
Application Number	19/0964/FUL	Agenda Item	
Date Received	9th July 2019	Officer	Andy White
Target Date	3rd September 2019		
Ward	Market		
Site	Entopia Building 1 Regent Street		
Proposal	Proposed low carbon refurbishment works including replacement passivhaus windows, installation of solar photovoltaic (PV) panels, new disabled entrance ramp and associated works.		
Applicant	Chancellor, Master and Scholars c/o Agent		

SUMMARY	The development does not accord with Section 16 of the NPPF which seeks to conserve and enhance the historic environment as well as policies 55, 61 and 63 of the Cambridge Local Plan 2018 which seek to conserve or enhance the City's historic environment and Conservation Areas and promote development that enhances the street scene. This development is not considered to achieve these policy aims, for the reason set out in the report, and the recommendation is therefore one of refusal.
RECOMMENDATION	REFUSE

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises a three-storey Neo-Georgian building, constructed in 1939, that occupies a prominent location on Regent Street, with Park Terrace to the south of the site and the University Arms Hotel on the other side of Park Terrace. The site is located in the Central Conservation Area with Listed Buildings to the west and north of the site. The building is identified as a Positive Building within the Historic

Core Conservation Area Appraisal, and is also situated within a Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 This application proposes the low carbon refurbishment of the building including replacement passivhaus windows, installation of solar photovoltaic (PV) panels and a new disabled entrance ramp and associated works.

2.2 The application is supported by:

1. Design and Access Statement
2. Public Benefit Statement
3. Heritage Impact Assessment
4. Sash Window Review
5. BREEAM Report
6. Noise Statement
7. Arboricultural Impact Assessment
8. Plans

2.3 The Design and Access Statement (DAS) explains that the building is intended to provide new headquarters for the Cambridge Institute for Sustainability Leadership (CISL). The project is intended to reduce carbon emissions from the building by more than 80% over the next 100 years, and to outwardly demonstrate the Institute's core values and to explore how existing buildings can be upgraded to tackle the climate crisis.

2.4 The most significant change is to the windows. It is proposed to change all the existing timber-framed multi-paned neo-Georgian sash windows with Passivhaus certified timber-framed triple-glazed single pane windows, with the frame sitting in line with insulation added internally to the external walls and recessed behind the opening. Similar windows would also be added to the third-floor level dormer windows, albeit without the recessed frames.

2.5 The DAS goes on to explain that a number of replacement window options were considered:

- Option 1 – double glazed sliding sash (average glazed area of 57%)

- Option 2 – triple glazed mock sash with central horizontal glazing bar with subdividing mullions and transoms (average glazed area of 61.5%)
- Option 3 – triple glazed mock sash with horizontal glazing bar only (average glazed area of 66.2%)
- Option 4 – triple glazed tilt and turn Passivhaus window (open-in) (average glazed area of 69.3%)
- Option 5 – triple glazed tilt and turn Passivhaus window with frame overlapping wall (open-in) (average glazed area of 92.4%)

Option 5, which maximises the daylighting to the building, is the window form proposed in this application.

3.0 SITE HISTORY

Reference	Description	Outcome
15/0528/FUL	Extension to secure Cycle Parking	Conditional Permission
11/1045/FUL	Proposed construction of a glazed draught lobby.	Conditional Permission
11/0101/FUL	Demolition of existing cycle compound, cycle shed, racks and smoking shelter and replacement with extended cycle compound, cycle shed, racks and smoking shelter. This will increase the cycle parking capacity from 28 spaces to 80 spaces.	Conditional Permission
05/0994/ADV	Installation of 1no. non-illuminated individual letter sign and 1no. non-illuminated fascia sign.	Part refuse part approve

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1
		28 35
		55 56 58
		61 63
		81 82

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

	Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
Appraisals	Historic Core Conservation Area appraisal 2017

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No significant adverse effect upon the highway.

Environmental Health

- 6.2 The proposal is acceptable subject to conditions relating to construction hours, deliveries and collections during construction and noise insulation of plant, and informatives relating to Noise from plant and low Nox boilers.

Conservation Team

- 6.3 The replacement of the existing windows with those proposed would adversely affect the building's contribution to the appearance of the conservation area by stripping out some of the detail that is characteristic of the former post office typology. Windows that retained a multi-pane appearance (whilst allowing ungraded thermal performance) would be preferable.

