourages the Applicant to submit a Secure by Design commercial application as it considers the proposed development could attain the award with consultation. Additional recommendations are also provided in relation to improving safety and security features of the building design post planning.
- 6.24 **The Gardens Trust – No Comment**
- 6.25 No comment on proposals at this stage.
- 6.26 **Historic England – No Comment**
- 6.27 Recommends officer to seek the internal advice of their own specialist conservation and archaeological officers.
- 6.28 **Cambridge Cycling Campaign (Cam Cycle) – No Objection**
- 6.29 Support 100% Sheffield Stands types and total quantum of cycle provision.
- 6.30 **Urban Design and Conservation Team – No Objection**
- 6.31 The Urban Design Officer indicates that the proposals present an overall improvement on the original scheme and are supported. Detailed material specifications should however be provided as per the current consented position.
- 6.32 The Conservation Officer comments that it considers the proposals will preserve and enhance the character or appearance of the conservation area although recommends that a planning condition is included that would deal with controlling the potential effects of external light (from the rooftop office and planting areas) spilling onto Botanic Gardens.

6.33 **Senior Sustainability Officer – No Objection**

6.34 The energy strategy for the scheme remains unchanged and improvements in operational energy use is welcomed.

6.35 The passive design measures for the scheme are clearly illustrated in the Design and Access Statement and are also welcomed.

6.36 The Applicant's commitment to achieving all 5 Wat01 (Water) credits as part of the overall approach to achieving a BREEAM outstanding rating is supported. Rainwater harvesting and greywater recycling, targeting the RIBA 2025 water efficiency target of 13 litres/person/day with an aspiration to achieve the RIBA 2030 target of 10 litres/person/day is welcomed.

6.37 The approach being taken to enhancing the sustainability credentials of the proposals as part of this Section 73 application are fully supported.

6.38 **Landscape Officer – No Objection**

1st Comments (06/07/2023)

6.39 Further design and future maintenance details are requested to be secured by planning condition in respect of the proposed green wall at the security office entrance of Building C should planning permission be given.

2nd Comments (02/10/2023)

6.40 The additional information provided by Robert Myers Associates (Landscape Consultants) dated 26th July 2023 in relation to the design and future maintenance of the proposed green wall are acceptable. The recommended planning condition mentioned can now be excluded.

6.41 **Ecology Officer – No Objection**

6.42 **Tree Officer – No Objection**

6.43 Amendments will have no increased impacts on existing trees.

6.44 Both Arboricultural Method Statement (AMS) and Tree Protection Plan submitted pursuant to condition 9 (AMS) can be discharged as part of this S.73 application.

6.45 **Environmental Health – No Objection**

6.46 Welcomes the reduction in car parking spaces. All planning conditions as recommended by the Planning Inspectorate would remain applicable to this amendment application.

7.0 Third Party Representations

7.1 2 no. representations have been received in objection raising the following issues:

- Substantial increase from 4 to 7 storey development.
- Overbearing on Botanical Gardens and Flying Pig public house.
- Occupier demands advanced consultation during demolition and construction periods.

7.2 The Cambridge Botanic Gardens (CBG) has also commented on the application. They do not object in principle to the proposed changes although request that any root pruning or crown reduction to trees within the Botanic Gardens are carried out in consultation and agreement with CBG. Separate observations in respect to Party Wall Agreements along its shared boundary are also made.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 Planning Background

8.2 Planning permission (20/03429/FUL) was granted on appeal in March 2022 for the redevelopment of the site for 2no. commercial buildings of 5 and 7 storeys including basement for car and cycle parking and associated building services; refurbishment of the Flying Pig Public House; and landscaping and new public realm (see paragraph 3.1 and 3.2 above for full description of proposals/details).

8.3 None of the planning conditions imposed under the extant consent to date have been discharged. However, as mentioned in Section 3 of this report, part of this Section 73 application also includes information that address specific pre-commencement conditions that would be triggered by implementation of any future planning permission given in this instance.

8.4 Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306].

8.5 The applicant has sought to amend condition no.2 (approved drawings) attached to the extant consent by seeking to make minor material amendments. Planning Practice Guidance advises that there is no

statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development that is not substantially different from the one which has been approved. [Paragraph: 017 Reference ID: 17a-017-20140306].

- 8.6 Case law has established the test which governs Section 73 cases is to be found in R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application." (para. 33).
- 8.7 Where an application under Section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].
- 8.8 Through the proposed variation to approved drawings under condition no.2 of planning permission 20/03429/FUL, the following amendments are sought:
- a) reduction in basement dig;
 - b) reduction in car parking spaces;
 - c) improved cycle parking;
 - d) relocation of servicing and loading to basement level;
 - e) additional lower ground area for Market Hall;
 - f) substitution of part roof plant enclosure for office space on both buildings; and
 - g) improved quality of public realm and landscaping enhancements including additional mature tree planting.
- 8.9 Members should note that the development (as approved) would remain unchanged in nature as a result of the proposed amendments and accordingly it will not be necessary to revisit elements previously considered such as: the principle of development, mix of uses, and viability of the Flying Pig public house. These issues were considered under the extant scheme (20/03429/FUL) that was subsequently granted on appeal and there has been no material change in material planning considerations to suggest that these issues should be revisited. The issues considered can be read in the Appeal Decision at Appendix 1 as stated.
- 8.10 This report will instead focus on assessing those matters that are potentially affected by the proposed amendments. In this case, the main matters for consideration are:
- Design, Layout, Scale and Landscaping;

- Townscape, Visual Amenity and Heritage;
 - Highways and Parking;
 - Flood Risk and Drainage; and
 - Carbon Reduction and Sustainable Design.
- 8.11 Other areas of limited impact but of important relevance are grouped together under ‘miscellaneous’.
- 8.12 **Design, Layout, Scale and Landscaping**
- 8.13 The proposed reduction in the ‘dig’ depth of the basement does not fundamentally affect the siting, massing, footprint or height of the buildings as approved under the extant consent. This amendment would enable the Applicant (in part) to shorten the overall construction period including supporting the Applicant’s overarching sustainability objectives, e.g. reducing embodied carbon.
- 8.14 The extension of the ground area footprint of Building C by c.300sqm GEA (to its south), facilitated by the removal of the secondary cycle ramp, would have minimal impact in respect of the scale, mass and footprint. The new footprint effectively infills the existing void beneath the overhang of the first-floor level and for that reason can be considered a minor change to the extant scheme design.
- 8.15 The revised route for cycle access and reorganisation of loading and unloading and refuse collection from within the basement would have notable and positive effects on the function of the ground level layout and in particular the landscaped public realm.
- 8.16 At present, the current extant scheme design provides a vehicle servicing/delivery zone (for the purpose of loading and unloading vehicles) in between Buildings B and C. The proposed repurposing of this area as the primary route for cyclists and pedestrians along with associated landscaping changes which includes the planting of 5no. new trees, planted beds beneath, new timber seating and extension of the private garden (west), are all considered improvements to the extant scheme design. The overall amount of public realm would increase by 16% as a result of the relocation of the service area alone when compared to the extant scheme.
- 8.17 Parking facilities for e-scooters and Sheffield Stands for visitors would be retained across the amended public realm areas as previously approved.
- 8.18 The area between Building C and Botanic House remains an amenity space for visitors and office workers with tree planting, cycle parking and seating areas all retained. Taxi rank locations remain as approved although their design has been amended to reduce the impact on the public realm and proposed tree planting onto Hills Road.

- 8.19 The landscape design officer is satisfied with the proposals for a new green wall located to southeast corner of Building C.
- 8.20 The proposed amendments to the landscape strategy are acceptable. Details requiring hard and soft planting information are re-imposed (Condition 18).
- 8.21 Internal layouts in both buildings have been further optimised resulting in increased floor areas for food and beverage (F&B) and office/co-working space uses. The increase in floor areas are mainly due to changes in the ground floor layouts (relocated servicing/loading areas, relocated bike access and reduced reception areas and consolidation of F&B) and additional office space in 5th and 7th floor levels of both buildings.
- 8.22 The aforementioned new office spaces at 5th floor (Building C) and 7th floor (Building B) will be expressed externally by using vertical fins and spandrel panels to assist with controlling solar gain. The façade strategy for these new spaces would tie in with the existing façades and roof plant (as approved) and are therefore considered acceptable. Details of all external facing materials were previously secured under the extant consent and would similarly be carried across should members grant planning permission to this Section 73 application (Conditions 10, 12, 13 and 14).
- 8.23 Concern raised by the conservation officer in relation to external light spill onto Botanic Gardens would be controlled through appropriately worded planning condition should Members be minded to grant planning permission (Condition 29).
- 8.24 In summary, the proposed amendments would not impact the design, scale and layout of development as originally approved. The revised access arrangements for cyclists and the relocation of servicing/delivery requirements into the basement would significantly improve the quality and experience of the public realm. Subject to conditions, the proposed amendments would comply with Cambridge Local Plan (2018) policies 55, 56, 57, 58, 59, 60, 61 and 62 and the NPPF.
- 8.25 **Townscape, Visual Amenity and Heritage**
- 8.26 Matters relating to siting, scale, massing, height and design of the development (as approved) and its related effects on the character and appearance of the New Town Glisson Road Conservation Area (CA) and the setting of the Grade II* Registered Park and Garden (RPG/Botanic Gardens) and Grade II listed Cory Lodge (within Botanic Gardens) were considered in detail by the Planning Inspector between paragraphs 21-45 (see Decision Letter at Appendix 1). The effects of the proposed Section 73 minor amendments in relation to townscape, visual amenity and heritage matters is considered below.

- 8.27 The infill of the ground floor area within Building C would increase the net internal volume (or area) of usable space. However, the external effects of this change on townscape, heritage and visual amenity is considered to be neutral. Accordingly, this amendment does not increase harm and would continue to maintain the character and appearance of the CA, and the settings of Grade II* RPG and Grade II listed Cory Lodge.
- 8.28 The effect of the amendments at the ground level is neutral and does not increase harms as originally identified and would continue to maintain the character and appearance of CA, and the settings of Grade II* RPG and Grade II listed Cory Lodge.
- 8.29 The reduction of roof plant and introduction of new offices to the rear of Buildings B and C (7th and 5th floors respectively) with the associated new facades and terrace access would not cause any additional harm to townscape, visual receptor or heritage assets and is a neutral impact. Acknowledging the sensitivity of views from Botanic Gardens and Cory Lodge, the Applicants have also submitted verified views (Section 5 of the Design and Access Statement) that illustrate that there would be limited changes and /or impacts to visual receptors as originally assessed. Therefore, these amendments are not considered to increase harms and would continue to have the same impact on the character and appearance of CA, and the settings of Grade II* RPG and Grade II listed Cory Lodge as before.
- 8.30 In summary, the proposed Section 73 amendments would not fundamentally affect the siting, scale, massing, height or design of both buildings as already approved. Correspondingly, the impacts on townscape character, visual amenity and heritage resulting from the changes are neutral and therefore are considered acceptable. The Council's conservation, urban and landscape design officers do not object to the amended proposals.
- 8.31 **Highways and Parking**
- Highway Safety & Function
- 8.32 The location of the vehicle access (and ramp) into the basement remains to the south side of the site (as approved) although excludes the connection to the secondary cycle access ramp.
- 8.33 The Applicant has demonstrated through supplementary basement sections and vehicle tracking plans that the largest of delivery vehicles (refuse lorry) would be able to enter and exit the basement safely from Hills Road. The LHA is satisfied with the amended car and cycle access and arrangements.
- 8.34 At the time of writing, the proposed (amended) highway arrangements on Hills Road involving the relocation of the toucan crossing (now sited

centrally between Buildings B and C) including associated minor adjustments to related cycle and pedestrian infrastructure remains the subject of a Stage 1 Road Safety Audit. Officers are working with the LHA and anticipate a resolution will be reached before the meeting takes place. Should the matter not be resolved before then, officers would recommend this matter is delegated to the Development Management and Compliance Manager (East Team) to resolve before planning permission is issued.

8.35 Traffic management details relating to the demolition and construction phases have been provided in accordance with the requirements of condition 5. The LHA has reviewed the information and are satisfied that sufficient measures would be put in place to manage the existing safety and function of Hills Road.

Car Parking

8.36 Both the extant scheme and proposed S73 amended scheme include a parking allocation of 50 spaces for the occupiers of Botanic House which the Applicant is committed to under its existing lease arrangements. The total parking provision approved under the extant scheme design is 200 spaces compared to 72 spaces under the proposed S73 amendments as follows:

Car parking	Botanic House	Buildings B &C	Total
Extant Scheme	50	150	200
S73 Scheme	50	22	72

8.37 The supporting text to policy 82 of the CLP is instructive in determining the appropriate level of parking to be provided.

8.38 Paragraph 9.27 (pgs 236-237) states that the Council:

“...continues to promote lower levels of private car parking in order to help achieve modal shift , particularly for non-residential developments where good sustainable transport alternatives....exist. ”

8.39 Both national and local planning guidance also encourage that a developers approach to parking provision takes into account various local circumstances. Appendix L of the CLP sets out the scope for relevant local circumstances on pages 407-408; these include:

- the location of the development, in terms of whether the site has convenient walkability and cyclability to the City Centre and local/district centres, and whether or not it has high public transport accessibility;
- the type of development (fringe site, infill site etc) – i.e. infill sites are much more likely to be located in areas with existing travel patterns, behaviours and existing controls, and may be less flexible;

- the style of development (houses, flats etc) – evidence shows that houses have higher car ownership than flats, even if they have the same number of habitable rooms; and
 - for developments requiring a transport assessment*, it should be demonstrated that the level of parking proposed is consistent with the recommendations of this transport assessment.
- 8.40 Taking the above guidance into account, the site is clearly and conveniently accessible by both sustainable and active travel modes and together with the existing Car Parking Zone would restrict the desire and/or opportunity to travel by car to site. These factors together with helping reduce congestion and contributing towards better air quality, support the Council's environmental objectives. The level of car parking proposed is acceptable.
- 8.41 The quantum of electric car charging spaces at operational stage together with a commitment to increase provision to all spaces in future would remain a key objective of this application. Officers are fully aware of the potential fire safety concerns relating to enabling of EVCP in enclosed car park areas and therefore are exploring alternative approaches to ensuring the proposed commitment is achievable. Members will be provided with a further update at the meeting.
- 8.42 Disabled parking provision complies with the maximum provisions stated in Table L.9 of the CLP at the outset of development. Future increased provision has not been confirmed although it is expected this can be determined at post application stage via the Car and Cycle Parking Management Plan condition (Condition 47).

Cycle Parking

- 8.43 Cycle parking provision in the basement and ground level public realm are all of the Sheffield Stand type.
- 8.44 The total quantum of cycle provision across basement and ground levels would increase marginally compared to the extant scheme and therefore remains in compliance with minimum cycle parking standards in Appendix L of the CLP.
- 8.45 The replacement of all 2-tier stands in favour of 100% Sheffield Stand provision is welcomed as these are generally more user friendly and provide better security for a range of bicycle types. Spaces for cargo bikes are provided in the basement.
- 8.46 Cycle access into and out of the basement is designed to meet the requirements of all types of cyclists, e.g. 2 x lifts and power assisted 'pullways' along the staircases. The provision of bike repair and changing/showering facilities in the basement are all positive features retained as part of amended proposals.

- 8.47 Future cycle parking management would be secured by planning condition as mentioned in para. 8.45 above.
- 8.48 Officers consider the amended scheme would continue to positively support and encourage cycling to work. The LHA and Cam Cycle have also endorsed the approach to cycle access design. If approved, the proposed approach to the inclusion of cycle parking and its functionality will be an exemplar for Cambridge.

Travel Plan

- 8.49 The Travel Plan information provided with this application is helpful insofar as it clarifies the objectives and targets for encouraging staff and visitors to travel by more sustainable modes to site. However, the details do not need to be considered until first occupation stage as per the requirements of conditions 37 and 38 of the extant consent. Therefore, the details will be considered under separate application via the reimposition of the aforementioned conditions.
- 8.50 Overall, it is considered that a reduction in onsite car parking with commensurate improvements to cycle access design and storage are positive and will support the Council's wider aims and objectives to achieve a modal shift to sustainable and active forms of travel. Members should also note that the approach to reduced parking is consistent with both local planning and transport plan objectives. Similarly, no objections are raised by the LHA in respect to the amended car and cycle access or parking design nor the revised delivery/servicing arrangements.
- 8.51 **Flood Risk and Drainage**
- 8.52 The site flood classification remains within a category 1 which corresponds with the lowest probability of flooding. The proposed uses would also fall within the less vulnerable category which means there is no requirement to apply the Exceptions Test.
- 8.53 Surface water flood risks and the associated drainage strategy are relevant to this Section 73 amendment application insofar as the Applicant's intention to commence demolition triggers condition 8 (SuDS strategy) of the extant scheme.
- 8.54 In summary, the proposed amendments would not increase surface water flood risk. The drainage strategy demonstrates that the Applicant has followed the drainage hierarchy in designing a SuDS scheme for the development which will entail rainwater harvesting, blue and green roofs, rain gardens, permeable paving, onsite water attenuation and controlled discharge into offsite public surface water sewers.

