



<b>Planning Committee Date</b>	7 December 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/02969/FUL
<b>Site</b>	73 Newmarket Road, Cambridge
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Mixed use development comprising a ground floor commercial unit (Class E) with nine residential units on the upper floors along with associated infrastructure following demolition of existing buildings.
<b>Applicant</b>	Tulis Properties Ltd
<b>Presenting Officer</b>	Katie Christodoulides
<b>Reason Reported to Committee</b>	Third party representations contrary to the Officer Recommendation
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Principle of Development</li><li>2. Design and Character of Area</li><li>3. Heritage Impact</li><li>4. Neighbour Amenity</li><li>5. Highway Safety and Parking Provision</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks a mixed use development comprising a ground floor commercial unit (Class E) with nine residential units on the upper floors along with associated infrastructure following demolition of the existing buildings.
- 1.2 The application follows the extant planning application (18/0887/FUL) which was approved at Planning Committee for the proposed mixed use development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 9no. apartments and commercial/restaurant/public house (A1, A2, A3, A4, A5 and B1 flexible use) with associated works.
- 1.3 This proposal seeks the demolition of all the existing buildings on site and a mixed use development on the ground floor comprising of Class E uses with nine residential units on the upper floors.
- 1.4 The proposal accords with the Local Plan 2018 as the design and scale would not have an adverse impact on the character of the surrounding area and the Conservation Area. The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring properties and would provide a high quality living environment for future occupiers.
- 1.5 Officers recommend that the Planning Committee approve the application.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
Conservation Area	x	Local Nature Reserve	
Listed Building		Flood Zone	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	x
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The site is situated on the northern side of Newmarket Road and is occupied by a two storey building that is currently vacant and was previously used as an Indian restaurant since 2014. The existing building fronts the back edge of the pavement to Newmarket Road. To the rear of the building is an area of hardstanding. The rear boundary is defined by a 2.5 metre high brick wall which also extends along the western boundary and part of the eastern boundary. The western boundary wall is hidden behind a piece of public art which extends along the entire length of the boundary.

- 2.2 The site is located within an area of mixed uses such as residential apartments, offices and other commercial uses. To the west of the site is the main entrance and access into Kingsley Walk which contains blocks of apartments with car parking at ground level. On the other side of the main entrance is Brooke Court which is an apartment block. Newton Court which is an apartment block is located adjacent to the northern boundary of the site. To the east is a three storey office building (Nos.77-81 Newmarket Road) which is set back from the front elevation of No.73. Opposite the site; south of Newmarket Road, are office buildings and other commercial uses with car parking within the frontage
- 2.3 The site lies within the Riverside and Stourbridge Common Conservation Area (2012) and a Controlled Parking Zone. There is a tree which is subject to a Tree Preservation Order close to the eastern boundary of the site. There are no listed buildings or other heritage assets within close proximity of the application site.

### **3.0 The Proposal**

- 3.1 The proposal is for the mixed use development comprising a ground floor commercial unit (Class E) with nine residential units on the upper floors along with associated infrastructure following demolition of existing buildings.
- 3.2 The proposal would include visitor cycle parking spaces to the front, with residential and commercial cycle storage to the side and rear and a refuse storage area to the side. To the rear of the site would lie a planted area with grass and a paved area. To the side of the commercial unit would lie a paved area.
- 3.3 Additional information has been submitted as part of the application to address the comments and request for information from the Sustainability Officer. Further consultation has been undertaken with the Sustainability Officer.
- 3.4 There is an extant permission on the site for proposed mixed use development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 7 studio units and 2 x 2 bedroom units and Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 and B1 in the alternative) flexible use, with associated works (approved by members at Planning Committee under application reference (18/0887/FUL).

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
18/0887/FUL	Proposed mixed Use Development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 9no. Apartments and Commercial/Restaurant/Public	Approved

House (A1, A2, A3, A4, A5 and B1 flexible use) with associated works.

16/0720/FUL	Proposed Residential Development of 6No. Studio Apartments, Kitchen Extension to Existing Restaurant and associated Works including demolition of existing single storey structures.	Approved
-------------	--	----------

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

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

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

### **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 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

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 40: Development and expansion of business space

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and subdivision of dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
Policy 61: Conservation and enhancement of historic environment  
Policy 62: Local heritage assets  
and geodiversity importance  
Policy 70: Protection of priority species and habitats  
Policy 71: Trees  
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  
Health Impact Assessment SPD – Adopted March 2011  
Landscape in New Developments SPD – Adopted March 2010  
Trees and Development Sites SPD – Adopted January 2009

### **5.5 Other Guidance**

Arboricultural Strategy (2004)

Cambridge and Milton Surface Water Management Plan (2011)

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment  
(November 2010)

Cambridge City Council Waste and Recycling Guide: For Developers. Cycle  
Parking Guide for New Residential Developments (2010)

Riverside and Stourbridge Common conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management – No Objections.**

#### **6.2 Recommends conditions in regard to:**

- Traffic Management Plan.
- Demolition and construction vehicles hours.
- Redundant vehicular crossing be removed.
- Reductant rain water channel be removed.

- Informatives in regard to no works to the highway, no water on the highway and no foundation on the highway.

Guidance was then provided on the information required for the Traffic Management Plan (TMP).