Sustainability Officer

- 6.4 Supports the proposal. In the context of the Council having declared a Climate Emergency, the approach being taken by Cambridge Institute for Sustainability Leadership in looking to deliver an exemplar low carbon retrofit is fully supported.
- 6.5 The proposal seeks to achieve exemplary sustainable construction standards for the refurbishment of the building which would represent global best practice. The use of photovoltaic panels and heat pumps is supported, as the approach to water efficiency, with the scheme targeting 4 out of

5 BREEAM credits for water efficiency, which represents a 50% reduction in potable water use compared to the building baseline.

- 6.6 The replacement windows are an important element in enabling the building to achieve the EnerPHit standard. An alternative option, more in keeping with the style of the original windows, may still enable the EnerPHit standard to be achieved, this approach would remove any contingency buffer, putting achievement of the EnerPHit standard at risk at the construction stage. It is best practice in seeking exemplary construction standards for a buffer to be identified. I would support the submitted proposal which provides more certainty that the EnerPHit standard can be achieved.
- 6.7 From a health and wellbeing perspective, a significant challenge for this building is enhancing internal levels of daylighting due to the deep plan nature of the building. None of the window options put forward would meet BREEAM requirements for daylighting.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 One representation has been received from Cambridge Past Present Future. It is supportive of the overall project to improve the energy efficiency and thermal performance of the building, but not the alterations to the windows. "The windows are original, historic and positively contributed to the street scene, elevations of the building and its character. The loss of these windows would result in harm to the conservation area, reduce the positive contribution to the street scene without less harmful alternatives seemingly being explored".

8.0 ASSESSMENT

Background

- 8.1 The application has been referred to Committee at the discretion of the Joint Director of Planning and Economic

Development as the proposal raises key issues of balancing climate change and heritage significance concerns.

Context of site, design and Conservation Area

- 8.2 Policy 63 of the Local Plan states that proposals to enhance the environmental performance of heritage assets will be supported where a sensitive and hierarchical approach to design and specification ensures the significance of the asset is not compromised by inappropriate interventions. The supporting text to the policy states that the Council is committed to tackling climate change and reducing the city's carbon emissions but, at the same time, is also committed to conserving the city's historic environment. The Council's aim is therefore to ensure a balanced approach between protecting heritage assets and tackling climate change and, where works would harm the building's integrity or significance, that harm will be weighed against the public benefit of the proposal.
- 8.3 The site is located in a highly prominent location and the location, design, scale and form of the building are critical issues in considering the proposals. The identification of the building as a positive building in the Conservation Area Appraisal indicates that the building has an important role in contributing to the Conservation Area. The applicant's heritage impact assessment identifies that the building "makes a valuable contribution to the overall architectural, historical and aesthetic character and appearance of the wider conservation area". The NPPF at paragraphs 184 onwards sets out national policy for the protection of historic assets and the approach a planning authority should take when faced with an application affecting an historic asset. In this instance the heritage issue is whether the proposed changes to the building would preserve or enhance the conservation area. If there would be harm, it then needs to be established whether that harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development leads to less than substantial harm, this needs to be weighed against the public benefits of the proposal.
- 8.4 The alterations to the roof are considered to be an improvement to the building with the existing plant being replaced by well positioned solar panelling. The access ramp to the entrance is also supported by officers as is the proposal for cycle parking.

- 8.5 The key issue is the change to the character and appearance of the building in the proposed altered form of the 94 windows that light and ventilate the building over three floors, including the dormers in the roofspace.
- 8.6 The existing timber-framed multi-paned sash windows are considered to be a defining characteristic of the existing building. It is argued by the applicant that the current windows are not the original windows and this part of the conservation area has been altered over time and that “the benefit to buildings users and wider public derived from the energy performance outweigh the impact on the character of the original building and surrounding context”. The design and access statement also argues that the replacement windows “would add to the character” of the conservation area. Officers disagree with these points. Taking as a starting point the definition of development it is the case that the current timber framed windows (which probably replaced the critical originals) would have been of an appearance that was considered to be similar to the original windows and as such would not be considered to be development having regard to the definition of development at Section 55 of the Town and Country Planning Act. The obvious insinuation from this is that windows that are not similar would require planning control because of the potential harm to the character of a building.
- 8.7 The proposal that has come forward proposes single pane windows in the multiple (94) large gaps in the facades of the building. Officers consider that the impact of such a change is harmful to the character and appearance of the building, does not preserve or enhance the character and appearance of the conservation area and is harmful to the street scene. In the Conservation Area it is necessary for development proposals that come forward to either preserve or enhance the appearance of the Conservation Area. The applicants accept that the proposed windows are harmful to the character and appearance of the Conservation Area and in this they are in full agreement with the Council’s Conservation Team. The harm is considered to be less than substantial given that the structure will remain but given the height of the building, the fact that it makes a positive contribution to the conservation area, the number of windows that are altered and the number of public facades of the building, there would be a dramatic impact upon the appearance of the existing building. Even in the case of less

than substantial harm, the NPPF makes it clear that, when assessing public benefits, “great weight” should be given to the asset’s conservation. Case law has shown that this is not just a matter of planning balance but is a prime obligation in law of the LPA to ensure the significance of a heritage asset is preserved, and that there is a weighted balance in favour of this obligation.