- 8.55 The Lead Local Flood Water (LLFA) are content with the initial approach to drainage insofar as the demolition stage is concerned and subject only to minor rewording of the original condition which will ensure that the final drainage design can be agreed for later stages of the development.
- 8.56 BREEAM credits for flood and surface water management under Criteria POL 03 show that attainable and relevant targets are also being maximised.
- 8.57 Groundwater flood risks have also been addressed by the Applicant's pursuant to condition 6 (Hydrological/Hydrogeological Impacts) of the extant scheme. The assessment acknowledges that groundwater flood risks could potentially be impacted by the construction of the basement and consequently proposes a waterproofing strategy in mitigation.
- 8.58 However, the LLFA is currently unsatisfied with the Applicant's proposed basement design strategy and its potential impacts on groundwater flooding risk. At the time of writing, the Applicant is continuing to work with the LLFA to resolve its concerns. Given that condition 6 remains a technical detail that would need to be satisfied in any event, it is recommended that final resolution of this matter is delegated to the Development Management and Compliance Manager (East Team).
- 8.59 Overall, the submitted drainage information is satisfactory and would allow the demolition stage to commence. Condition 8 (SuDS) would be reimposed in order that the final SuDS design for the development (incorporating the features described above) can be agreed for the later stages of development. It is also recommended that the resolution of the remaining technical issues raised in relation to the discharge of condition 6 is delegated to the Development Management and Compliance Manager (East Team).
- 8.60 **Carbon Reduction and Sustainable Design**
- 8.61 This Section 73 planning application is supported by a Sustainability Statement which has been prepared to demonstrate how the development's design and operational objectives could achieve the Applicant's stated vision which is to deliver *"to deliver the most sustainable and intelligent new-build speculative office buildings outside London in the UK.*
- 8.62 The extant scheme commits the Applicant to achieving BREEAM 'Outstanding' rating and is underpinned through relevant planning conditions (see para. 8.70 below). Notwithstanding the Applicant's commitment to achieving the highest possible sustainability (as approved), the information supporting this Section 73 application provides updates to demonstrate how these initial targets can now be improved upon (where possible).

- 8.63 The key sustainability moves indicated as part of this Section 73 which are relevant includes:
- A reduction in car parking and an increase in cycle parking;
 - A reduction in embodied carbon through a reduction in the depth of the basement. In terms of overall embodied carbon, initial calculations indicate embodied carbon of 498 kgCO₂e/m², which falls between the RIBA 2020 (600 kgCO₂e/m²) and 2030 (350 kgCO₂e/m²) targets for embodied carbon; and
 - An increase in green space and tree canopy cover.
 - All 5 Wat 01 Credits under BREEAM which essentially requires use of water efficient fixtures and fittings and recycling and harvesting of greywater to achieve reduction in potable water consumption. Additional measures under categories WAT 02 (water monitoring) and WAT03 (leak detection) are also committed to as part of the design.
- 8.64 With regard to the energy strategy, this aspect would remain unchanged, e.g. the development would rely on an all-electric approach. However, the Applicant has adopted a revised approach to measuring operational energy use which would translate to a target energy use of 70 kWh/m²/yr with a further aspiration to achieve 55 kW/h/m²/yr. The extant consented scheme currently targets an operational energy use of 130 kW/h/m²/yr which is approximately 45% more. The Applicant's improved target approach to energy use is welcomed by the council's Sustainable Design officer.
- 8.65 The Applicant has also provided additional details on utilising passive design measures to mitigate excess solar gains. The design relies on horizontal and vertical louvres combined with openable windows to enable natural ventilation, an approach that is supported by the Sustainable Design officer.
- 8.66 The Sustainability Statement confirms that all 5 BREEAM water credits (under Wat 01) would continue to be targeted as part of the overall approach to achieving a BREEAM 'Outstanding' rating. Rainwater harvesting and grey water recycling are being utilised to reduce potable water demand including an effort to target RIBA 2025 water efficiency of 13 litres/person/day with an aspiration to achieve the RIBA target 2030 target of 10 litres/per/day. In view of the current water resource situation facing the City, the above commitments improve on current planning policy requirements and therefore are supported.
- 8.67 In order that officers are able to validate the Applicant's stated commitments to achieving a BREEAM 'Outstanding' rating, both conditions 33 and 44 of the extant scheme would be reimposed in any new planning permission granted.
- 8.68 Subject to the abovementioned planning conditions, the proposed sustainability related interventions would remain compliant with Local Plan

policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.69 Miscellaneous Matters

- 8.70 The effects of the proposals on ecology and biodiversity; wind microclimate; and trees within the Cambridge Botanic Gardens are all relevant.
- 8.71 Updated analysis in respect to the effects of the proposals on ecology can be found in the (EIA) SoC and its associated appendix provided as part of this Section 73 application.
- 8.72 In summary, the Applicant concludes that the proposed changes to the basement and internal floors would have no material effect on the previously assessed impacts of the development on ecological features. Officers (including the council's ecologist) do not object to this conclusion.
- 8.73 All relevant ecological mitigations and enhancements previously secured under the extant consent would similarly apply in the event planning permission is given by Members.
- 8.74 Members may recall that wind microclimate effects were similarly considered in the original EIA. The updated analysis confirms that the proposed amendments would not contribute to new and or additional material effects given that there would be no increase in height or massing of the proposed buildings. The updated landscaping strategy continues to provide adequate mitigations for any potential adverse wind effects at ground level. Overall, the wind microclimate effects of the amended proposals are considered acceptable.
- 8.75 Sensitivity of existing trees to development, particularly within the boundary of Cambridge Botanic Gardens, are noted.
- 8.76 The Applicant has provided an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with the details required by condition 9 of the extant planning permission. These remain consistent with the approved Arboricultural Impact Assessment previously submitted under the extant consented scheme. The works and protections indicated are compliant with established British Standard practice (BS 5837:2012) and are not objected to by the council's arboricultural officer.
- 8.77 The Cambridge Botanic Gardens (CBG) comments in relation to the establishing prior agreement to all tree works and protections are matters outside the control of the Council. Officers would expect that the Applicant is fully aware of its legal and practical obligations in that respect although for assurance, officers advise (via an informative on any consent that may

be given) the Applicant liaises with CBG fully before its works onsite commence.

8.78 Environmental Impact Assessment

8.79 The proposed Section 73 amendments have been reviewed against the original topics and issues within the updated (EIA) SoC. Officers consider the updated analysis and recommendations remain valid for the purposes of this amendment application.

8.80 Officers are mindful of the potential impacts of major new developments on water demand and the associated environmental effects. However, it should be noted that both the extant scheme and Section 73 amended scheme are committed to meeting exemplar standards for reducing water consumption. It is equally important for Members to be aware that the Environment Agency has not objected to this Section 73 amendment application which further endorses that the effects on the water environment are acceptable. The site also remains an allocated local plan commitment for comprehensive redevelopment within one of the most sustainable brownfield locations in the City and accordingly should be wholly supported.

8.81 Third Party Representations

8.82 Third party representations received in respect to scale and height have been addressed in Section 8.10 (onwards). The scale and height of development would not materially change under the proposed amendments.

8.83 With regard to the impacts of development on CBG's trees, officers are generally satisfied with the tree protection and associated arboricultural method statement provided pursuant to condition 9. As mentioned above, an informative has been included advising the Applicant to liaise with CBG prior to its demolition works commencing.

9.0 Planning Obligations (S106)

9.1 Members are reminded that the extant consent (20/03429/FUL) was subject to a S106 Agreement dated 09/02/23.

9.2 The existing S106 Agreement (under paragraph 8) prescribes that in the event a planning permission was given under either Section 73 or Section 96A of the Act, all the planning obligations would still apply. Accordingly, a deed of variation in this particular instance would not be required and nor are there any new or varied obligations required as a consequence of the amendments.

9.3 For information only, the S106 planning obligations that would still apply are:

1. Junction Improvement works and related financial contributions – £500,000.
 2. Implementation of a car and electric cycle parking management schemes.
 3. Flying Pig - submission of a business plan for agreement of LPA.
- 9.4 The above planning obligations are necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).
- 9.5 **Planning Balance**
- 9.6 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.7 The proposed amendments introduce a number of key improvements that would positively enhance the design and function of the development. These changes are considered minor in their individual and collective parts yet make further significant strides in delivering an exemplar performing sustainable office-led scheme for Cambridge on previously developed land.
- 9.8 The proposed redesign of the basement level would not result in fundamental changes to the existing scale, mass and height of the buildings as currently approved. No harm to sensitive visual and heritage receptors would arise as a result of the proposed amendments.
- 9.9 The proposed reduction in onsite car parking, improvement to onsite cycle provision and arrival is also positive and would importantly support the Council's wider aims and objectives for promoting sustainable and active travel.
- 9.10 The removal of servicing zone between the buildings into the (redesigned) basement would enhance the quality of the public realm by allowing for additional tree and hard landscaping.
- 9.11 In terms of the overarching sustainability performance, the Applicant has indicated that the development would maintain the baseline target of achieving an 'Outstanding' rating and would seek to exceed these where identified potential credits can be achieved, e.g. through further reductions in carbon emissions and water use.
- 9.12 The proposed amendments are not likely to cause any significant adverse effect on the wider environment as confirmed in the EIA SoC.

- 9.13 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions (as amended).

10.0 Recommendation

10.1 Approve subject to:

-Delegated powers to Officers to determine the further information pursuant to Condition 6 (Hydrological and Hydrogeological Impacts) before planning permission is issued.

-Delegated powers to Officers to resolve the outstanding RSA with the Local Highway Authority before planning permission is issued.

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

-A reasoned conclusion of the significant effects of the development on the environment and the carrying out of appropriate notification under regs. 29 30 in accordance with the Town and Country Planning (EIA) Regulations 2017, delegated to officers.

11.0 Planning Conditions

The standard time limit condition for commencement of development

1. The development hereby permitted shall be begun before 21 March 2025.

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).

The details and drawings subject to which the planning permission is granted

2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos.

18059_(00)_P010 Location Plan P03; 18059_(00)_P020 Site Plan - Existing P00; 18059_(00)_P021 Site Plan - Proposed P01; 18059_(00)_P098 Lower Basement Plan - Proposed P05; 18059_(00)_P099 Basement Mezzanine Plan - Proposed P07; 18059_(00)_P100 Ground Floor Plan - Proposed P04; 18059_(00)_P101

First Floor Plan - Proposed P04; 18059_(00)_P102 Second Floor Plan - Proposed P04; 18059_(00)_P103 Third Floor Plan - Proposed P04; 18059_(00)_P104 Fourth Floor Plan - Proposed P04; 18059_(00)_P105 Fifth Floor Plan - Proposed P04; 18059_(00)_P106 Sixth Floor - Proposed P04; 18059_(00)_P107 Seventh Floor Plan - Proposed P04; 18059_(00)_P110 Roof Plan - Proposed P04; 18059_(00)_P201 Hills Road (East) Elevation - Proposed P04; 18059_(00)_P202 South Elevation - Proposed P04; 18059_(00)_P203 North Elevation (to Botanic House) - Proposed P03; 18059_(00)_P204 West Elevation - Proposed P04; 18059_(00)_P205 South Elevation of Building B - Proposed P04; 18059_(00)_P206 North Elevation of Building C - Proposed P02; 18059_(00)_P210 Hills Road (East) Elevation - Proposed P03; 18059_(00)_P211 Hills Road - 1 500 Proposed Context Elevation (West) P02; 18059_(00)_P212 East and West Elevation - Proposed (No Context) P02; 18059_(00)_P213 North Elevations - Proposed Building B & C (No Context) P02; 18059_(00)_P214 South Elevations - Proposed Building B & C (No Context) P02; 18059_(00)_P302 Longitudinal Section - Proposed P03; 18059_(00)_P304 Cross Section Through Building B - Proposed P04; 18059_(00)_P306 Cross Section Through Building C - Proposed P04; 18059_(00)_P310 Building B Facade P00; 18059_(00)_P311 Building C Facade P00; 18059_(00)_P400 Flying Pig Pub Plans - Proposed P04; 18059_(00)_P401 Flying Pig Pub Elevations - Proposed P02; 18059_(00)_P402 Flying Pig Pub Sections - Proposed P03; 18059_(01)_P010 Site Location Plan P01; 18059_(01)_P100 Existing Site Plan P01; 18059_(01)_P110 Betjeman House - Existing Plans and Elevations P01; 18059_(01)_P120 Ortona House - Existing Plans, Sections, Elevations P01; 18059_(01)_P130 Francis House - Existing Plans P01; 18059_(01)_P131 Francis House - Existing Elevations P01; 18059_(01)_P132 Multi-storey Car Park - Existing Plans + Elevations P01; 18059_(01)_P140 Flying Pig Pub - Existing Plans, Sections, Elevations P01; 18059_(01)_P201 Hills Road (East) Elevation - Existing P00; 18059_(01)_P202 South Elevation - Existing P00; 18059_(01)_P203 North Elevation (to Botanic House) - Existing P00; 18059_(01)_P204 West Elevation - Existing P01; 18059_(12)_P100 Existing Site Plan - Proposed Demolition and Retention P01; 18059_(12)_P110 Betjeman House - Proposed Demolition P01; 18059_(12)_P120 Ortona House - Proposed Demolition Extents P01; 18059_(12)_P130 Francis House - Proposed Demolition Plans P01; 18059_(12)_P131 Francis House - Extent of Demolition P01; 18059_(12)_P132 Multi-Storey Car Park - Proposed Demolition P01; 18059_(12)_P140 Flying Pig Pub - Proposed Demolition and Retention P01; 820_01 (MP) 003 P1 Ground Floor Masterplan General Arrangement; 820_01 (MP) 004 P1 Birds Eye View Masterplan General Arrangement; 820_01 (DP) 002 P1 External lighting strategy; 820_01 (DP) 003 P1 Safe Personnel landing zones; 820_01 (DP) 004 P1 Levels and drainage plan; 820_01 (DP) 006 P1 Soft Landscape Strategy_Ground Floor Overview; 820_01 (DP) 007 P1 Soft Landscape Strategy_Roof Terrace Overview; 820_01 (DP) 008 P1 Furniture Strategy_Overview; 820_01 (DP) 009 P1 Tree Strategy; 820_01 (DP) 010 P1 Tree Pit Extents; 820_01 (DP) 010 P1 Hard Landscape Layout; 764_01 (CD) 002 P1 Botanic Avenue typical bench detail; 764_01 (CD)

003 P1 Roof Terrace typical planter bench detail; 820_01 (SC) 004 P1 Botanic Avenue Section; 820_01 (SC) 005 P1 Hills Road Section; 764_01 (SC) 006 P2 Private Gardens Building B_C; 764_01 (SC) 007 P4 Flying Pig Garden and Building B; 820_01 (SC) 008 P1 Private Gardens to Building B; 820_01 (SC) 009 Roof Terrace Building B typical detail 1; 820_01 (SC) 010 P1 Roof Terrace Building C typical detail 2; 820_01 (SC) 011 P1 Public realm between building B_C; and 07022-A-0102-P0 Hills Road General Arrangement (Option 3).

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.

Pre-commencement conditions

3. Prior to the commencement of the development, a phasing plan shall be submitted to, and approved in writing by, the local planning authority. The approved phasing plan shall include the following:

- 1) Phasing of the demolition of any existing buildings authorised for demolition including elements of the Flying Pig public house.

- 2) Phasing of the construction of the basement, proposed buildings and basement and extensions to the Flying Pig public house.

- 3) Timescales for both demolition and construction phases.

The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure demolition and construction works are phased appropriately in the interests of residential amenity and to provide the best opportunity to reopen the community use (public house) as expeditiously as possible. (Cambridge Local Plan 2018, policies 35 and 76).

4. No development, including demolition, shall commence until a site wide Demolition and Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the local planning authority. The DCEMP shall provide for the following:

- a) Contractors' access arrangements for vehicles, plant and personnel, including the location of construction traffic routes to, from and within the site, details of their signage, monitoring and enforcement measures.

- b) Construction/Demolition works to only be carried out between 0800-1800 Monday to Friday, and 0800-1300 on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with emergency procedures which shall first be submitted to and agreed in writing with the local planning authority.