**6.3 Sustainable Drainage Officer – No Objections.**

6.4 The site can drain adequately and a suitable surface water drainage strategy for the site can be delivered. Recommends conditions in regard to:

- Submission of a surface water drainage scheme.
- Details of foul water drainage works.

**6.5 Anglian Water – No comments received.**

**6.6 Urban Design – No Objections.**

6.7 The proposals are successful in creating a contextually appropriate building, by virtue of a careful consideration of scale and massing, urban grain and the interface within the street frontage. Recommends conditions in regard to:

- Materials.
- Sample Panel.
- Details of roof top plant and equipment.

**6.8 Access Officer - No Objections.**

The small number of flats are served by a lift. They would need to meet the relevant Building Regulations. In the cycle parking it would be good to have room for some outside cycles and perhaps a mobility scooter charging point.

**6.9 Conservation Officer – Objection.**

6.10 The property contributes to the Riverside and Stourbridge Common Conservation Area due to its attractive Arts and Craft form, materials and detailing, and historic community use. The scale and appearance reflects the historic development and fine urban grain of the site and wider area at the time it was built.

6.11 The loss of the building would fail to preserve the character and appearance of the Conservation Area due to the loss of a positively contributing building. The proposed replacement building lacks the positive architectural characteristics and historical associations of the existing building and wider Conservation Area and is therefore not considered to preserve or enhance its character and appearance.

- 6.12 The proposal would fail to preserve or enhance the character or appearance of the Conservation Area. The loss of the existing building and its redevelopment as a proposal would result in moderate less than substantial harm to the designated heritage asset.
- 6.13 The proposal would not comply with Local Plan Policies 58, 61, 63 and 76 and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.

6.14 **Senior Sustainability Officer – No Objections**

- 6.15 The floor space for the commercial unit is relatively small, making BREEAM accreditation challenging. Nevertheless, a number of measures are being implemented including achieving maximum BREEAM credits for water efficiency and targeting 11 BREEAM credits associated with energy use through the implementation of fabric and energy efficiency improvements, with consideration also being given to the use of heat pumps. These measures alongside the measures being implemented for the residential aspect of the scheme are supported. Recommends conditions for the commercial element in regard to:

- Carbon reduction measures for non residential.
- Water efficiency specification for non residential.

- 6.16 Previous comments: the residential aspects of the scheme are welcomed from a sustainability construction perspective, further information is required before the scheme can be supported. Recommends conditions for the residential element in regard to:

- Carbon reduction statement for residential.
- Water efficiency specification for residential.
- Informative in regard to the proposal meeting Parts O and F of Building Regulations.

6.17 **Tree Officer – No Objections.**

The loss of trees on site have no material impact on amenity. The relationship between adjacent trees of high amenity and buildings is improved by the setback in the southeast corner of the site. The adjacent London Plane will need to be protected from construction activity. Recommends conditions in regard:

- Submission of an Arboricultural Method Statement and Tree Protection Plan.
- Tree Protection Methodology implemented throughout and protection retained.

6.18 **Environmental Health – No Objections.**

6.19 Recommends conditions in regard to:

- Construction hours.
- Collection during construction.
- Piling.
- Dust condition.
- Plant noise insulation.
- Alternative Ventilation Scheme.
- Odour filtration and extraction.
- Noise insulation scheme.
- Hours of opening of commercial premises.
- Use of commercial waste receptacles.
- Deliveries and collections.
- Lighting.
- Informatives in regard to demolition and construction dust.

6.20 **Police Architectural Liaison Officer – No Objections.**

6.21 Recommends the applicant considers submitting a Secure by Design residential 2019 application and commercial 2015 application.

6.22 **Ecology Officer- No Objections**

6.23 The PEA has been reviewed and can confirm the stated low BNG baseline. The proposed BNG net gain is based on realistic future condition of the sedum roof and grassland and therefore the increase in BNG is accepted. Opportunities to further enhance the green roofs with introduction of deadwood features and variation in topography would further enhance the proposals for biodiversity and the BNG score, but the current scheme exceeds the requirement of the NPPF and Local plan policies. The proposed installation of swift boxes is supported, numbers to be determined by reference to commercial floor area and the Biodiversity SPD guidance. The specification, number and location should be provided on a plan for approval or secured via condition.

## **7.0 Third Party Representations**

7.1 Ten representations have been received objecting to the proposal from 1 Darwin House, Nos. 1 & 28 Keynes House, Kingsley Walk, 2 Kingsley Walk, Nos. 12 & 25 Marlowe House, Kingsley Walk, Nos. 20 & 33 Brooke House, Kingsley Walk and Nos. 18 & 46 Newton Court, Kingsley Walk. Those objecting have raised cited the following reasons:

Visual Amenity:

- Existing building is beautiful and in a Conservation Area.



- Loss of an attractive, human-scale, historic, Arts and Craft style building that brings welcome diversity of appearance to this section of Newmarket Road.
- New design is not in keeping with the design and appearance of the area.
- The appearance of the proposed building is that of a tall brutalist edifice squeezed into too small a space between the existing buildings.
- The proposal would blot out the existing softer lines of the adjacent Cambridge Riverside development and dominate the street scene.
- The proposal needs to be toned down to blend with the surrounding environment.
- High apartment block on the western elevation would appear overly severe and massive.
- Massing is as tall as Brooke House without any articulation by balconies and setbacks.
- New building large for the size of the plot area.
- Proposal is higher than the extant proposal being 4 storey's to Newmarket Road and Kingsley Walk.