8.8 The applicant argues that there are public benefits associated with the proposal that outweigh the harm that is agreed by all to result from the change. To this end arguments are put forward as to the energy efficiency that would be achieved for the entire building with the single pane window (Option 5, as proposed in this application). The Council needs to consider whether the carbon reduction benefit of the proposal over and above that achieved by the alternative options (officers consider Option 2 in the DAS would be appropriate) is justified in the public interest.

8.9 Officers are of the view that the harm to the street scene and the Conservation area will be apparent to the public for the lifetime of the windows and note that the difference between the energy performance of the building with the single pane windows as compared to the option 2 Georgian style windows (within Design and Access submission) is 4.4% over 100 years. Officers are firmly of the view that this is not a significant or tangible public benefit and were members minded to approve the application contrary to officer advice consider that the proposal would be an exemplar of the Planning Authority accepting that the character and appearance of its conservation areas is less important than the energy efficiency of the building which would be contrary to Policy 63 of the local plan. Such a decision would be likely to result in applications coming forward for energy efficient windows that would be less respectful of the design and history of the heritage buildings in the City of Cambridge. The approach to this point of Committee and Officers (which is reflected in the recently adopted local plan) is that a high quality design and appearance of windows within the historic environment is critical. Officers are content that refusing this application is the appropriate response to the application for the following reasons:

1. Officers can demonstrate through the applicant’s own submissions and the response of the Sustainability Officer that the use of appropriate windows will achieve the BREEAM and

EnerPHit certification providing that the project management of the refit is of a high standard.

2. Officers consider that by refusing the proposal this will send the appropriate signal to applicants, window designers and manufactures that greater effort needs to go into achieving better performing windows that have the appearance appropriate to the old and historic buildings of Cambridge within which they will function. The applicants design and access statement acknowledges that more appropriate windows are likely to become available in the future. However, the officer view is that this is likely to be delayed if the Planning Authority is not firm in requiring high quality windows at this time.
 3. That in achieving zero carbon retrofits the Planning Authority will not compromise significantly the approach to the protection of the historic environment for its own sake as well as for the public benefit, be that residents or visitors, of the population of Cambridge
 4. Committee members have the comfort of knowing that in refusing this application they will not be delaying the project as the applicant has been advised in writing by Officers that the use of the Georgian Style windows (Option 2 windows in the applicants Design and Access submission) would not constitute development having regard to Section 55 of the Town and Country Planning Act
- 8.10 On the basis of the above the conclusion of Officers is that the application in its current form should be refused

9.0 RECOMMENDATION

REFUSE for to the following reason:

1. No.1 Regent Street is prominently located on the corner of Regent Street and Park Terrace, and is identified as a Positive Building in the Historic Core Conservation Area Appraisal 2017. An important characteristic of the building is its timber-framed multi-paned neo-Georgian sash windows, arranged over three floors (94 window openings in total). The proposed replacement of these windows with contemporary triple-glazed single pane windows would harm the design and appearance of the building and, consequently, the contribution it makes to the character and appearance of the Conservation Area. The harm is considered to amount to 'less than substantial harm'. Whilst it is acknowledged that the development would result in a public benefit, by improving the energy efficiency of the building to Passivhaus standard, this is at the expense of the character of the building. The documentation accompanying the application makes it clear that there is an appropriate window that would respect the character of the building and achieve EnerPhit and BREEAM outstanding certification. The difference in energy performance of the retrofitted building with the 94 single pane windows compared to the retrofitting of the building with 94 Georgian style windows is 4.4% over 100 years, and this is not considered to be of such significant or tangible public benefit that it would justify the clear harm to the character and appearance of the building and wider Conservation Area, and override the Local Planning Authority's obligation to preserve the significance of heritage assets.

The development is therefore contrary to Section 16 of the NPPF, which seeks to conserve and enhance the historic environment, and to Policies 55, 61 and 63 of the Cambridge Local Plan 2018 which seek to preserve or enhance the City's historic environment and Conservation Areas, and ensure that changes to heritage assets to address climate change do not compromise the significance of the asset.