- c) Delivery times and collections/dispatches for construction/demolition purposes to be carried out between 0800-1800 Monday to Friday, 0800-1300 on Saturdays and at no time on Sundays, Bank or public holidays.

- d) Demolition and/or construction vehicles with a gross weight in excess of 3.5 tonnes to enter or leave the site only between the hours of 0930-15.30, seven days a week.

- e) A Soil Management Strategy, having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228- 1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.
- g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.
- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of the control of dust and emissions during construction and demolition of the Greater Cambridge Sustainable Design and Construction SPD (2020).
- i) Use of concrete crushers.
- j) Prohibition of the burning of waste on site during demolition/construction.
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- m) Screening and hoarding details.
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- p) External safety and information signing and notices.
- q) Implementation of a Stakeholder Engagement / Residents Communication Plan, including response to complaints procedures.
- r) Details of any proposed temporary structures, works, plant or machinery required in relation to construction of the building of more than 30m AOD in height to be submitted and agreed.
- s) Impacts on biodiversity including vegetation clearance on nesting birds, demolition works on potential roosting bats and artificial night time lighting on crepuscular and nocturnal fauna.
- t) Membership of the Considerate Contractors Scheme. Development shall be carried out in accordance with the approved DCEMP.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policies 35 and 37).

5. The development shall be carried out in accordance with the approved Traffic Management Plan (Revision 07, dated 11th September 2023).

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

6. COMPLIANCE CONDITION TBC (Hydrological/Hydrogeological Impacts)

7. No development shall commence until a programme of archaeological work in accordance with a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land included within the WSI, no demolition/development shall take place other than in accordance with the provisions of the approved WSI, which shall include:

- a. statement of significance and research objectives;
- b. programme and methodology of site investigation and recording and the nomination of a competent person(s) or an organisation to undertake the agreed works in the approved WSI;
- c. timetable for the field investigation as part of the development programme; and
- d. programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

Partial discharge of this condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of this condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure appropriate consideration of Cambridge's historic environment in accordance with the Framework and policy 61 of the Cambridge Local Plan 2018.

8. No laying of services, creation of approved permanent hard surfaces (excluding surfaces laid expressly for construction purposes) or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Drainage Strategy, (AKT II Ltd, Rev.P1, 14 April 2023) and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) 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 an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage

system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- h) Full details of the maintenance/adoption of the surface water drainage system;
- i) Permissions to connect to a receiving watercourse or sewer;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

9. The development should be carried out in accordance with the submitted phased tree protection methodology as set out within the Hayden's Arboricultural Method Statement & Tree Protection Plan dated 25.04.2023 (Rev A). The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the local planning authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

Construction stage conditions

10. With the exception of demolition, no development shall take place above ground level in respect of the construction of each building, until details of

the materials for the external surfaces of the building under construction have been submitted to and approved in writing by the local planning authority. The details shall include brick façade system including precast concrete horizontal shading overhang and vertical shading fins, windows (including the level of reflectiveness), balustrades, brick, roof tiles, metal louvred screen and doors, metal louvred plant enclosure. The 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).

11. Prior to the construction of the basement, details of a structural monitoring system to ensure the structural integrity of the Flying Pig public house shall be submitted for the written approval of the local planning authority. The approved system shall thereafter be installed and maintained. Save to the extent permitted by the phasing plan approved pursuant to Condition 3, no demolition of elements of the Flying Pig public house shall take place until the proposed basement has been constructed and those parts of the Flying Pig public house to be retained have been structurally secured.

Reason: To ensure appropriate protection of the public house in accordance with policies 61 and 62 of the Cambridge Local Plan 2018.

12. No brickwork above ground level shall be laid until a sample panel [1.5m x 1.5m] has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning, mortar mix, design and pointing technique for the relevant brickwork. The details shall be submitted to and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes, and development shall be carried out only in accordance with 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).

13. No construction works shall commence above ground level until a large scale, bay-wide panel for the Hills Road façade of Building B has been constructed to demonstrate and detail materials; setbacks/reveals; junctions. The panel shall be constructed on or off site and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes and the development shall be carried out in accordance with 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).

14. No construction works shall commence above ground level until a large scale, bay-wide panel for the Hills Road façade of Building C has been constructed to demonstrate and detail materials; setbacks/reveals; junctions. The panel shall be constructed on or off site and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes and the development shall be carried out in accordance with 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).

15. Prior to construction of the Flying Pig pub garden wall as set out on drawing 764.01 (SC) 007 Rev P4, details of its appearance, method of construction and proposed materials shall be submitted to and agreed in writing by the local planning authority. Where practicable, the materials shall include brick and flint salvaged from the existing right rear boundary wall of the pub garden. The wall shall be constructed in accordance with the approved details and retained in perpetuity.

Reason: In the interests of visual amenity, acoustic performance and local historic character in accordance with policies 35, 55 and 62 of the Cambridge Local Plan.

16. Notwithstanding the submitted plans, no development other than demolition shall take place until full details of all tree pits, including those in planters, hard paving and soft landscaped areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

17. Prior to the commencement of construction works above ground level, a detailed Public Art Strategy and Delivery Plan shall be submitted to and approved in writing by the local planning authority and thereafter be provided as approved.

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) (Cambridge Local Plan 2018, Policy 56).

18. No development above ground level (other than demolition works) shall commence until a full scheme for hard and soft landscaping has been submitted to and approved in writing by the local planning authority.

(i) For hard landscape works the scheme shall include: details of the proposed finished levels/contours; the means of enclosure (incorporating a means of dispersal for hedgehogs); car parking layouts including other vehicular cycle and pedestrian access and circulation areas; hard

surfacing materials; minor artefacts and structures in the nature of street furniture, refuse or other storage units, signage, lighting; proposed and existing functional services above and below ground (e.g. drainage power communications cables pipelines indicating lines manholes and supports); and any retained historic landscape features with detailed proposals for restoration and ongoing maintenance where relevant; and

(ii) For soft landscape works the scheme shall include planting and layout plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting all species to be planted, plant sizes and proposed numbers/densities with a timetable for planting with a programme of implementation for the approved scheme. The scheme shall also reference soft landscaping mitigation proposals for wind including location, size and species of planting.

The hard and soft landscaping shall be implemented and thereafter retained as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

19. No development above ground level, other than demolition, shall commence until full details of green roofs and roof gardens have been submitted to and approved in writing by the local planning authority and these works shall be carried out and maintained as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategies (if applicable) and drainage and irrigation details where applicable.

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

20. No development above ground level of Building B hereby permitted shall commence until details of the location of associated duct work, for the purpose of extraction, filtration and/or abatement of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use is first commenced and retained as such.

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

21. No development above ground level of Building C hereby permitted shall commence until details of the location of associated duct work, for the purpose of extraction, filtration and/or abatement of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use is first commenced and retained as such.

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

22. The roof-mounted plant/equipment shown on drawing no 18059-PA-00-P110-P04 shall not be installed on Building B until details of the plant/equipment have been submitted to and approved in writing by the local planning authority. The details shall include the type, dimensions, materials, location and the means of fixing. The development shall be carried out and retained 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).

23. The roof-mounted plant/equipment shown on drawing no 18059-PA-00-P110-P04 shall not be installed on Building C until details of the plant/equipment have been submitted to and approved in writing by the local planning authority. The details shall include the type, dimensions, materials, location and means of fixing. The development shall be carried out and retained 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).

24. No operational plant, machinery or equipment both internal (including any plant rooms with louvres) and external including proposed electricity substations shall be installed associated with Building B until a noise assessment and any noise insulation / mitigation scheme as required to mitigate and reduce to a minimum potential adverse impacts, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and retained as such.

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

25. No operational plant, machinery or equipment both internal (including any plant rooms with louvres) and external including proposed electricity substations shall be installed associated with Building C until a noise assessment and any noise insulation / mitigation scheme as required to mitigate and reduce to a minimum potential adverse impacts, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out as approved and retained as such.

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

26. Prior to importation or reuse of material for the development (or any part or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the local planning authority. The MMP shall include:
- a) details of the volumes and types of material proposed to be imported or reused on site
 - b) details of the proposed source(s) of the imported or reused material
 - c) details of the chemical testing for all material to be undertaken before placement onto the site.
 - d) the results of the chemical testing which must show the material is suitable for use on the development
 - e) confirmation of the chain of evidence to be kept (and how held) during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved MMP.
Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

27. If unexpected land contamination is encountered whilst undertaking the development, works shall immediately cease on site until the local planning authority has been notified in writing and the contamination has been fully assessed and a remediation strategy has been submitted to, and approved by, the local planning authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation strategy.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Framework paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and to ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety (Cambridge Local Plan 2018 Policy 33).

28. No hard-standing areas shall be constructed on the site (or brought into use) until the works under the approved surface water drainage scheme (pursuant condition 8) as they relate to hard-standing areas have been completed in accordance with the approved surface water scheme.

Reason: To ensure appropriate implementation of the surface water drainage scheme in accordance with policies 31 and 32 of the Cambridge Local Plan.

29. No external lighting shall be provided or installed until an artificial lighting impact assessment and mitigation scheme has been submitted to and approved in writing by the local planning authority. The assessment shall include:

- (i) the method of lighting (including luminaire type / profiles, mounting location / height, aiming angles / orientation, angle of glare, operational controls, horizontal / vertical isolux contour light levels and calculated glare levels to both on and off site receptors);
- (ii) the extent/levels of illumination over the site and on adjacent land and predicted lighting levels at the nearest light sensitive receptors;
- (iii) demonstration that proposed lighting scheme adheres to Advice Note 2 'Lighting Near Aerodromes' where necessary.

The scheme shall be carried out in accordance with the approved details and shall be retained as such.

Reason: To protect the amenity of nearby properties and respond appropriately to nearby sensitive receptors including Cambridge Airport (Cambridge Local Plan 2018 policies 36, 37, 69 and 70).

30. Prior to the installation of any rooftop photovoltaic panels on Building B, a photovoltaic glint and glare study shall be submitted to and approved in writing by the local planning authority. The installation of any photovoltaic panels on Building B shall take place in accordance with approved details of the study.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through confusion with aeronautical ground lights or glare in accordance with policy 37 of the Cambridge Local Plan 2018.

31. Prior to the installation of any rooftop photovoltaic panels on Building C, a photovoltaic glint and glare study shall be submitted to and approved in writing by the local planning authority. The installation of any photovoltaic panels on Building C shall take place in accordance with approved details of the study.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through confusion with aeronautical ground lights or glare in accordance with policy 37 of the Cambridge Local Plan 2018.

32. Obstacle lights shall be placed on any crane above a maximum jib height of 10m AOD to be used in the development and the obstacle lights shall be retained throughout the period any crane is on site. The obstacle lights must be steady state red lights with a minimum intensity of 200 Candela. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk).

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through interference with communication, navigational aids and surveillance

equipment in accordance with policy 37 of the Cambridge Local Plan 2018.

33. Within 12 months of commencement of the construction of each building, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the local planning authority demonstrating that BREEAM 'outstanding' will be met, with maximum credits for Wat 01 (water consumption). Where the Design Stage certificate shows a shortfall in credits for BREEAM 'outstanding', a statement shall also be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applied to the development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

Pre-occupancy conditions

34. 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 approved details shall be maintained in full.

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.

35. Building B hereby approved shall not be occupied until a completion report demonstrating full compliance with the approved MMP pursuant to condition 26, and any remediation works required by the local planning authority as a result of the discovery of any unexpected contamination, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the reuse or importation of material on site has been appropriately managed on site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

36. Building C hereby approved shall not be occupied until a completion report demonstrating full compliance with the approved MMP pursuant to condition 26 and any remediation works required by the local planning authority as a result of the discovery of any unexpected contamination,

has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the reuse or importation of material on site has been appropriately managed on site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

37. Prior to first occupation of Building B a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative means of sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with the approved Travel Plan.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

38. Prior to first occupation of Building C a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative means of sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with the approved Travel Plan.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

39. Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority in writing. The landscape plan shall be carried out as approved. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

40. Before the occupation of any building hereby permitted all the works in respect of the Flying Pig public house as shown on 18059 (00)_P099 Rev P06, 18059 (00)_P100 Rev. P04, 18059 (00)_P400 Rev. P04, 18059 (00)_P401 Rev. P02, 18059 (00)_P402 Rev. P03, 820_01 (DP) 006 P1,

820_01 (DP) 007 P1, 820_01 (DP) 009 P1 and 820_01 (DP) 010 P1 must be completed.

Reason: To ensure the works to the public house including all associated works are undertaken and completed to enable to re-opening of the public house in accordance with policy 76 of the Cambridge Local Plan 2018.

41. Prior to first occupation of any part of the development, a scheme and programme of highway works as set out in drawing 07022-A-0102 REV P0 (dated 05.07.2023) entitled Hills Road General Arrangement Option 3 shall be completed and fully operational, with the exception of the bellmouth access to the basement car park to the west of Building C. The realignment of this access shall be completed and be fully operational prior to the first occupation Building C.

Reason: In the interests of highway safety and to mitigate the impact of the development (Cambridge Local Plan 2018, Policy 81).

42. The operation of any food and beverage uses, including the Flying Pig public house, shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours and to discharge at an appropriate outlet height / level, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is first commenced and shall be retained as such. All odour filtration/extraction/abatement systems shall always be designed and operated in accordance the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA) dated 05-09-2018" or as superseded.

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

43. Prior to the first occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use is first commenced and shall thereafter be retained as such.

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

44. Prior to the first use or occupation of each building, or within 12 months of first use or occupation of each building, a BRE issued post Construction Certificate shall be submitted to and approved in writing by the local planning authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability or building design, the equivalent level of measure shall be applied to the development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

45. Prior to the first occupation of any of the development a Lighting and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the local planning authority. This shall include: - detail on how the proposed ecological features, such as planting and bird/bat boxes will be established and managed for the long-term to enhance the ecological value at the site; - the type and location of bat and bird boxes; and - detail on how the lighting during the operational phases of the development will be designed and managed to minimise impacts on the Cambridge University Botanic Garden County Wildlife Site (CoWS) and across the wider development. This will be based on the Bat Conservation Trust guidance on artificial lighting (BCT, 2018). The approved LEMP shall be implemented and retained in accordance with the approved details.

Reason: To improve the biodiversity on site and to mitigate any potential impacts upon biodiversity within the adjacent Botanic Gardens (Cambridge Local Plan 2018 policy 69).

46. Prior to first occupation, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:
- the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and resting birds;
 - physical arrangements for the lidding, collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
 - a good housekeeping plan to ensure spilt or dropped food is cleaned up promptly; and
 - signs deterring people from feeding the birds.

The BHMP shall be implemented as approved upon first occupation and shall remain in force for the life of the development.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through interference with communication, navigational aids and surveillance equipment in accordance with policy 37 of the Cambridge Local Plan 2018.

47. Prior to first occupation a Car and Cycle Parking Management Plan (CCPMP) shall be submitted to and approved in writing by, the local planning authority.

The approved CCPMP shall include details:

- how the car and cycle parking spaces will be allocated;
- how access to the car and cycle parking area will be controlled, including after hours; and
- the location and appearance of proposed security measures such as gates/shutters across the vehicle entrance/exit.

The development shall be carried out in accordance with the CCPMP and retained thereafter.

Reason: To ensure the development does not have an unacceptable impact on highways safety (Cambridge Local Plan 2018, policies 81 and 82).

48. Prior to first occupation of Building B, a waste management plan shall be submitted to and agreed in writing by the local planning authority. The waste management plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure appropriate storage and collection of waste in the interests of visual amenity (Cambridge Local Plan 2018 policies 56 and 57).

49. Prior to first occupation of Building C, a waste management plan shall be submitted to and agreed in writing by the local planning authority. The waste management plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure appropriate storage and collection of waste in the interests of visual amenity (Cambridge Local Plan 2018 policies 56 and 57).

50. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the areas of internal floorspace identified as "F&B" and coloured purple at ground floor level within Building B and Building C on approved plan no.18059_ (00)_P100 Rev P04 shall only be used for uses falling within class E(a), E(b) or E(c) and for no other purposes whatsoever.

Reason: To ensure an appropriate mix of uses at ground floor level and to provide active uses to the buildings frontages in accordance with policies 40 and 56 of the Cambridge Local Plan 2018.

51. All servicing, delivery and collections for Building B and Building C shall be undertaken between the hours of 0700 to 2300 Monday to Saturday only, excluding Sundays, Bank and other public holidays.

Reason: In the interest of residential amenity (Cambridge Local Plan 2018 Policy 35).

52. The Flying Pig public house shall only be used for uses falling within Schedule 2 Part 3 Class E(b) of the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

Reason: To retain the existing use of the premises for the sale of food and drink mostly undertaken on the premises in accordance with policy 76 of the Cambridge Local Plan 2018.