#### Residential Amenity:

- Height will affect residents in Brooke House.
- Overshadowing Brooke House and privacy of building and using balconies.
- Those residents on south side of Newton Court will lose their view south towards Newmarket Road and be shaded.
- Loss of privacy, windows facing directly from new development.

#### Highway Safety and parking:

- Highway safety to Newmarket Road from delivery vans stopping outside.
- Inadequate lack of parking would cause problems on Kingsley Walk.
- Parking provision for residents in the long term being at risk.
- Design out of scale, does not preserve greenery, propose a viable parking solution and would negatively impact road safety on Newmarket Road roundabout.
- Concern regarding construction traffic taking up nearby roads and restricting neighbours movements.
- Concern regarding air pollution from construction vehicles.
- No space to safely load and unload deliveries to the site.
- Concerns regarding the demolition and construction phase.
- Questions the plans for safe movement of pedestrians and cyclists.
- Questions where lorries will park to load and unload causing disruption to Newmarket Road.
- Request that the Authority set down and enforce restrictions during the construction phase and longer term for Kingsley Walk.
- Concerns regarding flexible Class E use.

Trees and Landscaping:

- Loss of trees and green space

Other Matters:

- Increase in population density in the area at a busy entrance to a large development that serves 90 existing homes.
- Close to whale wall.
- Damage to nearby artwork (Whale Wall).
- Demolition and construction affect quality of life and health of residents and young children.
- Proposal will not address the existing problem of housing families on lower income.
- Proposal does not seem to benefit the community at large.
- Unusual floor plan with pinch point would not suit many of the uses permitted in Class E, questions if commercially viable and lettable.

7.2 Five representations have been received in support of the proposal from 57 Catherine Street, 169 East Road, 54 Grenville Road, 70 Newmarket Road and 74 Newmarket Road. Those in support have cited the following reasons:

- Improved scheme with modern design preferred to retaining existing building.
- The proposal is modern and attractive and in keeping with the regenerated architecture currently visible on either side.
- Previous scheme will give a poor contribution to the street scene.
- The proposal is better than the busy design of the approved scheme.
- Old restaurant is an eyesore and does not contribute to street.
- Existing building is out of character with area and if kept would add nothing visually or historically.
- Building is clearly not listed or a building of local interest.
- Brickwork of the existing is poorly carried out repairs and the windows are door are 1970 mass produced wooden supply and the supports have subsided and given way.
- The new building will be constructed to reduce energy consumption and living costs for occupiers.
- Proposed design is really interesting and will be visually pleasing.
- The modern block is sympathetically designed and will provide a positive contribution to the rhyme of architecture.
- Reference to demolition of similar aged buildings on Silver Street which were far better condition than this one.
- Removal of parking on site is safer.
- Many pay and display parking bays available for visitors of the residential flats and commercial ground floor.
- Existing building will not sit well or contribute positively in the area given the new modern development in the area.

- The approved scheme will result in small oppressive rooms which do not meet modern living and working.
- The approved scheme will make it impossible for wheelchair access.
- Retaining the existing building and bringing it to modern day standards is full of practical and unforeseen problems.
- The proposal will set a precedent for other buildings planned for the area to meet high standards in design and appearance.
- The new design will be a positive and refreshing contribution to the street.
- The existing building required maintenance due to regular instability of the structure and was costly.

## **8.0 Member Representations**

No member representatives received.

## **9.0 Local Groups / Petition**

9.1 Cambridge Past, Present and Future have made a representation objecting to the application on the following grounds:

- Object to the loss of the building contrary to Policy 61 of the Local Plan.
- No.73 Newmarket Road is a small island of history within this sea of bland redevelopment in an otherwise historically important street. The building needs to be preserved and not replaced with more uninspiring development.
- The loss and redevelopment of this site will be historically and visually harmful contrary to Policy 61 of the Local Plan.
- Support the views of the Conservation Officer who raises the importance of the building reflecting the historical use of the site as a public house, the visually positive relationship of the building due to its human, domestic scale and the attractive architectural detailing.
- Building covered by Policy 76 on protection of public houses.
- Do not consider the design of the replacement building is appropriate for the Conservation Area.
- The proposal is for a bulky building which will result in the loss of human scale, detracting from the Conservation Area.

9.2 Cambridge Riverside (Midsummer Common) Residents Management Company Ltd have made a representation objecting to the application on the following grounds:

- The new design has substantially changed the impact by doubling the height of the existing 73 Newmarket Road.
- Impact on access to Cambridge Riverside.
- Reduction of light to Newton Court and affect outlook of apartments from Newton Court (south) and Brooke House (east).
- Parking on Kingsley Walk.

- Demolition of building impact on pedestrians, cyclists and vehicles from Kingsley Walk.
- Class E use and impact from parking or waiting cars.
- Food business -odour and hours of use.
- Noise and vibration from plant to ventilate building.

9.3 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.

## **10.0 Assessment**

From the consultation responses and representations received and from my inspection of the site and surroundings, the main issues are:

1. Principle of Development
2. Design, Layout, Scale and Landscaping
3. Heritage Assets
4. Trees
5. Carbon Reduction and Sustainable Design
6. Biodiversity
7. Water Management and Flood Risk
8. Highway Safety and Transport Impacts
9. Cycle and Car Parking Provision
10. Residential Amenity

### **10.1 Principle of Development**

10.2 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. Previous planning applications for the site were granted under planning approvals (16/0720/FUL) for 6 residential units and (18/0887/FUL) for 7 studio units and 2 x 2 bedroom units. Given the above, the site is considered appropriate for residential development.