Informative

1. The Applicant (and/or its successor) is advised to contact the Director of Estates at the Cambridge Botanic Gardens with respect to agreeing tree works and party wall matters prior to commencement of development onsite.

Appendix 1



Appeal Decision

Inquiry held on 18-21, 25-28 January and 1-2 February 2022, with site visit made on 31 January 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/Q0505/W/21/3282911

Land at 104-112 Hills Road, Cambridge, Cambridgeshire CB2 1LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Pace (Hills Road) Ltd against the decision of Cambridge City Council.
 - The application Ref 20/03429/FUL, dated 10 August 2020, was refused by notice dated 9 April 2021.
 - The development proposed is
 - i. the demolition of Betjeman House, Broadcasting House, Ortona House, Francis House and the rear multi-storey carpark to Francis House, together with existing refuse and cycle stores, to allow for construction of two new commercial buildings of five and seven storeys respectively, providing flexible B1(a), B1(b), A1, A2, A3 uses on the ground floor and Class B1(a) and B1(b) on the upper floors;
 - ii. the construction of basement with mezzanine level to provide for building services, cycle parking and car parking for the proposed commercial buildings, cycle and car parking spaces for Botanic House and services for the Flying Pig public house;
 - iii. the refurbishment of the Flying Pig public house at 106 Hills Road, including demolition of part single/part two storey outrigger and single storey store, alterations to elevations, construction of extension to enable level access and layout, pub garden;
 - iv. creation of new public realm and landscaping, incorporating segregated vehicular and cycle access from Hills Road, a new access to service areas and substations, and taxi drop off for both the development proposed and existing Botanic House.
-

Decision

1. The appeal is allowed and planning permission is granted for:
 - i. the demolition of Betjeman House, Broadcasting House, Ortona House, Francis House and the rear multi-storey carpark to Francis House, together with existing refuse and cycle stores, to allow for construction of two new commercial buildings of five and seven storeys respectively, providing flexible B1(a), B1(b), A1, A2, A3 uses on the ground floor and Class B1(a) and B1(b) on the upper floors;
 - ii. the construction of basement with mezzanine level to provide for building services, cycle parking and car parking for the proposed commercial buildings, cycle and car parking spaces for Botanic House and services for the Flying Pig public house;
 - iii. the refurbishment of the Flying Pig public house at 106 Hills Road, including demolition of part single/part two storey outrigger and single

storey store, alterations to elevations, construction of extension to enable level access and layout, pub garden;

- iv. creation of new public realm and landscaping, incorporating segregated vehicular and cycle access from Hills Road, a new access to service areas and substations, and taxi drop off for both the development proposed and existing Botanic House;

at land at 104-112 Hills Road, Cambridge, Cambridgeshire CB2 1LQ in accordance with the terms of the application, Ref 20/03429/FUL, dated 10 August 2020, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. I held a Case Management Conference (CMC) on 26 November 2021 to deal with Inquiry procedures and identify the main considerations. Scheduled as a physical event, Covid restrictions subsequently meant that the Inquiry opened and was held virtually during January. A subsequent relaxation of the Covid rules enabled the event to conclude in person at the Claydon Hotel in Cambridge on the final two days in February. I undertook the formal site visit on 31 January, accompanied by representatives of main and interested parties. This took in the site and various viewpoints in the area, including along Hills Road and from within the Botanic Garden.
3. The application was submitted following the publication of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As the submission was within the 'material period' as set out within those regulations, the Council determined the application under the prior use class regime, and the same applies to the appeal.
4. A draft agreement between the site owner, Cambridge City Council and Cambridgeshire County Council, made pursuant to section 106 of the Town and Country Planning Act 1990 (s106), was provided with the appeal. This addresses contributions towards off-site highway works, the implementation of car parking management and electric cycle schemes and the paying of the Council's Flying Pig business plan review costs. A completed s106, dated 9 February 2022, was provided after the Inquiry and I deal with this below.
5. Part of the appeal site has planning permission for a mixed-use development¹, granted in August 2007. This scheme consisted of offices, Class A and community uses, the retention of the Flying Pig pub and 156 dwellings. The pub was to be incorporated within this approved development, but with only the original front façade retained. When this earlier permission was granted the appeal site had yet to be included within a conservation area.
6. The seven-storey office block at Botanic House, completed in 2012, is the only implemented part of this extant consent, keeping it alive. However, the appellant made it clear to the Inquiry that there was no reliance upon a fallback case over the present scheme being preferable to that which might otherwise proceed. Like the Council, I agree there to be no more than a theoretical possibility of the remainder of the extant permission being built. Whilst this extant consent is a material consideration, I attach little weight to any fallback situation over evaluating the merits of the current proposal.

¹ Council reference: 06/0552/FUL

Main Issues

7. Whether the proposal would provide an appropriate redevelopment of this site, with regard to:
 - the intended mix of uses;
 - its effects upon the character and appearance of the area, including that of the New Town and Glisson Road Conservation Area (NTGRCA) and the settings of the Cambridge University Botanic Garden (a Grade II* registered park and garden (RPG)) and Cory Lodge (a Grade II listed building);
 - the viability of the Flying Pig public house, as a community asset.

Reasons

Mix of uses

8. The appeal site is set into the eastern edge of Cambridge University Botanic Garden, that lies to two sides. It fronts Hills Road, one of the main arteries into the centre of Cambridge. This is near to its junction with Station Road, along which the major mixed-use regeneration of CB1 has occurred, focused on a new square alongside the train station.
9. Next to the appeal site is the tall, lens-shaped Botanic House; identified as a landmark building in the Cambridge Local Plan 2018 (LP). The undeveloped part of the extant consent covers the adjacent buildings at Betjeman House, Broadcasting House and the Flying Pig. Those adjoining at Ortona House and Francis House, including its rear multi-storey car park, have since been acquired and the appeal scheme is for the redevelopment of this larger site. Adjoining Botanic House (as Building A) would be two further large buildings of seven storeys (Building B) and five storeys (Building C). Along with the Flying Pig, these would form a campus of office space, food and beverage units and public realm.
10. The two new commercial buildings would provide around 28,000m² of customisable office/research and development floorspace², including flexible street fronting retail, restaurant and cafe units on the ground floors. The scheme includes a basement over two levels including building services, car and cycle parking, including re-provision of existing surface level Botanic House spaces. The scheme is speculative, responding to a confined prime central office submarket in Cambridge and the demand emanating from the existing high-tech cluster around the main train station. The CB1 mixed-use accommodation provided here is occupied by a number of major global ICT companies and is nearing build out.
11. The LP addresses the spatial challenges of continuing the success of schemes such as CB1 in a relatively small, historic city. Its spatial vision refers to Cambridge as a world-class city in terms of its academic reputation and the knowledge-focused economy that has sprung from this. The city has experienced strong economic growth creating the challenge of balancing and managing the conflicts between maintaining the advantages of a compact city – in terms of sustainability and quality of life – against demands for knowledge sector led business and housing growth and the spatial implications of this

² Net internal area.

dynamic. The LP recognises that the city must grow to maintain its competitiveness and address housing needs and affordability, but the factors that created and underpin this economic success and growth must also be carefully balanced.

12. In this context, the spatial strategy in LP Policy 2 places particular emphasis on growing knowledge-based institutions and reinforcing Cambridge's existing high technology and research clusters. The LP aims to meet these needs in a sustainable way, through appropriate mixed-use growth, favouring the more accessible urban areas. Employment is to be focused on the urban area in defined Areas of Major Change, Opportunity Areas and the city centre. This proposal lies just outside the city centre and within both the *Cambridge Railway Station, Hills Road Corridor to the City Centre* Opportunity Area and the *Station Areas West and Clifton Road* Area of Major Change.
13. For this particular Opportunity Area, LP Policy 25 supports the appeal scheme by it being well placed to promote the use of sustainable transport modes and delivering and reinforcing a sense of place, with local shops and services. LP Policy 21, relating to this Area of Major Change, is for development to support the continued and complete regeneration of vibrant, mixed-use areas of the city, centred around and accessible to a high quality and improved transport interchange.
14. This Area of Major Change comprises two key areas surrounding Cambridge Railway Station. One relates to the existing Clifton Road industrial estate, zoned as site M2 and running east of the railway tracks. The other, to the west, comprises the transport-centred Station Road portion, zoned as site M14, and the employment-led development at Betjeman House, zoned as M44 and comprising the appeal site and Botanic House. The largely complete CB1 regeneration area lies between site M14, next to the railway station, and the appeal site at M44, on the far side of Hills Road.
15. For the two larger zoned sites, Policy 21 specifies the mixed-use regeneration to include a specified quantum of residential - an indicative 331 dwellings and 1,250 student units in the case of site M14 and a maximum 550 dwellings in site M2. It states that site M44 will include residential use, along with B1(a) and B1(b) employment and a mix of uses in classes A1, A2, A3, A4 and A5. Although Policy 21 itself specifies no residential quantum for site M44, the appendix B proposals schedule refers to a capacity of 156 dwellings; clearly reflecting the extant permission.
16. Despite no indicative amount of housing, there is clear conflict with LP Policy 21 by this scheme not proposing any residential development for site M44, beyond a replacement flat at the Flying Pig. On this basis the proposal would not provide the appropriate redevelopment for this site, based on the mix of uses sought in Policy 21.
17. Policy 21 does not specify a quantum of residential use for site M44, as it does for the larger sites at M14 and M2. The designation is for an employment led mix of uses, without the policy specifying the proportions of these. The policy reflects an extant consent which the owner has indicated an unwillingness to fall back on. The mixed-use allocation for site M44 is carried forward in an emerging LP. However, this is at the relatively early Regulation 18 stage, holding limited weight, with the appellant having registered an objection.

18. M44 is a smaller site compared to the other two in this Area of Major Change. Less housing than approved here would still meet the terms of Policy 21. The Council is able to demonstrate a reasonably healthy 6.1-year housing land supply³. It accepts the approved 156 dwellings do not contribute to the current housing land supply position. The appeal site is in employment use and so there would be no loss of existing housing.
19. There is evidently a very strong need for housing in Cambridge, particularly affordable. Although not taken as a ceiling, the current 6.1-year supply means the Council can meet the Government five-year minimum requirement with some degree of comfort. This situation tempers the harm from the scheme not contributing to housing supply as part of the mixed-use development sought by LP Policy 21.
20. No evidence was put to me over approval for this scheme inhibiting other mixed-use proposals including housing or the provision of residential development in the city more generally. The LP is explicit that development at site M44 is employment-led. As a whole, the LP seeks a balanced supply of housing by tenure and kind, including through provision within mixed use developments. However, meeting the demands of economic growth and housing need does not translate to equal provision in every mixed-use allocation. Given the relatively small and unspecified amount of housing required of the appeal site, including a policy compliant affordable proportion⁴, I find just a moderate degree of harm from the lack of residential use. The same amount of negative weight then applies to a final balance.

Character and appearance/heritage effects

21. The Council's decision relates to the adverse townscape effects of the proposal's siting, massing, height, scale and design, including on the openness of the Botanic Garden. It finds a failure then to preserve or enhance the character or appearance of the NTGRCA or preserve the setting of the Grade II* RPG and, within this, the Grade II listed Cory Lodge.
22. In Areas of Major Change and Opportunity Areas, LP Policy 14 requires the highest quality of sustainable design and construction. It expects higher densities around key transport interchanges, to create active and vibrant places that encourage social interaction and a sense of community.
23. The mediocre appearance of the existing buildings would support an uplift to townscape character. Only the locally listed, nineteenth century building at the Flying Pig holds any positive value and this is to be retained. The two new buildings would be significantly larger and taller than the poorer quality buildings to be replaced. Botanic House is notably taller than these existing buildings and the LP now affords it landmark status as an incidental feature in the Cambridge sky line.
24. Whilst a wide structure, the lens shaped footprint of Botanic House provides quite slim elevations to two sides. With their waved, gardenesque footprints, both proposed new buildings are of a comparatively greater spread and larger mass, with Building B to be next to and of a similar height to Botanic House. Set a same distance apart from Building B is to be the lower Building C. The

³ Greater Cambridge Housing Trajectory and Five Year Housing Land Supply – 1 April 2021

⁴ Through LP policy 45 this is a minimum 25% affordable in schemes of less than 15 dwellings, and a minimum 40% otherwise.

- gaps between the three buildings would provide narrow vistas between Hills Road and the Botanic Garden.
25. The greater mass and less regular shapes of the new buildings, and differing texture to their elevations, contrast somewhat with Botanic House. However, the curved frontages of the three somewhat contrastingly coloured and textured buildings would gel successfully to create a coherent group of a unique character in the street scene.
 26. In both new buildings, the combination of the strong horizontal emphasis provided by the brickwork layers, with the wide areas of glazing and vertical finning between, provide definition and relieve the massing, softening the appearance and adding interest. The curved elevations and well considered architectural detailing, along with locally suitable facing materials, would combine successfully to create a positive townscape feature.
 27. Whilst the two new buildings, with Botanic House, create a prominent group in terms of their height and relatively large scale, the curvaceous and layered design would avoid an unduly strident appearance. The Council finds the curves to project aggressively to all sides. However, in my view this provides some gentleness and grace to these unarguably large structures.
 28. The public realm is provided by the swept setbacks to the street, which the ground floor units would face onto and where the Flying Pig stands. Whilst there are competing demands on this space, such as at servicing points, this public realm would be usable, allow for tree planting and add activity and interest currently lacking in the street scene. An alternative courtyard pattern, like the extant scheme and preferred by the Council, might have made incorporating the existing Flying Pig building more difficult to achieve. In any event, the appeal scheme has been the subject of a quite rigorous review process, where the large plan format of the two buildings had not been expressly rejected, nor the alternative Cambridge quad typology put forward.
 29. The varying architecture along Hills Road provides both an active and interesting entrance to the historic centre of Cambridge. This contains much good quality architecture and heritage interest, with some poorer buildings, but is diverse in terms of design, scale and age. The proposed new campus would occupy a visually discrete site, wrapped by the Botanic Garden to three sides and with the new war memorial to one end. Set within an already varied street scene, this allows for this scheme's unique character to bring about large-scale, major change without harmful incongruity.
 30. In more distant aspects from the city centre, Botanic House would retain its landmark status on Hills Road, with the recessed, curvilinear frontages of the two new buildings introducing themselves to the street unassertively beyond this. Whilst both are very large buildings, a matter central to the Council's objection, they would comprise a differing but complementary continuation of the scale of development brought about by Botanic House. From views south into the city centre, near to the side of the Botanic Garden, the two curvaceous layered buildings would be set against the plainer elevation to Botanic House, combining with it to form an enlarged and positive landmark.
 31. Despite their significant mass and scale, the buildings' curvaceous forms, well designed elevational treatments and locally appropriate facing materials combine successfully to produce a respectful architectural response to their

- sensitive surroundings. As such this proposal would respond positively to its built context and succeed in helping to create a distinctive and high-quality place, in accordance with LP Policy 55.
32. The visually open ground floor units, fronting new street side public realm, would provide vibrancy and interest and help to create a successful place in accordance with LP Policy 56. The Council is critical of both the paucity and functionality of the new public realm proposed. Whilst its reasons for refusal made no reference to a conflict with LP Policy 59, over the treatment of the public realm in this scheme, these aspects are acceptable, providing both for the retention of the popular Flying Pig public house and enhancing current provision along this section of Hills Road. The scheme would replace mediocre buildings and be of a scale, design and siting that would satisfy LP Policy 57, in respect of having a positive townscape impact and active ground floor frontage.
33. A further matter is the impact of the scheme on the significance of the identified heritage assets, including the contribution made by their settings. I have duties to have special regard to the desirability of preserving the setting of Grade II listed Cory Lodge and to pay special attention to the desirability of preserving or enhancing the character or appearance of the NTGRCA, under sections 66(1) and 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990. There is no equivalent statutory duty regarding the RPG. However, that asset's conservation is a material consideration as a matter of planning policy.
34. The NTGRCA is part of the larger central Cambridge conservation area. Its more developed parts are those to the north and east, which the Botanic Garden edges onto. These parts include the nineteenth century housing in New Town, which expanded outwards with the arrival of the railway. Of the built environment around the appeal site, the significant elements are varied in appearance. They include the locally listed terrace of gault brick housing along the opposite side of Hills Road, the listed alms-houses at the south west corner of the Botanic Garden, the modestly-scale Flying Pig and the imposing Botanic House. Other key features at the junction with Station Road include the new war memorial and Kett House; the twentieth century offices opposite this. The area is further defined by the large scale CB1 regeneration along Station Road.
35. In heritage terms, Betjeman House (including Broadcasting House), Francis House and the multi-storey carpark comprise the larger buildings on the site and are shown as detractors in the townscape analysis provided in the NTGRCA Appraisal⁵. By replacing these detractor buildings, retaining the valued Flying Pig and integrating with the existing height and design of Botanic house, this discrete site would assimilate the larger structures proposed and they would make a strong and positive contribution to the street scene. Their set back in the street would preserve an important view north along Hills Road of the tall spire of the grade II* listed Catholic Church of Our Lady and The English Martyrs; a landmark feature nearer to the city centre. This scheme would bring about dramatic change but, architecturally, this would be positive and add to the diverse character in the vicinity.
36. The significance of the NTGRCA includes the Botanic Garden, which provides a large area of open space within the city. This was originally established in 1762 and moved to its present location in 1831, extending to occupy the eastern

⁵ New Town and Glisson Road Area Conservation Area Appraisal Cambridge City Council March 2012

parts adjacent to the appeal site after the Second World War. It was added to the Register of Parks and Gardens on 16 January 1985 as Grade II*. In addition to being a large urban green space and providing an open setting to the built surroundings, the Botanic Garden is significant for its historical design and evolution, its buildings, artifacts and large collection of exotic plants and a long-standing association with the advancement and teaching of botanical science.