10.3 The existing site and it's building are currently vacant but was previously used as an Indian restaurant (Class E use) with a garden area to the rear which was not used in connection with the restaurant. The garden area was used as a storage area and enclosed by a 2.5 metre high brick wall. The application seeks consent for the ground floor of the new building to comprise of a commercial unit (Class E use-Commercial, Business and Service). In respect of the proposed use, given that the last use was for a restaurant which falls within Class E use, and as of 1<sup>st</sup> September 2020 use classes A1, A2, A3, B1, D1 (clinics, health centres, creches, day nurseries and day centres) and D2 were subsumed into the new use class (Class E), the previous and proposed use of the site falls within the same use class and would not be classed as development in land use planning terms. Notwithstanding this, there are a

number of office use developments surrounding the site and the proposal would not be considered inappropriate or out of character with the surrounding area. The proposed ground floor commercial use would be considered acceptable in principle, subject to other material planning considerations discussed below.

- 10.4 Representatives have raised concern regarding the loss of the pub use from the site. The last use of the site was for a restaurant (E(b) use class), in which the application states this use has been happening on site since 2014. It is not exactly known when the building was last used as a public house but this is estimated to be around 2012 when it was trading as the Bird in Hand. Given the last use of the site was for a restaurant which falls within Class E use, the loss of the public house (Sui Generis) is not a material planning consideration.
- 10.5 The principle of the development is acceptable and in accordance with policy 3 of the Local Plan 2018.
- 10.6 **Design, Layout, Scale and Landscaping**
- 10.7 Policies 55, 56, 57, 58 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.
- 10.8 The application site consists of an existing two storey building which was used as an Indian restaurant and is now vacant. To the rear is a garden area which was not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5 metre high brick wall. The western boundary is screened by an existing artwork (Whale Wall) as part of the Kingsley Walk development, which is set off the boundary. The site is surrounded on two sides by 4 to 5 storey modern apartment blocks on the northern and western side (Brooke House and Newton Court), and a three storey office building (No.77-81 Newmarket Road) on the eastern side, which leads to a two storey tyre business adjacent to the roundabout. The existing two storey domestic scale building on the site is dwarfed by the surrounding built form.
- 10.9 The proposed scale of development would be four storey's comprising of a ground floor commercial unit and residential units on the upper three floors. The height of the overall building would be approximately 12.8 metres. Given the Kingsley Walk development consists of 4 and 5 storey blocks of flats, the proposed scale and height of development is considered appropriate. The Urban Design Officer supports the proposal and in their comments state that the 'proposed massing of the scheme creates a series of volumes that respond well to the constraints of the site. The angled segments that have been 'cut away' help to create a finer proportion to each elevation, with a more slender and vertical appearance to the front façade'.
- 10.10 The Urban Design Officer in their comments state that the 'design of the proposed building is successful in creating a contextually appropriate building,

by virtue of a careful consideration of scale and massing, urban grain and the interface within the street frontage'. The design is modern in appearance but is designed to reference and incorporate proportions and details which responds to the character of the area and Conservation Area. The detailing of brickwork to the ground floor with the vertical louvre detail wrapping around the upper floors with openings and variations which relates to the finer grain context helping to round the building. The proposed design of the development, subject to conditions in regard to submission of the materials and the detailing for a sample panel and plant equipment is considered appropriate.

- 10.11 Overall, the proposed development is a high-quality design, with the height, scale, bulk and form contributing positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.
- 10.12 **Heritage Assets**
- 10.13 The application site falls within the Riverside and Stourbridge Common Conservation Area. The application is not listed or a Building of Local Interest (BLI) nor is within the setting of a listed building.
- 10.14 Section 66 a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.15 Paragraph 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 10.16 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 10.17 The property forming No.73 Newmarket Road is the former Bird in Hand public house and dates to the 1920s. The current building replaced an earlier pub building which may have dated to the 17<sup>th</sup> century or earlier. The building is two storeys and has a pleasing appearance and a domestic scale and fine grain, which is more apparent in the buildings and dwellings at the end of Newmarket Road to the west, than the buildings immediately surrounding the site. The buildings immediately surrounding the site on the north, east and west are modern in appearance and comprise of 4 or 5 storey's.