37. The Botanic Garden is also significant for its principal building, the Grade II Cory Lodge, that stands to the east of centre. This small, white, neo-Georgian two-storey house faces west in alignment with the main walk from the Trumpington Gates entrance and is itself significant for its architecture and centrepiece position in the Botanic Garden, which provides it a prominent and spacious setting.
38. The significance of the Botanic Garden includes views from outside, including from Hills Road, where there is an open section adjacent the appeal site, recently improved by vegetation clearance and metal railed fencing. Replacing extant buildings and set against Botanic House, the scheme would have little impact on the openness of the Botanic Garden as viewed from Hills Road.
39. It is the views from within the Botanic Garden where the effects would be more pronounced and have a greater impact. The RPG is significant for the experiences it provides internally, where visitors can discover its mainly hidden horticultural treasures and experience their scientific and aesthetic interest within an oasis of greenery and calm, set within a busy urban area.
40. LP Policy 67 resists development that would harm the character, or lead to the loss, of open space of environmental and recreational importance. The appeal scheme does not physically reduce the openness of the Botanic Garden, as clearly it is not within it. The Sainsbury Laboratory has been built within its confines, a recipient of the Stirling Prize for architecture in 2012, and its high- quality contemporary design has proved a successful addition. The appeal scheme makes no such imposition but would introduce a more dominant and taller mass visible at one edge of the Botanic Garden.
41. The listed house at Cory Lodge is a centrepiece building within the RPG and its setting is bound up with the landscape design of the garden and the settings of both. There are key views west towards Cory Lodge, from where the two new buildings would be seen rising above this listed house. In this regard, and notwithstanding the architectural merits of these buildings, a degree of harm to the inter-related settings of both these historic assets would ensue. However, softened by perspective and intervening vegetation, the large new features, of an inherently high quality and respectful design, would in many instances provide a positive backdrop and improve upon the views the current mediocre buildings provide to the garden's setting.
42. This setting is not one of rurality and, particularly to the eastern extent, the Botanical Garden is parkland set within an urban environment. The scheme would reinforce an existing and longstanding built-up edge to the Botanic Garden, part of its character as an urban park, introducing architecture of a more prominent but higher quality appearance.
43. The redevelopment would bring about overall townscape benefits. However, by a larger scheme imposing itself visually upon the settings of the Botanic Garden

and Cory Lodge, and also on the NTGRCA, there would inevitably be some harm to the significance of these heritage assets, in how they are appreciated visually. This harm would be less than substantial, as all parties agreed, and I concur with the consensus of this being moderate within such a scale.

44. Policy 61 of the LP requires proposals to preserve or enhance the significance of heritage assets, their setting and the wider townscape in Cambridge, with clear justification for any harm where substantial public benefits occur. This equates to the National Planning Policy Framework (Framework) requirements in paragraph 202 to weigh less than substantial harm to the significance of designated heritage assets against public benefits. Regardless of being less than substantial, and reflecting the statutory duties quoted, considerable importance and weight must be attached to any such harm found, with the presumption that the preservation of the significance of these heritage assets is to be preferred.
45. However, the proposal would meet an acute need for high-quality office floorspace in a constrained prime central office submarket, provide new public realm with tree planting, revitalise a lacklustre section of Hills Road with a vibrant commercial frontage and architecture of a high quality in functionality, appearance and sustainability. These would amount to substantial public benefits, economically, socially and environmentally, outweighing by some margin the less than substantial harm to the significance of the designated heritage assets identified. My overall conclusion is this scheme would provide the appropriate redevelopment of this site through its positive townscape impacts and wider public benefits, outweighing less than substantial heritage harm.

Viability of the Flying Pig

46. The Flying Pig ceased trading on 23 October 2021 on termination of the last tenants' lease. Previously, the same couple had run the pub since 1997 and over this time fostered a popular community venue, both through creating a warm, informal ambience and supporting the Cambridge grassroots music and arts scene. A major redevelopment such as this would involve the Flying Pig being closed for a lengthy period. Much of the local opposition to this proposal was in response to the redevelopment resulting in this loss.
47. The proposal preserves the historic Flying Pig building, reconfiguring it to largely retain its operating space, garden size and landlord accommodation. LP Policy 76 would allow these changes, should it be demonstrated that the viability of the public house use would not be adversely affected. The Council's reason for refusal had been over the lack of sufficient information to demonstrate the proposal would not adversely affect the future viability of the Flying Pig.
48. When the Inquiry came to consider the viability of the Flying Pig, a matter dealt with as a round table discussion, the main parties had agreed a specific statement of common ground. Although the Council queries the omission of part of the existing pub yard in the space calculations, it nonetheless agreed that the refurbished and reconfigured public house would be capable of being viable. This would depend on some conditions but on this issue, evidently a most controversial aspect to this proposal, I concur that the scheme offers an appropriate redevelopment of the site by retaining the Flying Pig public house, as a viable use and community asset.

Other Matters

49. Other matters were raised by interested parties to the application, the appeal and at the Inquiry. The continued need for future office accommodation during this time of Covid and with increased and effective home working was queried. The evidence is that, whilst Covid will have impacts on the longer-term demand for office space, this is unlikely to be dampened here, due to the acute needs in the centre of Cambridge and particularly at this high-tech cluster near to the mainline railway station.
50. Regarding increased road traffic, congestion and pollution, no significant environmental effects have been identified in either the construction or operational phase. Mitigation is proposed for the construction phase through provision of a Traffic Management Plan and Demolition and Construction Environment Management Plan (DCEMP) to manage temporary impacts. Once operational, the proposed development is anticipated to benefit pedestrian/cyclist movement due to proposed highway improvements. There is already employment on this site but, with this larger scheme, parking provision would be geared incrementally towards electric vehicles and bicycles. The site is well placed for access by sustainable modes.
51. In regard to the living conditions of nearby residents, there would be noise and other disruption arising from the relatively long construction period of a large- scale development. However, mitigation over these adverse effects would be addressed through the DCEMP. The greater set back of the buildings, compared to those existing, avoids an unacceptable degree of harm to the living conditions of residential occupiers along the opposite side of Hills Road, either due to loss of sunlight/daylight or outlook. There would be a similarly greater set back from the Botanic Garden, and no harm to its plants has been substantiated.
52. There was a case made for the retention and refurbishment of the existing buildings, rather than incurring increased carbon emissions from redevelopment. However, the new build scores highly in regard to sustainability, with respect to matters such as lifespan, low embodied carbon design and construction. It would achieve the highest environmental standards, including BREEAM Outstanding and WELL Platinum enabled (health and wellbeing). As an exemplar for the objectives sought in LP Policy 28 for carbon reduction and sustainable design and construction, the scheme provides positive benefits.
53. LP Policy 21 says site M44 will be subject to masterplanning and detailed transport assessment before any new planning applications come forward. I agree that single ownership of the site now makes this unnecessary and provides a comprehensive approach to redevelopment, which has been the subject of transport assessment.

Environmental Impact Assessment Regulations 2017

54. The proposal was the subject of an Environmental Statement (ES) made in accordance with the Town and Country Planning (Environmental Impact Assessment) (as amended) (EIA) Regulations 2017. An ES Addendum was submitted in response to a request for further information. It was agreed between the parties that the ES and Addendum comply with the EIA Regulations and that sufficient information has been provided to assess the

environmental impacts of the proposal, including the cumulative effect of other known, or expected, development. In this respect, the Council agreed with the conclusions of the ES and Addendum. I have had regard to these, and all other relevant environmental information provided, in reaching this decision.

Section 106 Agreement

55. In the s106, the owner agrees a contribution of £500,000 (£50,000 prior to commencement, £450,000 prior to occupation) to planned improvements at the junction of Station Road with Hills Road, mainly for cyclists and pedestrians. The s106 secures an agreed Car Parking Management Scheme (CPMS) and Electric Cycle Scheme (ECS). The CPMS would involve the phased provision of 150 occupier parking spaces reserved for electric vehicles. The ECS requires a fleet of 50 electrical bicycles for employees at the proposed scheme.
56. Lastly, the s106 provides for the payment of the Council's costs in reviewing a Flying Pig public house viable business plan, should that be required under a condition.
57. These planning obligations all meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and are a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development. However, the obligation to pay the costs of a public house viable business plan review would only come into play were this to be required under a condition, which I deal with below.

Planning Balance

58. There was no case made over the LP being out of date. The proposal conforms with its spatial strategy for employment in Policy 2, achieves major change of the highest quality sustainable design and construction required by Policy 14 and reinforces the sense of place, shop and service provision and improved sustainable access sought along Hills Road by Policy 25. Policies 55, 56, 57, 61 and 67 do not indicate the scheme to be unacceptable for townscape and heritage reasons. The retention of the Flying Pig public house satisfies Policy 76. The proposal provides the mixed use, employment led development sought by Policy 21 for the Station Areas West Area of Major Change, all bar the residential use referred to in Site M44.
59. On this basis, it would be reasonable to conclude the proposal satisfied the LP when its policies were considered as a whole. However, in the contrary and were the conflict with Policy 21 sufficient to conflict with the LP as a whole over an integrated delivery of jobs and housing, then the harm would be of only moderate negative weight. Set against this, the scheme makes a major contribution towards addressing an acute demand and short supply within the prime central office submarket. Directly adjacent the very successful Cambridge Station CB1 cluster, which accommodates a number of the world's biggest ICT companies, the proposal is anticipated to provide very substantial economic benefits in terms of multiplier effects, increased GVA and further employment. These benefits would be significant in terms of supporting the ongoing vitality of what is a nationally important Cambridge-based knowledge economy. There would be the further benefits from the uplift provided to the architectural character of the street scene and from an enhancement to the public realm. The site already benefits from good accessibility by sustainable

transport modes, close to both the city centre and mainline train station, to which cyclist/pedestrian Hills Road/ Station Road junction improvements would be supported.

60. The appeal scheme would be built and operate to a high standard of sustainability and wellbeing and secure the retention of the Flying Pig within a revitalised setting. This development would provide substantial economic and significant social and environmental benefits. These would outweigh a moderate degree of harm from a conflict with LP Policy 21, over a relatively small and undefined opportunity cost towards housing provision. Material considerations would in this case clearly support the proposal and indicate the appeal be determined otherwise than in accordance with the development plan, should there be any conflict with this as a whole.

Conditions and Conclusion

61. As requested at the CMC, the Council prepared a set of the conditions it would wish to see applied should the appeal succeed, with the reasons for these and the policy justification. I have considered these against the advice in the Planning Practice Guidance (PPG) on conditions, and the tests set out in Framework paragraph 56. These are that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
62. These conditions were largely agreed by the appellant, apart from in two instances. Firstly, both parties agreed that a condition was necessary to ensure the fit out of the Flying Pig public house, its garden and ancillary residential accommodation, to allow its full commercial operation. The appellant requested this be conditional prior to the occupation of more than 50% of Building B, whereas the Council suggested it be prior to occupation of any of the development. I consider the Council's version provides the requisite certainty over this matter, and it is the one I have used.
63. Secondly, the appellant disputes the necessity for a condition requiring submission and approval of a business plan demonstrating the viability of the future commercial operation of the Flying Pig public house, within twelve months of first occupation of Building B or Building C. The Council's position is that, as the proposal results in the loss of part of a public house and its curtilage, under LP Policy 76 it is necessary to demonstrate that the proposal will not adversely affect its viability. As the redevelopment will involve the Flying Pig's closure for a substantial period, the Council considers this condition is necessary to ensure that the use can resume viably, by demonstrating the terms and conditions that allow for this.
64. The proposal provides for the retention of the Flying Pig as a building and its use as a public house would be secured by a condition. The building and its location would then provide for a viable pub operation. In respect of the condition, even if a viable business plan was demonstrated, operation as set out in this would need to be taken on trust, as there is no means to enforce this through planning control. Such a condition would fail the tests of reasonableness, enforceability and necessity, and so I have not included it. The obligation in the s106 to pay the Council's viable business plan review costs therefore becomes redundant.

65. The remaining conditions, and the reasons for these, are all set out in the schedule. I have reviewed all against the tests in paragraph 56 of the Framework, making a few amendments, amalgamations and deletions where necessary, mainly for succinctness and to avoid repetition. These are ordered as recommended in the PPG. Subject to these conditions, and for the reasons set out above, I conclude that the appeal should be allowed.

Jonathan Price

Inspector

DOCUMENTS SUBMITTED DURING THE INQUIRY

ID.1 Appellant's Opening ID.2

Council's Opening

ID.3 Extract of CD 1.1 EIA Vol 2, Chapter 10 TVIA + bookmarks ID.4 Inquiry

Statement of Mr Matt White

ID.5 Inquiry Statement of Mr Tim Quick ID.6

Botanic Garden map

ID.7 SoCG Flying Pig ID.8

RTS Agenda

ID.9 Appellant email to CCC redacted ID.10

Extracts of CUBG website

ID.11 Inquiry Statement Mr Luke Naashat

ID.12 Council's closing

ID.13 Appellant's closing

Inquiry Core Document library at

https://www.104-112-hillsroad.co.uk/en/page_161439.php

APPEARANCES

FOR THE APPELLANT:

Mr Christopher Katkowski QC (supported by Constanze Bell) instructed on behalf of Pace (Hills Road) Ltd., called on evidence from

Mr Simon Allford BA Dip Arch RIBA ARB. Executive Director, AHMM (architecture),
Professor Robert Tavernor BA DipArch, PhD, RIBA. Tavernor Consulting (townscape/heritage),
Mr Mike Derbyshire BA(Hons) MRTPI. Equity Partner, Head of Planning, Bidwells (planning),
Mr Rory Brooke BSc MSc MIED MRTPI. Head of Economics, Savills (socio-economic context),
Mr Dick Wise BSc(Hons) MRICS. Equity Partner, Head of Business Space Agency, Bidwells (office market),
Mr Dan Mackernan BSc(Hons) DipPropInv MRICS. Director, Licensed Leisure, Savills (public house viability),
Matthew Mainstone Partner Wedlake Bell LLP – planning obligation.

FOR THE LOCAL PLANNING AUTHORITY:

Miss Melissa Murphy of Counsel, instructed on behalf of Greater Cambridge Shared Planning, called on evidence from

Ms Amanda Reynolds B.Arch ARB RIBA, MA(UD), Recognised Practitioner UD (AR Urbanism)– townscape/urban design,
Mr Chris Griffiths LLB(Hons) MA IBHC (HCUK) – heritage, Mr Stephen Connell BA (Hons) Dip TP MRTPI (GC Planning Partnership) – planning,
Mr David van der Lande BSc MRICS. Director (ICENI)– public house viability

INTERESTED PARTIES:

Opposing

Mr Daniel Carter Mr
Luke Nashaat Mr
Arthur Kaletzky

Supporting

Mr Tim Quick RIBA (Architect of Botanic House) Mr Alex Barrett
Mr Matthew White BA (Hons) Dip Arch ARB RIBA RIAS FRSA Mr
Stephen Wyard RIBA
Mr Pen Hadow

Schedule of Conditions

The standard time limit condition for commencement of development

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 51 of the Planning and Compulsory Purchase Act 2004.