- 10.18 The Conservation Officer has commented that the building contributes to the Conservation Area due to its attractive Arts and Craft form, materials and detailing, and historic community use. The scale and appearance of the building reflects the historic development and fine urban grain of the site and wider area at the time it was built. The building has a positive relationship to the street due to its human, domestic scale and attractive architectural detailing.
- 10.19 The Conservation Officer objects to the proposal and states that it cannot be supported as the loss of the building would fail to preserve the character and appearance of the Conservation Area due to the loss of a positively contributing building and the proposed replacement building lacks the positive architectural characteristic and historical associations of the existing building and wider Conservation Area. Therefore, the proposal would be harmful to the Conservation Area's significance as a designated heritage asset and would not preserve or enhance the Conservation Areas character or appearance. The Conservation Officer details that the loss of the existing building and its redevelopment as proposed would result in moderate less than substantial harm to the designated heritage asset.
- 10.20 The National Planning Policy Framework paragraph 202 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use'. The public benefits of the scheme include the redevelopment of a site which is currently vacant and not in use. The proposal will retain a commercial use on the site providing a limited amount of new employment opportunities, alongside the provision of 8 one bedroom units and 1 two bedroom unit, which will help meet housing need in a highly sustainable location.
- 10.21 The Conservation Officer comments that the previously approved scheme under application (18/0887/FUL) demonstrated that a redevelopment of the site which retains the historic building and a community use at ground floor is feasible. Paragraph 8.8 of the Planning Committee Report for (18/0887/FUL) states that 'Given that the main frontage and side elevation is being retained as existing it is considered by officers that the impact of the proposal will not result in detrimental harm to the appearance or character of the Conservation Area'.
- 10.22 This proposal seeks the demolition of the whole of the building and redevelopment, which is what is being considered under this application. The Conservation Officers comments are noted and they acknowledge that 'some buildings on Newmarket Road near the site have been redevelopment since the late-20<sup>th</sup> century'. The Conservation Officer in their comments makes reference to the nearby historic terraces at 25-37 and 20-30 Newmarket Road, the 19<sup>th</sup>-century BLI at 43 Newmarket Road, the historic terraced houses on Auckland Road and east of the roundabout. All which the

Conservation Officer states reflect the same historic form, scale, urban grain and materiality of the site in question. However, when considering the immediate context of the site and its area which is of modern buildings at a large height, scale and mass, together with the existing building which has limited detailing and an Arts and Craft form, the loss of the building for a high quality replacement is not considered by officers to be an in principle issue. In this case, harm would arise through the loss of the building within the Conservation Area but this needs to and can be balanced against the merits of the replacement building (which needs to be of high quality) and the public benefits that would arise.

- 10.23 This is an on-balance recommendation and the loss of the building needs special consideration in reflection of the Conservation Officer's advice and the legislative framework. However, by virtue of its scale, massing and design and the public benefits that would arise, officers are satisfied that the harm caused through the loss of the existing building and its associated significance (as set out by the Conservation Officer) can be mitigated. In particular, this is in consideration of the immediate context of the site, the high-quality replacement – supported by Urban Design - and partially unique design and the public benefits that would arise. The proposal thus accords with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.

10.24 **Trees**

- 10.25 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Paragraph 131 of the NPPF seeks for existing trees to be retained wherever possible.

- 10.26 There is a plane tree outside of the site, which is subject to a tree protection order located to the south east of the application site. The Council's Tree Officer has raised no objection subject to conditions to ensure protection of the tree from construction activity.

- 10.27 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

10.28 **Carbon Reduction and Sustainable Design**

- 10.29 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.

- 10.30 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.

- 10.31 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.
- 10.32 The application has been subject to formal consultation with the Council's Sustainability Officer who requested further information in terms of the design being assessed against the requirements of Part O (Overheating) of the Building Regulations
- 10.33 Additional information was provided in which a Sustainability and Internal Water Use Efficiency Statement were submitted. For the commercial element of the proposal, the proposal will achieve maximum BREEAM credits for water efficiency and target 11 BREEAM credits associated with energy use through the implementation of fabric and energy efficiency improvements with consideration for the use of heat pumps. For the residential element, the proposal will provide low water use appliances with low capacity/dual flush WC cisterns, shower heads and taps with low flow rates. All dwellings will be designed to achieve a standard of water use of no more than 110 litres per person per day. The proposal design will follow the Fabric First approach and The Future Homes Standard to improve the performance of the building and reduce energy demand. The scheme will provide all-electric heating and hot water with no gas on site. Each dwelling will be provided with an MVHR and internal heat recovery ventilation system. PV panels will be implemented to supplement dwelling energy usage to achieve Future Homes standard Target CO2 Emission Rates. The Sustainability Officer has raised no objection to the proposal in regard to the residential and commercial elements subject to conditions relating to carbon reduction technologies and water efficiency for the residential and commercial elements and an informative in regard to Building Regulations.
- 10.34 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance and compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 10.35 **Biodiversity**
- 10.36 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.

- 10.37 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment which sets out that the site has an overall baseline value of 0.04 habitat units and the proposal would result in an increase in an on-site biodiversity net gain of 45%.
- 10.38 The existing site has a small garden area. The proposal would include new sedum green roofs and a small area of modified grassland with a small tree to be planted.
- 10.39 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal, subject a condition in regard to bird boxes.
- 10.40 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 57, 69 and 70 of the Cambridge Local Plan (2018).
- 10.41 **Water Management and Flood Risk**
- 10.42 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.
- 10.43 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.
- 10.44 The Drainage Engineer has commented that the submitted information demonstrates that the site can drain adequately and a suitable surface water drainage strategy can be delivered subject to the recommended condition.
- 10.45 It is considered that subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.
- 10.46 **Highway Safety and Transport Impacts**
- 10.47 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.48 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.49 The Local Highway Authority were consulted as part of the application and do not consider there would be any adverse impact upon highway safety subject to suggested conditions of a Traffic Management Plan, the redundant vehicular crossing be removed and the footway returned to a full face kerb, the redundant rain water channel crossing the footway being removed and footway resurfaced and informatives. The proposal would therefore be compliant with Policies 81 and 82 of the Cambridge Local Plan (2018) and the National Planning Policy Framework.