The details and drawings subject to which the planning permission is granted

2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 18059 (00) P010 rev 2 Location Plan AHMM; 18059 (00) P020 P00 site Plan Existing AHMM; 18059 (00) P021 P00 site Plan Proposed AHMM; 18059 (00) P098 P03 Lower Basement Plan Proposed AHMM; 18059 (00) P099 P05 Mezzanine Basement Plan Proposed AHMM; 18059 (00) P100 P03 Ground Floor Plan Proposed AHMM; 18059 (00) P101 P03 First Floor Plan Proposed AHMM; 18059 (00) P102 P03 Second Floor Plan Proposed AHMM; 18059 (00) P103 P03 Third Floor Plan Proposed AHMM; 18059 (00) P104 P03 Fourth Floor Plan Proposed AHMM; 18059 (00) P105 P03 Fifth Floor Plan Proposed AHMM; 18059 (00) P106 P03 Sixth Floor Plan Proposed AHMM; 18059 (00) P107 P03 Seventh Floor Plan Proposed AHMM; 18059 (00) P110 P03 Roof Plan Proposed AHMM; 18059 (00) P201 P03 Hills Road Elevation Proposed AHMM; 18059 (00) P202 P03 South Elevation Proposed AHMM; 18059 (00) P203 P02 North Elevation (to Botanic House) Proposed AHMM; 18059 (00) P204 P03 West Elevation Proposed AHMM; 18059 (00) P205 P03 South Elevation of Building B Proposed AHMM; 18059 (00) P206 P01 North Elevation of Building C Proposed AHMM; 18059 (00) P210 P02 Hills Road East Elevation (Context) Proposed AHMM; 18059 (00) P211 P01 Hills Road West Elevation (Context) Proposed AHMM; 18059 (00) P212 P01 East and West Elevation (Without Context) Proposed AHMM; 18059 (00) P213 P01 North Elevation of Building B and C (Without Context) Proposed AHMM; 18059 (00) P214 P01 South Elevation of Building B and C (Without Context) Proposed AHMM; 18059 (00) P302 P02 Longitudinal Section Proposed AHMM; 18059 (00) P304 P03 Cross Section Building B Proposed AHMM; 18059 (00) P306 P03 Cross Section Building C Proposed AHMM; 18059 (00) P310 P00 Façade Study Building B AHMM; 18059 (00) P311 P00 Façade Study Building C AHMM; 18059 (00) P400 P03 Flying Pig Plans AHMM; 18059 (00) P401 P02 Flying Pig Elevations Proposed AHMM; 18059 (00) P402 P02 Flying Pig Sections Proposed AHMM; 18059 (01) P010 P01 Location Plan AHMM; 18059 (01) P100 P01 site Plan Existing AHMM; 18059 (01) P110 P01 Betjeman House Existing AHMM; 18059 (01) P120 P01 Ortona House Existing AHMM; 18059 (01) P130 P01 Francis House Plans Existing AHMM; 18059 (01) P131 P01 Francis House Elevations Existing AHMM; 18059 (01) P132 P01 Multi Storey Car Park Existing AHMM; 18059 (01) P140 P01 Flying Pig Existing AHMM; 18059 (01) P201 P00 Hills Road (East) Elevation Existing AHMM; 18059 (01) P202 P00 South Elevation Existing AHMM; 18059 (01) P203 P00 North Elevation Existing AHMM; 18059 (01) P204 P01 West Elevation Existing AHMM; 18059 (12) P100 P01 site Plan Demolition AHMM; 18059 (12) P110 P01 Betjeman House Demolition AHMM; 18059 (12) P120 P01 Ortona House Demolition AHMM; 18059 (12) P130 P01 Francis House Plans Demolition AHMM; 18059 (12) P131 P01 Francis House Elevations Demolition AHMM; 18059 (12) P132 P01 Multi Storey Car Park Demolition AHMM; (12) P140 P01 Flying Pig Demolition and Retention AHMM; 764.01 (CD) 001 P1 Stone Bench Detail RMA; 764.01 (CD) 002 P1 Botanic Avenue, Typical Bench Detail RMA; 764.01 (CD) 003 P1 Roof Terrace, Typical Bench Detail RMA; 764.01 (DP) 002 P2 External Lighting Strategy - Design Intent RMA; 764.01 (DP) 003 P2 Safe Personnel Landing Zones RMA; 764.01 (DP) 004 P2 Levels and Drainage Plan RMA; 764.01 (DP) 006 P1 Soft Landscape Strategy - Ground Floor Overview RMA; 764.01 (DP) 007 P1 Soft Landscape Strategy - Roof Terrace Overview RMA; 764.01 (DP) 009 P3 Furniture

Strategy RMA; 764.01 (DP) 010 P2 Tree Pit Extent Plan RMA; 764.01 (DP) 011 P1 Hard Landscape Layout RMA; 764.01 (MP) 003 P2 Ground Floor Landscape Masterplan - General Arrangement RMA; 764.01 (MP) 004 P2 Roof Terrace Landscape Masterplan - General Arrangement RMA; 764.01 (SC) 004 P1 Botanic Avenue Section RMA; 764.01 (SC) 005 P2 Hills Road Section RMA; 764.01 (SC) 006 P1 Private Gardens to Building B & C Section RMA; 764.01 (SC) 007 P2 Flying Pig Garden and Building B Section RMA; 764.01 (SC) 008 P1 Private Gardens to Building B & Section RMA; 764.01 (SC) 009 P1 Roof Terrace Building B Typical Detail RMA; 764.01 (SC) 010 P1 Roof Terrace Building C Typical Detail RMA; 411987 C-DR-01-XX1041 P1 Hills Road Highways Scheme General Arrangement MMD.

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.

Pre-commencement conditions

3. Prior to the commencement of the development, a phasing plan shall be submitted to, and approved in writing by, the local planning authority. The approved phasing plan shall include the following:
 - 1) Phasing of the demolition of any existing buildings authorised for demolition including elements of the Flying Pig public house.
 - 2) Phasing of the construction of the basement, proposed buildings and basement and extensions to the Flying Pig public house.
 - 3) Timescales for both demolition and construction phases.

The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure demolition and construction works are phased appropriately in the interests of residential amenity and to provide the best opportunity to reopen the community use (public house) as expeditiously as possible. (Cambridge Local Plan 2018, policies 35 and 76).

4. No development, including demolition, shall commence until a site wide Demolition and Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the local planning authority. The DCEMP shall provide for the following:
 - a) Contractors' access arrangements for vehicles, plant and personnel, including the location of construction traffic routes to, from and within the site, details of their signage, monitoring and enforcement measures.
 - b) Construction/Demolition works to only be carried out between 0800-1800 Monday to Friday, and 0800-1300 on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with emergency procedures which shall first be submitted to and agreed in writing with the local planning authority.
 - c) Delivery times and collections/dispatches for construction/demolition purposes to be carried out between 0800-1800 Monday to Friday, 0800- 1300 on Saturdays and at no time on Sundays, Bank or public holidays.
 - d) Demolition and/or construction vehicles with a gross weight in excess of 3.5 tonnes to enter or leave the site only between the hours of 0930-15.30, seven days a week.
 - e) A Soil Management Strategy, having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.
 - f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-

1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.

g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228- 2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.

h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of the control of dust and emissions during construction and demolition of the Greater Cambridge Sustainable Design and Construction SPD (2020).

i) Use of concrete crushers.

j) Prohibition of the burning of waste on site during demolition/construction.

k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.

l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.

m) Screening and hoarding details.

n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.

o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.

p) External safety and information signing and notices.

q) Implementation of a Stakeholder Engagement / Residents Communication Plan, including response to complaints procedures.

r) Details of any proposed temporary structures, works, plant or machinery required in relation to construction of the building of more than 30m AOD in height to be submitted and agreed.

s) Impacts on biodiversity including vegetation clearance on nesting birds, demolition works on potential roosting bats and artificial night time lighting on crepuscular and nocturnal fauna.

t) Membership of the Considerate Contractors Scheme.

Development shall be carried out in accordance with the approved DCEMP.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policies 35 and 37).

5. Prior to the commencement of development, a Traffic Management Plan shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

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

6. Prior to the commencement of the development a detailed hydrological/hydrogeological report shall be submitted to and approved in writing by the local planning authority. The report shall provide advice as to whether the development of the site will have any impact upon the ground water based on long term ground water monitoring and site-specific groundwater modelling. Should the report demonstrate any significant detrimental impact on groundwater, it shall also propose mitigation measures to be carried out in accordance with a proposed phased programme for their implementation. All mitigation shall be carried out in accordance with approved report and details of timing.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased groundwater flood risk on or off site resulting from the proposed development in accordance with policy 32 of the Cambridge Local Plan 2018.

7. No development shall commence until a programme of archaeological work in accordance with a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land included within the WSI, no demolition/development shall take place other than in accordance with the provisions of the approved WSI, which shall include:
- a. statement of significance and research objectives;
 - b. programme and methodology of site investigation and recording and the nomination of a competent person(s) or an organisation to undertake the agreed works in the approved WSI;
 - c. timetable for the field investigation as part of the development programme; and
 - d. programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

Partial discharge of this condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of this condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure appropriate consideration of Cambridge's historic environment in accordance with the Framework and policy 61 of the Cambridge Local Plan 2018.

8. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by AKT II dated August 2020 which accompanied the application and shall also include:
- a) Details of the existing surface water drainage arrangements.
 - b) Full results of the proposed drainage system modelling for 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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.
 - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers.
 - d) Full details of the proposed attenuation and flow control measures.
 - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
 - f) Full details of the maintenance/adoption of the surface water drainage system.
 - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water.
- The approved drainage scheme must adhere to the hierarchy of drainage options as outlined in the Framework/PPG.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policies 31 and 32 of the Cambridge Local Plan.

9. Prior to commencement of the development and in accordance with BS5837 2012, a phased tree protection methodology in the form of an arboricultural method statement and tree protection plan shall be submitted to the local planning authority for its written approval, before any tree works are carried and before any

equipment, machinery, plant or materials are brought onto the site for the purpose of development (including demolition). The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the local planning authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

Construction stage conditions

10. With the exception of demolition, no development shall take place above ground level in respect of the construction of each building, until details of the materials for the external surfaces of the building under construction have been submitted to and approved in writing by the local planning authority. The details shall include brick façade system including precast concrete horizontal shading overhang and vertical shading fins, windows (including the level of reflectiveness), balustrades, brick, roof tiles, metal louvred screen and doors, metal louvred plant enclosure. The 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).

11. Prior to the construction of the basement, details of a structural monitoring system to ensure the structural integrity of the Flying Pig public house shall be submitted for the written approval of the local planning authority. The approved system shall thereafter be installed and maintained. Save to the extent permitted by the phasing plan approved pursuant to Condition 3, no demolition of elements of the Flying Pig public house shall take place until the proposed basement has been constructed and those parts of the Flying Pig public house to be retained have been structurally secured.

Reason: To ensure appropriate protection of the public house in accordance with policies 61 and 62 of the Cambridge Local Plan 2018.

12. No brickwork above ground level shall be laid until a sample panel [1.5m x 1.5m] has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning, mortar mix, design and pointing technique for the relevant brickwork. The details shall be submitted to and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes, and development shall be carried out only in accordance with 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).

13. No construction works shall commence above ground level until a large scale, bay- wide panel for the Hills Road façade of Building B has been constructed to demonstrate and detail materials; setbacks/reveals; junctions. The panel shall be

constructed on or off site and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes and the development shall be carried out in accordance with 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).

14. No construction works shall commence above ground level until a large scale, bay- wide panel for the Hills Road façade of Building C has been constructed to demonstrate and detail materials; setbacks/reveals; junctions. The panel shall be constructed on or off site and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes and the development shall be carried out in accordance with 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).

15. Prior to construction of the Flying Pig pub garden wall as set out on drawing 764.01 (SC) 007 Rev P3, details of its appearance, method of construction and proposed materials shall be submitted to and agreed in writing by the local planning authority. Where practicable, the materials shall include brick and flint salvaged from the existing right rear boundary wall of the pub garden. The wall shall be constructed in accordance with the approved details and retained in perpetuity.

Reason: In the interests of visual amenity, acoustic performance and local historic character in accordance with policies 35, 55 and 62 of the Cambridge Local Plan.

16. Notwithstanding the submitted plans, no development other than demolition shall take place until full details of all tree pits, including those in planters, hard paving and soft landscaped areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

17. Prior to the commencement of construction works above ground level, a detailed Public Art Strategy and Delivery Plan shall be submitted to and approved in writing by the local planning authority and thereafter be provided as approved.

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) (Cambridge Local Plan 2018, Policy 56).

18. No development above ground level (other than demolition works) shall commence until a full scheme for hard and soft landscaping has been submitted to and approved in writing by the local planning authority.

- (i) For hard landscape works the scheme shall include: details of the proposed finished levels/contours; the means of enclosure (incorporating a means of dispersal for hedgehogs); car parking layouts including other vehicular cycle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures in the nature of street furniture, refuse or other storage units, signage, lighting; proposed and existing functional services above and below ground (e.g. drainage power communications cables)

pipelines indicating lines manholes and supports); and any retained historic landscape features with detailed proposals for restoration and ongoing maintenance where relevant; and

- (ii) For soft landscape works the scheme shall include planting and layout plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting all species to be planted, plant sizes and proposed numbers/densities with a timetable for planting with a programme of implementation for the approved scheme. The scheme shall also reference soft landscaping mitigation proposals for wind including location, size and species of planting.

The hard and soft landscaping shall be implemented and thereafter retained as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

19. No development above ground level, other than demolition, shall commence until full details of green roofs and roof gardens have been submitted to and approved in writing by the local planning authority and these works shall be carried out and maintained as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategies (if applicable) and drainage and irrigation details where applicable.

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

20. No development above ground level of Building B hereby permitted shall commence until details of the location of associated duct work, for the purpose of extraction, filtration and/or abatement of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use is first commenced and retained as such.

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

21. No development above ground level of Building C hereby permitted shall commence until details of the location of associated duct work, for the purpose of extraction, filtration and/or abatement of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use is first commenced and retained as such.

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

22. The roof-mounted plant/equipment shown on drawing no 18059-PA-00-P110-P03 shall not be installed on Building B until details of the plant/equipment have been submitted to and approved in writing by the local planning authority. The details shall include the type, dimensions, materials, location and the means of fixing. The development shall be carried out and retained 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).

23. The roof-mounted plant/equipment shown on drawing no 18059-PA-00-P110-P03 shall not be installed on Building C until details of the plant/equipment have been submitted to and approved in writing by the local planning authority. The details shall include the type, dimensions, materials, location and means of fixing. The development shall be carried out and retained 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).

24. No operational plant, machinery or equipment both internal (including any plant rooms with louvres) and external including proposed electricity substations shall be installed associated with Building B until a noise assessment and any noise insulation / mitigation scheme as required to mitigate and reduce to a minimum potential adverse impacts, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and retained as such.

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

25. No operational plant, machinery or equipment both internal (including any plant rooms with louvres) and external including proposed electricity substations shall be installed associated with Building C until a noise assessment and any noise insulation / mitigation scheme as required to mitigate and reduce to a minimum potential adverse impacts, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out as approved and retained as such.

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

26. Prior to importation or reuse of material for the development (or any part or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the local planning authority. The MMP shall include:
- a) details of the volumes and types of material proposed to be imported or reused on site
 - b) details of the proposed source(s) of the imported or reused material
 - c) details of the chemical testing for all material to be undertaken before placement onto the site.
 - d) the results of the chemical testing which must show the material is suitable for use on the development
 - e) confirmation of the chain of evidence to be kept (and how held) during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved MMP.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

27. If unexpected land contamination is encountered whilst undertaking the development, works shall immediately cease on site until the local planning authority has been notified in writing and the contamination has been fully assessed and a remediation strategy has been submitted to, and approved by, the local

planning authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation strategy.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Framework paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and to ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety (Cambridge Local Plan 2018 Policy 33).

28. No hard-standing areas shall be constructed on the site (or brought into use) until the works under the approved surface water drainage scheme (pursuant condition 8) as they relate to hard-standing areas have been completed in accordance with the approved surface water scheme.

Reason: To ensure appropriate implementation of the surface water drainage scheme in accordance with policies 31 and 32 of the Cambridge Local Plan.

29. No external lighting shall be provided or installed until an artificial lighting impact assessment and mitigation scheme has been submitted to and approved in writing by the local planning authority. The assessment shall include:
- (i) the method of lighting (including luminaire type / profiles, mounting location / height, aiming angles / orientation, angle of glare, operational controls, horizontal / vertical isolux contour light levels and calculated glare levels to both on and off site receptors);
 - (ii) the extent/levels of illumination over the site and on adjacent land and predicted lighting levels at the nearest light sensitive receptors;
 - (iii) demonstration that proposed lighting scheme adheres to Advice Note 2 'Lighting Near Aerodromes' where necessary.

The scheme shall be carried out in accordance with the approved details and shall be retained as such.

Reason: To protect the amenity of nearby properties and respond appropriately to nearby sensitive receptors including Cambridge Airport (Cambridge Local Plan 2018 policies 36, 37, 69 and 70).

30. Prior to the installation of any rooftop photovoltaic panels on Building B, a photovoltaic glint and glare study shall be submitted to and approved in writing by the local planning authority. The installation of any photovoltaic panels on Building B shall take place in accordance with approved details of the study.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through confusion with aeronautical ground lights or glare in accordance with policy 37 of the Cambridge Local Plan 2018.

31. Prior to the installation of any rooftop photovoltaic panels on Building C, a photovoltaic glint and glare study shall be submitted to and approved in writing by the local planning authority. The installation of any photovoltaic panels on Building C shall take place in accordance with approved details of the study.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through confusion with aeronautical ground lights or glare in accordance with policy 37 of the Cambridge Local Plan 2018.

32. Obstacle lights shall be placed on any crane above a maximum jib height of 10m AOD to be used in the development and the obstacle lights shall be retained throughout the period any crane is on site. The obstacle lights must be steady state red lights with a minimum intensity of 200 Candela. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk).

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through interference with communication, navigational aids and surveillance equipment in accordance with policy 37 of the Cambridge Local Plan 2018.

33. Within 12 months of commencement of the construction of each building, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the local planning authority demonstrating that BREEAM 'outstanding' will be met, with maximum credits for Wat 01 (water consumption). Where the Design Stage certificate shows a shortfall in credits for BREEAM 'outstanding', a statement shall also be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applied to the development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

Pre-occupancy conditions

34. 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 approved details shall be maintained in full.

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.

35. Building B hereby approved shall not be occupied until a completion report demonstrating full compliance with the approved MMP pursuant to condition 26, and any remediation works required by the local planning authority as a result of the discovery of any unexpected contamination, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the reuse or importation of material on site has been appropriately managed on site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

36. Building C hereby approved shall not be occupied until a completion report demonstrating full compliance with the approved MMP pursuant to condition 26 and any remediation works required by the local planning authority as a result of the discovery of any unexpected contamination, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the reuse or importation of material on site has been appropriately managed on site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

37. Prior to first occupation of Building B a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative means of sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with the approved Travel Plan.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

38. Prior to first occupation of Building C a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative means of sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with the approved Travel Plan.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

39. Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority in writing. The landscape plan shall be carried out as approved. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

40. Before the occupation of any building hereby permitted all the works in respect of the Flying Pig public house as shown on 18059 (00)_P099 Rev P05, 18059 (00)_P100 Rev. P03, 18059 (00)_P400 Rev. P03, 18059 (00)_P401 Rev. P03, 18059 (00)_P402 Rev. P02, 764.01 (DP) 006 Rev P1, 764.01 (SC) 007 Rev. P3, 764.01 (DP) 009 Rev. P3 and 764.01 (DP) 011 Rev. P1 must be completed.

Reason: To ensure the works to the public house including all associated works are undertaken and completed to enable to re-opening of the public house in accordance with policy 76 of the Cambridge Local Plan 2018.

41. Prior to first occupation of any part of the development, a scheme and programme of highway works as set out in drawing MMD-411987-C-DR-01-XX-1041 entitled Hills Road Highways Scheme General Arrangement shall be completed and fully operational, with the exception of the bellmouth access to the basement car park to the west of Building C. The realignment of this access shall be completed and be fully operational prior to the first occupation Building C.

Reason: In the interests of highway safety and to mitigate the impact of the development (Cambridge Local Plan 2018, Policy 81).

42. The operation of any food and beverage uses, including the Flying Pig public house, shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours and to discharge at an appropriate outlet height / level, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is first commenced and shall be retained as such. All odour filtration/extraction/abatement systems shall always be designed and operated in accordance the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA) dated 05-09- 2018" or as superseded.

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

43. Prior to the first occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use is first commenced and shall thereafter be retained as such.

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

44. Prior to the first use or occupation of each building, or within 12 months of first use or occupation of each building, a BRE issued post Construction Certificate shall be submitted to and approved in writing by the local planning authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability or building design, the equivalent level of measure shall be applied to the development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

45. Prior to the first occupation of any of the development a Lighting and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the local planning authority. This shall include:
- detail on how the proposed ecological features, such as planting and bird/bat boxes will be established and managed for the long-term to enhance the ecological value at the site;
 - the type and location of bat and bird boxes; and
 - detail on how the lighting during the operational phases of the development will be designed and managed to minimise impacts on the Cambridge University Botanic Garden County Wildlife Site (CoWS) and across the wider development. This will be based on the Bat Conservation Trust guidance on artificial lighting (BCT, 2018).

The approved LEMP shall be implemented and retained in accordance with the approved details.

Reason: To improve the biodiversity on site and to mitigate any potential impacts upon biodiversity within the adjacent Botanic Gardens (Cambridge Local Plan 2018 policy 69).

46. Prior to first occupation, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:
- the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and resting birds;
 - physical arrangements for the lidding, collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
 - a good housekeeping plan to ensure spilt or dropped food is cleaned up promptly; and
 - signs deterring people from feeding the birds.

The BHMP shall be implemented as approved upon first occupation and shall remain in force for the life of the development.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Cambridge Airport through interference with communication, navigational aids and surveillance equipment in accordance with policy 37 of the Cambridge Local Plan 2018.

47. Prior to first occupation a Car and Cycle Parking Management Plan (CCPMP) shall be submitted to and approved in writing by, the local planning authority.

The approved CCPMP shall include details:

- how the car and cycle parking spaces will be allocated;
- how access to the car and cycle parking area will be controlled, including after hours; and
- the location and appearance of proposed security measures such as gates/shutters across the vehicle entrance/exit.

The development shall be carried out in accordance with the CCPMP and retained thereafter.

Reason: To ensure the development does not have an unacceptable impact on highways safety (Cambridge Local Plan 2018, policies 81 and 82).

48. Prior to first occupation of Building B, a waste management plan shall be submitted to and agreed in writing by the local planning authority. The waste management plan shall be implemented in accordance with the approved details and retained thereafter.

Reason - To ensure appropriate storage and collection of waste in the interests of visual amenity (Cambridge Local Plan 2018 policies 56 and 57).

49. Prior to first occupation of Building C, a waste management plan shall be submitted to and agreed in writing by the local planning authority. The waste management plan shall be implemented in accordance with the approved details and retained thereafter.

Reason - To ensure appropriate storage and collection of waste in the interests of visual amenity (Cambridge Local Plan 2018 policies 56 and 57).

50. Prior to first occupation of Building B, details of the two-tier bicycle racks which shall be assisted shall be submitted to and agreed in writing by the local planning authority. The two-tier bicycle racks shall be installed in accordance with the approved details and retained in perpetuity.

Reason: To ensure convenient and accessible cycle parking is provided in accordance with policy 82 of the Cambridge Local Plan.

51. Prior to first occupation of Building C, details of the two-tier bicycle racks which shall be assisted shall be submitted to and agreed in writing by the local planning authority. The two-tier bicycle racks shall be installed in accordance with the approved details and retained in perpetuity.

Reason: To ensure convenient and accessible cycle parking is provided in accordance with policy 82 of the Cambridge Local Plan.

Conditions relating to post occupancy monitoring and management

52. The areas of internal floorspace identified as "F&B" and coloured purple at ground floor level within Building B and Building C on approved plan no. (00)_P100 Rev P03 shall be used only for uses falling with class A1, A2 or A3 only and for no other purpose. Once an A1, A2 or A3 use is first implemented, any subsequent use of the identified areas shall only be for uses falling within Class E(a), E(b) or E(c) of Schedule 2 Part A Class E(b) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To ensure an appropriate mix of uses at ground floor level and to provide active uses to the buildings frontages in accordance with policies 40 and 56 of the Cambridge Local Plan 2018.

53. All servicing, delivery and collections for Building B and Building C shall be undertaken between the hours of 0700 to 2300 Monday to Saturday only, excluding Sundays, Bank and other public holidays.

Reason: In the interest of residential amenity (Cambridge Local Plan 2018 Policy 35).

54. The Flying Pig public house shall only be used for uses falling within Schedule 2 Part A Class E(b) of the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

Reason: To retain the existing use of the premises for the sale of food and drink mostly undertaken on the premises in accordance with policy 76 of the Cambridge Local Plan 2018.

End of conditions.

Agenda Item 8



Planning Committee Date	1 November 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/02094/FUL
Site	5 Hinton Avenue
Ward / Parish	Coleridge/Queen Edith's
Proposal	Erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to existing dwelling including a dropped kerb.
Applicant	Mr & Mrs Henderson
Presenting Officer	Adam Dzimidowicz
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Character2. Loss of Light3. Privacy Impact3. Noise Impact4. Biodiversity Impact
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks the erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to the existing dwelling.
- 1.2 The proposed development utilises a traditional design appropriate for the street scene of a similar scale and mass to the front of the property as compared to those of existing properties in the street scene. The larger additions are primarily to the rear of the site, and are obscured from view of the public realm, meaning there is no adverse impacts on the character of the immediate context.
- 1.3 Concerns raised by neighbouring occupiers have been addressed. The assessments conducted show a negligible degree of overshadowing and overbearing, neither of which are sufficient to warrant a refusal.
- 1.4 Bikes and bins are situated to the front of the property as required by policy 57.
- 1.5 Standard conditions are recommended to account for Biodiversity Enhancement, surface water drainage, sustainability matters and to limit highways impact and environmental concerns in the interest of protecting the residential amenity of neighbouring occupiers.
- 1.6 Officers recommend that the Planning Committee **APPROVE** this application subject to conditions.

2.0 Site Description and Context

None-relevant	x
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*X indicates relevance

- 2.1 The application site consists of an existing two-storey detached dwelling fronting Hinton Avenue. The site is not situated within a conservation area or the controlled parking zone and is in front of an unclassified road. The site is currently accustomed to 2no. off street parking spaces.
- 2.2 North of the site consists of neighbouring property no. 3 Hinton Avenue whereas further north is Cherry Hinton Road. East of the site consists of residential gardens serving the host dwelling and adjacent neighbours. South of the application site consists of neighbouring property no. 9 Hinton Avenue. West of the site consists of Hinton Avenue an unclassified Road.

3.0 The Proposal

- 3.1 The application seeks the erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to the existing dwelling.
- 3.2 The application has been amended to address representations and further consultations have been carried out where appropriate. The height of the new

dwellinghouse was amended to reduce from 8.9m to 8.7m. Proposed bicycle storage and sheds have been shown on the latest revised plans.

3.3 The application is accompanied by the following supporting reports and key plans which have been amended as indicated:

- Drawings
- Design and Access Statement
- Flood Risk Assessment
- Planning Statement

4.0 Relevant Site History

Reference	Description	Outcome
22/01121/HFUL	Two storey front/side extension and single storey rear extension.	WDN
17/1689/FUL	Part two storey, part single storey rear extension, single storey side and first floor side extensions and associated access and landscaping arrangements following demolition of existing detached garage.	PERM

4.1 The previous application was withdrawn following concerns raised by officers.

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Protection of human health and quality of life from noise and vibration
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 52: Protecting garden land and the subdivision of existing dwelling plots
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

5.5 Other Guidance

N/A

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 Subject to conditions/informatives outlined below:

- Contractors Parking Plan
- Visibility Splays
- Driveway levels

6.3 Environmental Health – No Objection

6.4 Subject to conditions outlined below:

- Construction Hours
- Piling

6.5 Drainage Officer – No Objection

6.6 Subject to conditions outlined below:

- Compliance with Flood Risk Assessment

6.7 Ecology Officer – No Objection (verbal comments)

6.8 Subject to conditions outlined below:

- Biodiversity Net Gain
- Green Roof.

6.9 Tree Officer – No Objection (verbal comments)

6.10 Subject to conditions outlined below:

- Tree Protection Plan and Arboricultural Method Statement
- Tree Protection Compliance Green

7.0 Third Party Representations

7.1 8 representations have been received from a total of 5 addresses.

7.2 These representations have raised the following concerns:

- Character, appearance and scale
- -Density and overdevelopment
- -Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, blocking of solar panels at no. 9, noise and disturbance from Air Source Heat Pump)
- Construction impacts
- Loss of parking
- Shared accessibility to the rear (would it be in the deeds)
- Impact on existing silver birch to the front (not TPO)
- Loss of biodiversity

8.0 Member Representations

Not applicable

9.0 Assessment

9.1 Planning Background

9.2 The previous application sought to extend the existing property, however, due to the limited internal arrangements of the existing dwelling and due to potential impact to the existing dwellinghouse and the context of the area, this application is to build a new dwellinghouse adjacent to the existing. The design and scale of the proposal have altered during the assessment period.

9.3 Principle of Development

9.4 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would allow for a vacant site to contribute to housing supply and thus would be compliant with policy 3.

- 9.5 The development constitutes a subdivision of an existing residential garden, meaning policy 52 is triggered. Policy 52 of the local plan states that proposals for the subdivision of residential gardens will be supported provided that:
- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
 - b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;
 - c. the amenity and privacy of neighbouring, existing and new properties is protected;
 - d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and
 - e. there is no detrimental effect on the potential comprehensive development of the wider area.

- 9.6 The following sections of this report will outline the proposed developments compliance with policy 52 of the local plan, and shall establish the principle of development as acceptable.

9.7 Design, Layout, Scale and Landscaping

- 9.8 Policies 55, 56, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

- 9.9 Concerns have been raised from neighbouring occupiers with regards to the adverse impacts the proposals would have on the character of the street. Further concerns have been raised with regards to the scale/massing of the proposed development, and the design of the bicycle store. These concerns will be addressed below.

- 9.10 The dwelling proposed is larger than the existing house on site, no. 5 Hinton Avenue, however, from the proposed frontage the scale appears similar other houses in the existing street scene, such as neighbouring properties nos. 11 and 13 Hinton Avenue. The proposed dwelling will be no wider than no. 5 Hinton Avenue on the front elevation, utilising a width of approximately 7.6m, and a height no greater than no. 13 Hinton Avenue of approximately 8.7m. The scale of the development is consistent with existing properties within the streetscene and is therefore compliant with Policy 52 (a).

- 9.11 The development proposes to utilise a larger footprint than that of the existing dwelling on site, no. 5 Hinton Avenue. The new dwelling is to extend into the site (to the south) and will be a similar depth to that of the neighbouring property no. 11 Hinton Avenue. Siting of the proposals is set back from the highway, and is consistent with the building line of adjacent properties along Hinton Avenue.

- 9.12 The new dwelling proposed will utilise a conventionally designed frontage, with some contemporary elements. The design is reflective of existing buildings within the area, drawing on similar characteristics of dwellings in proximity to the site such as no's. 11 and 13 Hinton Avenue, in an enhanced,

contemporary fashion and so is not considered to be an incongruous addition to the existing streetscene.

- 9.13 Natural slate roofing on the proposed new dwelling is considered to be a sympathetic addition to the existing streetscape. The type of brick used is still to be confirmed. To ensure the brick used is sympathetic to the existing streetscape officers consider it pertinent for this to be confirmed by condition.
- 9.14 The stand-alone dwelling is considered to enhance the character and use of the site for the provision of 1 no. new dwelling and is considered to assimilate into the surrounding area. The proposed dwelling is therefore considered compliant with policies 52 (a), 55, 56 and 57 of the Cambridge Local Plan (2018) and the design is supported.
- 9.15 The landscaping plans provided show there will be a marginal reduction of hedgerow to the front of the property. In light of the reduction in greening to the front of the site, the proposals seek to retain a sufficient level of vegetation to both the front and rear of the property, which is considered to successfully complement the prevailing green character of Hinton Avenue. The level of vegetation on site is considered to be consistent with the prevailing character of the site and surrounding streetscene and so is considered compliant with the requirements of policies 55 and 59 of the local plan which is supported.
- 9.16 It should be noted, that the development is not situated within a conservation area, and the vegetation to be removed is not subject to enhanced protective measures and so the removal of vegetation proposed as part of this application could be done outside of the formal planning process.
- 9.17 The installation of a new cycle store is considered to be acceptable in context as it would be obfuscated by existing landscaping arrangements to be retained, and as such it would have a limited impact on the context of the area.
- 9.18 It is considered that the proposal for the installation of sheds for the gardens of the existing dwellinghouse and the proposed dwellinghouse would be in keeping with the context of the residential area and it would appear subordinate to the existing and proposed dwellinghouse. As such it is considered that would not have a detrimental impact on the context of the area.
- 9.19 Changes to the existing dwellinghouse are proposed to ensure that there is no amenity impact. The increase in window size on the front elevation, addition of windows to the rear elevation and removal of windows from the side elevation are considered to be proportionate and minor in scale, and would be consistent with the character of the existing dwelling. As such, officers do not consider these to be an incongruous addition to the existing streetscene.
- 9.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 58 and 59 and the NPPF.