#### 10.50 **Cycle and Car Parking Provision**

##### 10.51 Cycle Parking

10.52 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.

10.53 The proposal would provide four visitor cycle spaces to the front of the entrance for the commercial unit with a further six cycle spaces within a secure, covered and lockable cycle store for the commercial unit adjacent to the rear entrance of the commercial unit. Ten cycle spaces are proposed for the residential units within a secure and lockable store and sited adjacent to the entrance to the residential stairwell. The proposal would accord with cycle parking requirements.

10.54 The Access Officer in their comments recommended within the cycle parking that there should be room for some outsize cycles and a charging point for a mobility scooter. The applicant has confirmed that a charging point would be possible however an enlarged cycle store would result in the reduction of the commercial unit. It is considered that the cycle parking provision is acceptable.

##### 10.55 Car parking

10.56 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. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically

enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 10.57 No car parking will be provided as part of the development and the development will be promoted as a car free development given the sustainable location of the site and sustainable modes of transport to the site.
- 10.58 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.
- 10.59 **Amenity**
- 10.60 Policy 35, 50, 52, 53 and 58 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.
- 10.61 Impact on the amenity of neighbouring properties

*Brooke House, Kingsley Walk*

- 10.62 A number of residential properties lie within Brooke House, Kingsley Walk which lies to the west (side) of the site with Kingsley Walk and the mural wall art separating this neighbouring residential block of flats and the site. A number of neighbours have raised objections on the grounds of height, size, scale, overshadowing, loss of privacy, overlooking, noise and disturbance.
- 10.63 Within the side (east) elevation of Brooke House, Kingsley Walk lies a number of windows and balconies which face towards the site. It is acknowledged that the proposal would result in noise and disturbance during the construction work and an increase to the area as a result of the proposal however it is considered that this can be adequately mitigated through appropriate conditions.
- 10.64 The proposed height of the building would be 12.8 metres above ground level with the top floor being 9 metres above ground level. The existing building measures approximately 9 metres in height. The proposed building would be larger in footprint than the existing with the proposal coming out further to the side and rear boundaries than the existing. Given the design of the building with the vertical fins to restrict views from habitable rooms, angled position and careful siting of windows, the proposal is not considered to result in significant loss of privacy or overlooking to this adjacent neighbouring block of flats.
- 10.65 The proposed building would be sited approximately 19 metres from Brooke House, with the roadway serving Kingsley Way being in between the site and

the neighbouring block of flats. Given this, the proposal is considered to be sited a significant distance to not result in significant harm in terms of the proposed height, size and scale resulting in being overbearing or overshadowing.

*Newton Court and Brunswick House*

- 10.66 To the north (rear) of the site lie residential properties within Newton Court and Brunswick House Kingsley Walk. Concern has been raised from these neighbouring properties in regard to overshadowing, loss of privacy to the building and balconies and residents on the south side of Newton Court losing their view south towards Newmarket Road.
- 10.67 The application has been accompanied by a Daylight and Sunlight Assessment. This assessment demonstrates that the potential for overshadowing and interlooking to the neighbouring properties windows and balconies meets the BRE guidance recommendations. Calculations were undertaken using the Vertical Sky Component (VSC) for daylight impacts and Annual and Winter Probable Sunlight Hours (AWPSH) for sunlight impacts and the effect on the VSC is within the 80% guidance. A more detailed No Sky Line (NSL) test run for the one room which is served by a window that did not meet the VSC test and the results show that the room that is served retains well in excess of 80% of current daylight levels. The impacts are considered acceptable and within the BRE guidance recommendations. The scheme is considered compliant with BRE guidance in relation to sunlight impacts. The proposed new residential units will benefit from daylight levels in excess of the requirements. The proposal therefore is acceptable in terms of daylight and sunlight impact on the adjacent neighbouring property and the proposed units.
- 10.68 The submitted site sections show a comparison between the proposed scheme and extant planning consent (18/0887/FUL) in which the scale and massing of the proposed scheme will have an improved relationship to the dwellings to the rear at Newton Court in terms of height and proximity than the extant consent.
- 10.69 The proposed façade design of the building incorporates vertical fins to order to restrict views into properties. The proposed design of the building with the angled segments that have been 'cut away' helps to create a finer proportion to each elevation. The proposal would propose additional massing to the rear of the site and in closer proximity to residential uses, however the angled and louvred form brings the massing away.

*No.77- 81 Newmarket Road*

- 10.70 To the east (side) of the site lies the commercial premises forming Chequers House, Nos.77-81 Newmarket Road. The proposal is not considered to result in any significant harm to the amenity of this building.

*No. 2 Kingsley Walk, Darwin House, Keynes House and Marlowe House  
Kingsley Walk*

- 10.71 Given the distance of the proposal from the above cited residential properties, the proposal is not considered to result in any significant harm to the amenity of these residents.
- 10.72 The proposal is considered to be in accordance with policies 55 and 57 of the Local Plan.
- 10.73 Amenity for Future Occupants of the site
- 10.74 Internal Space Standards
- 10.75 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).
- 10.76 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	2	1	50	51	1.00
2	1	2	1	50	50	0
3	1	2	1	50	50	0
4	1	2	1	50	54	4.00
5	1	2	1	50	51	1.00
6	1	2	1	50	50	0
7	1	2	1	50	50	0
8	1	2	1	50	54	4.00
9	2	4	1	70	107	37

- 10.77 All of the proposed units comply with the size requirements for internal space standards under Policy 50 of the Local Plan.
- 10.78 Amenity Space
- 10.79 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.
- 10.80 All of the proposed flats would have direct access to an area of private amenity space comprising of a winter garden, with the top floor apartment

having a private roof terrace. Eight of the units are one bed with one unit being two beds and could be accommodated by a family. Policy 50 sets out that dwellings with more than one bed space should provide space for children to play. The proposal will provide a communal planted and grass area to the rear of the site.

10.81 Accessible Homes

10.82 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2). The proposed nine units would be M4(2) compliant and in line with Policy 51 of the Local Plan.

10.83 Noise

10.84 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.

10.85 The Council's Environmental Health team have assessed the application. An Acoustic Assessment was submitted as part of the application given the noise levels associated with road traffic from Newmarket Road.

10.86 The Environmental Health Officer commented that windows will need to be kept closed as noise levels with windows open will likely be above the required noise thresholds at night and during the day. A condition in regard to details of an alternative ventilation scheme for units fronting onto Newmarket Road will be required.

10.87 Summary

10.88 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, 57 and 58.

10.89 **Refuse Arrangements**

10.90 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The bin storage area for the residential units would be located adjacent to the apartment lobby and external entrance, with the bins storage for the commercial unit being located adjacent to the rear entrance to the proposed unit.

10.91 The proposal is considered to comply with Policy 57 of the Local Plan and RECAP waste guidance.

10.92 **Third Party Representations**

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

<b>Third Party Comment</b>	<b>Officer Response</b>
Damage to Mural art work	Neighbours have raised concern regarding damage from the proposal to the adjacent mural art work and how the mural art will be protected during construction. This is not a material planning consideration and a civil matter.
Damage to Boundary wall	Neighbours have raised concern regarding the new build being close to the boundary and the risk of damage to boundary walls. This is not a material planning consideration and a civil matter.
Traffic Management - communication	Neighbours have requested that the developer/builders are in communication with the Estate Management Company for Cambridge Riverside Residents. This is a civil matter for the applicant.
Commercially viable and lettable floor space	Neighbours have raised concern regarding the unusual floor plan and pinch point which they consider would not suit many of the uses permitted in Class E and question if it would be commercially viable and lettable. This is not a material planning consideration.
Loss of a view	Loss of a view is not a material planning consideration.
<p>Questions- Would the proposal be occupied by young professionals?</p> <p>What would the Council's view be if the apartment block would be primarily used for short-term letting of vacation?</p> <p>Would it be better if the development included more two-bedroom apartments suitable for families?</p>	<p>The planning application is assessed on what is submitted and put forward.</p> <p>This may result in planning enforcement action depending on frequency, intensity and nature. This is not what is applied for.</p> <p>This is not what is applied for.</p>

#### 10.94 **Planning Balance**

- 10.95 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).



10.96 The principle of the redevelopment of the site to residential and commercial use is acceptable in policy terms. The scheme on balance is considered to provide a high quality designed development which would ensure that the character and appearance of the Conservation Area is preserved. The application has the support from the Council's Urban Design Officer. It is acknowledged that the Conservation Officer does not support the proposal and that harm in and of itself would result from the loss of the building. However, when considering the loss of the building and proposed high quality new building in the immediate context of Newmarket Road and the character of this part of the Conservation Area, together with the public benefits that would arise, the proposals overall impact on the Conservation Area is acceptable.

10.97 The proposal would provide a high-quality residential and commercial development for future occupiers whilst no significant neighbour amenity or highway safety harm has been identified. The application has support from the Council's Urban Design, Environmental Health and County Council's Highway Officers.

10.98 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of 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.

10.99 **Recommendation**

10.100 **Approve** subject to conditions:

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

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, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brick details, precast concrete, aluminium profile and louvre, windows and curtain wall glazing, doors and entrances, railings and balustrades, rain water goods, window box planter, edge junctions and coping details, colours and surface finishes. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55 and 57).

4. No brickwork above ground level shall be laid until a sample panel [1.5m x 1.5m] has been prepared on site detailing the aluminium profile sheet, aluminium louvre, curtain wall glazing, choice of brick, bond, coursing, special brick patterning [soldier course & stepped], mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place 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).

5. The roof-mounted plant/equipment shall not be installed 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 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).

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

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

manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

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

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

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

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

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

7. All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

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

8. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority and written approval given, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP 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. (Section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71).

9. 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. (Section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71).

10. 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).

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

12. 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 be 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)

13. No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

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

14. No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

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

15. Notwithstanding the approved plans, no development above ground level shall commence until details of an alternative ventilation scheme for the units fronting onto Newmarket Road to negate the need to open windows and protect future occupiers from traffic noise have been submitted to and approved in writing by the local planning authority. The ventilation scheme shall be able to achieve at least two air changes per hour. It shall also include details of operational control and the noise levels of the ventilation system. The scheme shall be carried out as approved before the use is commenced or the development is occupied and shall be retained as such.

Reason: To protect amenity / human health (Cambridge Local Plan 2018 policy 35)

16. E(b) development use shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

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

17. E(d) development use shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such.

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

18. The ground floor commercial unit shall not be open to customers outside the hours of 08:00 and 23:00hrs daily (including weekend and Bank / Public Holidays).