9.22 An area subject to Tree Preservation Order is present to the rear of the property. The Site Block Plan and Landscape Plans sets out that the existing Prunus domestica 'Cambridge Gage' tree, would be retained to the rear of no. 5 Hinton Avenue. A statement has been submitted as part of this application detailing that this tree is intended to be retained. The Tree Officer has provided verbal comment that the impact of the proposal on the existing trees can be mitigated through a planning condition to limit harm through protective measures as appropriate, in accordance with documents regarding tree protection sent through by the applicant.

9.23 As such the proposal is considered to accord with Local Plan policy 71.

9.24 Carbon Reduction and Sustainable Design

9.25 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

9.26 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

9.27 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

9.28 The proposed solar PV and Air Source Heat Pump technologies are welcomed and express the applicant's intentions to ensure carbon reduction is achieved in line with the requirements of policies 28 and 29.

9.29 The application is supported and will be subject to conditions relating to carbon reduction technologies and water efficiency, in the interest of ensuring compliance with policies 28 and 29.

9.30 The proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020, subject to conditions.

9.31 Biodiversity

9.32 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70.

Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 9.33 Concerns have been raised by neighbouring occupiers regarding the lack of biodiversity benefits and the removal of a significant amount of vegetation to the site prior to the commencement of the application.
- 9.34 The proposed development will utilise swift bricks in the interest of enhancing Biodiversity on site, which is welcomed.
- 9.35 The application has been subject to verbal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 9.36 The suggested conditions relate to biodiversity net gain, with baseline figures drawn from the level of biodiversity features on site prior to site clearance, and the provision of measures for enhancement (e.g. hedgehog holes, swift bricks etc).
- 9.37 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with Policies 57, 69 and 70 of the Cambridge Local Plan (2018), subject to conditions.

9.38 Water Management and Flood Risk

- 9.39 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 9.40 The EA's Extent of flooding from surface water map indicates the site is Flood Zone 1, indicating that there is no increased risk of flooding in this area.
- 9.41 A Flood Risk Assessment has been submitted as part of this application. The Drainage Team have provided formal consultation for this application and have stated that the development proposed is acceptable, subject to condition that the development is constructed, and the surface water system is maintained, in accordance with the Flood Risk Assessment. Officers consider these conditions to be pertinent, and will ensure that they are added to any permission granted.
- 9.42 The application proposes a flat roof on the bicycle storage, which is proposed as a green/biodiverse roof. A condition will be applied to any permission granted requiring the proposed green roof to be constructed and maintained in accordance with the green roof code for the lifetime of the development. To ensure compliance with policy 3

9.43 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

9.44 Highway Safety and Transport Impacts

9.45 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions.

9.46 The requested Contractors Parking Plan, visibility splays and driveway materials/levels conditions are considered necessary for highway safety throughout the demolition/construction of the development proposed, as the adjacent highway; Hinton Avenue, is an unclassified road. These are considered acceptable and will be applied to any permission granted.

9.47 The application has been amended to change the location of the proposed dropped kerb.

9.48 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

9.49 Cycle and Car Parking Provision

9.50 Cycle Parking

9.51 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

9.52 The application proposes the inclusion of a single bike store to be situated to the front of the new dwelling, and for Sheffield stands to be situated to the front of the existing dwelling. The bike store and the Sheffield stand can sufficiently accommodate 4no. cycles each and both are situated to the front of the property so is considered as accessible as the car with regards to the situation of parking spaces. The proposed cycle store will be ensured via condition, which will require the use of a green/biodiverse roof, and so the application is in accordance with policy 82 and appendix L of the local plan, subject to conditions.

9.53 Car parking

9.54 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms.

- 9.55 The application proposes 1 no. off-street parking space to the front of the new dwelling. This is within the maximum requirements for a 3-bedroom dwelling as outlined within policy 82 of the local plan and is acceptable.
- 9.56 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging as one slow charge point for each dwelling with allocated parking.
- 9.57 This application proposes an EV Charge point to the front of the proposed new dwelling. The application will be subject to conditions requiring the implementation of EV Charge points to the front of the property.
- 9.58 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

9.59 Amenity

- 9.60 Policy 35, 50, 52 and 53 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.61 Neighbouring Properties
- 9.62 Concerns have been raised by neighbouring occupiers with regards to loss of light, overbearing and overlooking.
- 9.63 Impact to No. 5 Hinton Avenue
- 9.64 Concerns were raised regarding the potential for the new dwellinghouse to have amenity impact on the existing dwellinghouse due to loss of light.
- 9.65 Changes to the existing dwellinghouse are proposed to ensure that there is no amenity impact: the increase in window size on the front elevation, addition of windows to the rear elevation and removal of windows from the side elevation are considered to be acceptable to ensure that there is no impact to available light to the living areas of the existing dwellinghouse.
- 9.66 To ensure there is adequate light for the ground floor rear windows of the existing dwellinghouse, which serve a living room and kitchen, an assessment was performed to determine if there would be an adverse impact to the proposed ground floor rear facing window.
- 9.67 The BRE's 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' provides rules of thumb regarding whether there will be an adverse effect to neighbouring properties. This includes the 45 degree horizontal and vertical lines and it advises that if the extension intersects both of the 45 degree lines from the centre line of the neighbouring window by more than 50% then there will be an adverse impact on daylighting in the neighbouring property.

- 9.68 A 45 degree line drawn from the centre line of the proposed rear elevation ground floor window at the existing dwellinghouse on no. 5 Hinton Avenue, and the profile of the proposed new dwelling, indicates that it would intersect on the vertical line but not the horizontal. As such it is considered that there would be sufficient light for the existing property.
- 9.69 Officers consider it pertinent to apply a condition to ensure that no development of the new dwellinghouse may commence until the proposed development to the existing dwellinghouse has been completed.
- 9.70 A proposed new rear window on the first floor of no. 5 is proposed. To ensure that there will be no privacy impact by overlooking the rear gardens it is proposed to be of a sill height above floor level that would mean that it is within guidelines set by the Town and Country Planning (General Permitted Development) Order 2015 to ensure that there is sufficient privacy for neighbouring occupiers. As such, officers consider that this matter has been addressed.
- 9.71 Impact on No. 9 Hinton Avenue
- 9.72 The comments provided from No. 9 Hinton Avenue object to the development due to impact to privacy, loss of light to skylights, loss of light to solar panels, and noise coming from the proposed Air Source Heat Pump.
- 9.73 The proposed first-floor side (south) facing windows on the new dwelling are considered to grant overlooking opportunities posing a threat to the privacy of the amenity space serving 9 Hinton Avenue. Therefore, the identified windows will be obscure glazed and fitted with opening restrictors via condition, in the interest of protecting the privacy of neighbouring occupiers. A condition will be added to this effect.
- 9.74 The potential for the new dwelling to impact rooflights on No. 9 Hinton Avenue has been assessed due to these concerns. The two roof lights present on this property are on the first storey north facing hipped roof slope, and the single storey flat roof to the rear.
- 9.75 Planning permission previously granted for the construction of 9 Hinton Avenue in 2022 (planning reference number 22/00197/FUL) indicates that the rooflight on the first storey north facing roof slope serves a bathroom. Regulation 19 of Part Two of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 defines habitable rooms as any rooms used or intended to be used for sleeping or living which does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. As such, it is not considered to be habitable space. Therefore, whilst it is accepted that there will be some impact on light to this room, it is unreasonable to refuse the application on these grounds.

- 9.76 Planning permission previously granted for the construction of 9 Hinton Avenue in 2022 (planning reference number 22/00197/FUL) indicates that the rooflight on the flat roofed single storey element serves a living area. This area is considered to have a principal light source from a rear facing ground floor window.
- 9.77 Because of the aforementioned concern regarding loss of light to No. 9, and the potential impact to the skylight, an assessment was performed to determine if there would be an adverse impact to the to the ground floor rear facing window.
- 9.78 The BRE's 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' provides rules of thumb regarding whether there will be an adverse effect to neighbouring properties. This includes the 45 degree horizontal and vertical lines and it advises that if the extension intersects both of the 45 degree lines from the centre line of the neighbouring window by more than 50% then there will be an adverse affect on daylighting in the neighbouring property.
- 9.79 A 45 degree line drawn from the centre line of rear elevation ground floor window at no. 9 Hinton Avenue, and the profile of the proposed new dwelling, indicates that it would intersect on the horizontal line but not the vertical.
- 9.80 Separately, officers consider that due to the orientation of the properties in relation to the path of the sun, that no sunlight would be lost to this rooflight or rear facing window.
- 9.81 Therefore, officers consider that it would not lead to a harmful loss of light to the rear window or the aforementioned skylight. As such, it is considered that it would not lead to a harmful loss of light and it would be unreasonable to refuse an application on these grounds.
- 9.82 The solar panels at No. 9 Hinton Avenue are located on the south facing roof slope, as detailed on permission granted (planning reference number 22/00197/CONDB). Officers have considered the path of the sun and have assessed this by drawing a line from the plane of the south facing roof slope of No. 9 to see if it intersects with the profile of the proposed new dwelling. It was determined that it does not intersect.
- 9.83 Officers consider that, as the line does not intersect, and due to the path of the sun providing sunlight to the solar panels from other directions, that there would be no loss of light to the aforementioned solar panels. Therefore, it would be unreasonable to refuse an application on these grounds.
- 9.84 Noise issues and concerns regarding the proposed Air Source Heat Pump would be addressed by the aforementioned condition relating to carbon reduction technologies. This condition requires details of any mitigation measures required to maintain amenity and prevent nuisance, and this would be required pre-commencement and would be reviewed by the Environmental Health Team.

- 9.85 Impact on No. 294 Cherry Hinton Road
- 9.86 The comments provided from No. 294 Cherry Hinton object to the development due to impact to privacy from the rear windows on the new development. As such, officers assessed No. 294 and it's neighbour No. 286 Cherry Hinton Road for overlooking impact.
- 9.87 On the proposed new dwelling the first floor windows and the second storey dormer windows would be respective distances of >40m and >42m, away from the single storey rear extension of No. 294 Cherry Hinton Road (the closest point of the dwellinghouse at No. 294 to the proposed new dwellinghouse). The distance from these aforementioned windows to No. 286 Cherry Hinton Road would be a greater distance away, and no harmful impact is envisaged either to the existing 286 or to the recent replacement permission for this property. As such officers consider that there is enough distance to ensure that adequate privacy is maintained. There may be some overlooking into the rear gardens of these properties, but this would be to the very rear of what are substantial gardens and any loss of privacy would not be significant.
- 9.88 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 35, 52, 57 and 58.
- 9.89 Future Occupants
- 9.90 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 9.91 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 ²)	Proposed size of unit (m ²)
1	4	8	3	130	231.1

- 9.92 Garden Size at No. 5 = 65.4m²
- 9.93 Garden Size at No.7 = 90.5 m²
- 9.94 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 which should be of a shape, size and location to allow effective and practical use of the intended occupiers. Officer considers that a sufficient private amenity space is provided, and as such the development proposed is compliant with Policy 50.
- 9.95 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met. The Site Block and Landscape Plans submitted indicate that the proposal would comply with these standards

and therefore, officers consider that the layout and configuration enables inclusive access and future proofing. A condition will be added to ensure that the proposed new dwelling is constructed to these requirements. As such, the proposal is considered to be compliant with policy 51 of the local plan, subject to conditions.

9.96 Construction and Environmental Impacts

9.97 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

9.98 The Council's Environmental Health team have assessed the application and recommended 3no. standard conditions relating to construction hours and piling. The officer shared the opinions of the environmental health officer, and the conditions will be applied to any permission granted to ensure the application is respectful of neighbours throughout construction. The development proposed is compliant with policy 35 of the local plan, subject to conditions.

9.99 Summary

9.100 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53 and 57.

9.101 Third Party Representations

9.102 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Covenants	<p>Concerns were raised regarding to a new rear access to the existing dwellinghouse going through the forecourt of the proposed new dwellinghouse. It is considered that this would be settled by way of a covenant.</p> <p>However, these are civil matters between different landowners and not a material planning consideration.</p>

9.103 Other Matters

9.104 Bins

9.105 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

9.106 The application proposes to include a bin store to the side/west elevation of the property. The bin store will be obscured from view of the public realm due

to its siting behind the proposed boundary treatments and is considered to be suitably integrated within the scheme.

- 9.107 The proposed bin store is compliant with policy 57 and is considered acceptable.
- 9.108 Accessibility
- 9.109 The development would have level access to the front door and access to the rear would have a minimum width of 1m with ramp provisioned. As such, the development is considered to be able to comply with Building Regulations requirement M4 (2) 'accessible and adaptable dwellings'.
- 9.110 Planning Balance**
- 9.111 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.112 There is a variety of architectural forms/designs in the street scene, as seen with the adjacent property no. 9 Hinton Avenue. Objections have been received regarding the scale of development. However, the height and building form is similar to what is already present in the street scene and would be in keeping with what is present in context.
- 9.113 There would be a negligible level of harm to the residential amenity of neighbouring occupiers. The loss of light, overbearing and overlooking concerns raised by neighbouring occupiers are not considered sufficient to warrant a refusal.
- 9.114 The proposed development is considered to enhance the site by providing for more housing in the centre of Cambridge, with provisions for biodiversity and renewable technologies. The proposal adequately respects the residential amenity of its neighbours and the constraints of the site.
- 9.115 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

10.0 Recommendation

10.1 Approve subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

11.0 Planning Conditions

- 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 development shall take place above ground level, other than demolition, until details of the brick to be used in the construction of the development have 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 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).

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing.

The maintenance shall be carried out in accordance with the approved schedule.

Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

Tree Protection

- 5 Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology, such as in the forms of an Arboricultural Method Statement (AMS) and/or Tree Protection Plan (TPP), shall be submitted to the local planning authority for its written approval, before any tree works are carried out and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence this

methodology will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

- 6 The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

Carbon/Water Efficiency

- 7 No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and

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

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 8 The new dwelling shall not 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).

Ecology

- 9 No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

- i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate;
- vi) Ensure that boundary treatments have hedgehog holes.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policies 59

and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

- 10 The bicycle storage associated with the proposed new dwellinghouse development, including any planting associated with a green roof, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

- 11 The proposed flat roofs of the development hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
- b) With suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

The green biodiverse roof(s) shall be implemented in full prior to the use of the extension and shall be maintained in accordance with the Green Roof Organisation's (GRO) Green Roof Code (2021) or successor documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: green-roofs.co.uk

Flood Risk

- 12 The proposed development should be constructed in accordance with the submitted strategy Flood Risk Assessment Proposed Residential Development Land adjacent to 5 Hinton Avenue Cambridge prepared by MAC Pre-Planning Engineering.

Reason: To ensure the development provides the maximum possible provision towards water management (Cambridge Local Plan 2018, policy 31).

- 13 The proposed surface water drainage system should be inspected and maintained in accordance with the submitted Flood Risk Assessment Proposed Residential Development Land adjacent to 5 Hinton Avenue Cambridge prepared by MAC Pre-Planning Engineering.

Reason: To ensure the development provides the maximum possible provision towards water management (Cambridge Local

Plan 2018, policy 31).

Highways

- 14 No demolition or construction works shall commence on site until a contractors parking plan has been agreed in writing with the Planning Authority. The aim of the plan should be to demonstrate how the developer will control and regulate on street motor vehicle parking for the contractors and sub-contractors under taking the works.

Reason: in the interests of highway safety.

- 15 The two pedestrian visibility splays of 2m x 2m as shown on drawing number PR-151 shall be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway for the lifetime of the development.

Reason: In the interests of highway safety.

- 16 The proposed drive way must be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

EV Charging

- 17 The 1no. parking space proposed will be equipped with EV charge points in line with the requirements of building regulations approved document S prior to the occupation of the dwelling hereby approved and shall be maintained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

Amenity

- 18 Prior to occupation of the proposed new dwelling, all approved development to No. 5 Hinton Avenue must be carried out in accordance with the approved details (as shown in drawing no. PR-202 and drawing no. PR-222).

Reason: To ensure that amenity is maintained for the occupiers of No. 5 Hinton Avenue (Cambridge Local Plan 2018 policies 55, 57/58).

- 19 The proposed first floor window on the Southern elevation of No. 7

Hinton Avenue, hereby permitted, shall be fitted with obscured glazing up to 1.7m above the first floor level (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity), and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall (unless in an emergency for means of escape). The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55, 57/58).

- 20 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 21 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57) OR 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, 57.

- 22 No construction or demolition work shall be carried out and no plant or power operated machinery 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, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 23 In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed 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 statement.

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

- Accessibility
24 Notwithstanding the approved plans, the building 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)

Informative (Highways)

The granting of planning permission does not constitute a permission or license to a developer to carry out any 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.

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