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

19. No commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site outside the following hours:

Monday to Saturday = 07:00 – 23:00hrs

Sunday and bank holidays = 08:00 – 21:00hrs

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

20. Operational deliveries to or dispatches from the site (including waste collections) shall not be made outside the following hours:

Monday to Saturday = 07:00 – 23:00hrs

Sunday and bank holidays = 08:00 – 21:00hrs

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

21. Prior to the commencement of use an external artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels) . Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 34)

22. No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority (using the guidance document below as a framework). The Highway Authority requests that the TMP be a stand-alone document separate from any

Environment Construction Management Plan or the like, as the risks and hazards associated with construction traffic using the adopted public highway are quite different from those associated with the internal site arrangements. The principal areas of concern that should be addressed are: i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway) ii. Contractor parking; provide details and quantum of the proposed car parking and methods of preventing on street car parking. iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway) iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81).

23. Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs -15.30hrs, seven days a week.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81).

24. The redundant vehicular crossing of the footway must be returned to having a full face kerb prior to the building being occupied for its proposed use.

Reason: For the safe and effective operation of the highway. (Cambridge Local Plan 2018 policy 81).

25. The redundant rain water channel that crosses the footway must be removed, and the footway resurfaced prior to the building being occupied for its proposed use.

Reason: For the safe and effective operation of the highway. (Cambridge Local Plan 2018 policy 81).

26. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include: a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; 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 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, details of all SuDS features; d) A plan of the drained site area and which part of the proposed drainage system these will drain to; e) Full details of the proposed attenuation and flow control measures; f) Site Investigation and test results to confirm infiltration rates; g) Full details of the maintenance/adoption of the surface water drainage system; h) Measures taken to prevent pollution of the receiving groundwater and/or surface water i) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

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. (Cambridge Local Plan 2018 policies 31 and 32).

27. No building hereby permitted shall be occupied until foul water drainage works have been detailed and approved in writing by the local planning authority.

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. (Cambridge Local Plan 2018, policies 32 and 33).

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

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

29. No dwelling (s) shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement 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)

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

30. No construction of the biodiverse (green) roof(s) shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority.

- a) The means of access for maintenance
- b) Plans and sections showing the make-up of the sub-base to be used which may vary in depth from between 80-150mm
- c) Planting/seeding with an agreed mix of species (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum)
- d) Where solar panels are proposed, biosolar roofs should be incorporated under and in-between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation
- e) A management/maintenance plan for the roof(s)

The roof(s) shall be constructed and laid out in accordance with the approved details and planting/seeding shall be carried out within the first planting season following the practical completion of the roof. The roof(s) shall be maintained as such in accordance with the approved management/maintenance plan.

The roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance/repair or escape in case of emergency.

Reason: To help mitigate and respond to climate change and to enhance ecological interests. (Cambridge Local Plan 2018 Policies 28 and 57).

31. The carbon reduction measures for the non-residential floorspace shall be carried out in accordance with the approach outlined in the Sustainability Appraisal and Water Efficiency Feasibility Study (Green Heat Ltd, 25 October 2022). Where renewable energy systems are proposed, further information shall be submitted prior to the occupation of the scheme outlining: a) The location and design of the technologies; 2 b) Details of any mitigation measures required to maintain residential 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 non-residential floorspace.

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

32. Water efficiency standards for the scheme shall be carried out in accordance with the water efficiency specification set out in Sustainability Appraisal and Water Efficiency Feasibility Study (Green Heat Ltd, 25 October 2022), which sets out the measures to be implemented to achieve 5 BREEAM credits for water efficiency (Wat01). The development shall only be used or occupied in accordance with the agreed details, and any amendments to the specification shall first be submitted to and approved in writing by the local planning authority.

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)

33. No development above ground level shall commence until a scheme for the provision of swift nest boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box numbers, specification and their location. No dwelling shall be occupied until nest boxes have been provided for that property in accordance with the approved scheme.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

34. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment by Applied Ecology Ltd May 2022.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57)

## **Informatives**

### **Materials condition**

1. The details required to discharge the submission of materials condition should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development in question.

### **Dust condition**

2. In order to achieve the requirements of the dust condition, the applicant will need to provide details in accordance with Sections 3.6.155–3.6.161 (Pages 122 and 123) of the Council's "*Sustainable Design and Construction*" SPD (January 2020). The SPD is available to view at the following link:

<https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-constuction-spd>

#### Residents Permits

3. Residents of the new dwellings will not qualify for any form Residents' Permits within the existing Residents' Parking Schemes operating on surrounding streets.

#### Public Highways Informatives

4. The developer must contact the Highway Authority, to arrange construction of any works within, or disturbance of, or interference with, the Public Highway, and that all costs associated with such works shall be borne by the Developer.
5. The Developer will neither be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connexion.
6. No foundation nor footing for the structure will be allowed to encroach under the Public Highway.

#### Secure By Design

7. It is recommended that the applicant considers submitting a 'Secured By Design' (SBD) residential 2019 application and commercial 2015 application.

#### Building Regulations

8. In line with the transitional arrangements set out in the relevant approved documents, the Council expects the development hereby approved to meet the requirements of Parts O and F of Building Regulations. Where meeting these requirements result in any changes to the design of the proposals hereby approved, these amendments shall be submitted and approved by way of formal application to the Local Planning Authority.

#### Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs