



Planning Committee Date	26.04.2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04491/FUL
Site	2-14 Fitzroy Street, Cambridge
Ward / Parish	Market
Proposal	Refurbishment and extension, including terrace and replacement plant and flue at roof top level, external alterations and re-ordering of service yard, parking provision, replacement plant and new bin and plant enclosure
Applicant	BPS2 Varsity Limited
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1.Principle of development2.Character and appearance of the area3.Impact on heritage assets4.Highway safety and parking provision5.Residential amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for the refurbishment and extension, including terrace and replacement plant and flue at roof top level, external alterations and re-ordering of service yard, parking provision, replacement plant and new bin and plant enclosure.
- 1.2 The proposal respects the character and appearance of the street scene and surrounding area.
- 1.3 The proposal would not adversely affect the character and/or setting of the adjacent Listed Buildings and it would preserve and enhance the character or appearance of the Kite Conservation Area.
- 1.4 The proposal does not adversely impact the residential amenity of neighbouring properties.
- 1.5 The proposal would not have a detrimental impact on highway safety.
- 1.6 Officers recommend that the Planning Committee APPROVE the proposal.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone	1
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		Area of Major Change	X
AQMA	X	Primary Shopping Area	X

- 2.1 The application relates to a two storey building comprising five retail units located to the south of Fitzroy Street. The current retail units include a small supermarket (Waitrose), a bakery (Greggs), newsagents and a phone repair shop. The fifth unit is currently vacant.
- 2.2 Fitzroy Street is a pedestrianised road which contains a range of commercial units at ground floor with a mix of residential and commercial uses above. Fitzroy Street is a Primary Shopping Area within the City Centre. The site lies within the Fitzroy/Burleigh Street/Grafton Area of Major Change (Grafton AoMC) and is within a Controlled Parking Zone. The building lies within the Kite Conservation Area and is within the setting

of Grade II Listed Buildings at No.17 Fitzroy Street (Wilko), Nos.1-48 New Square and Nos.1-42 Eden Street.

- 2.3 The building fronts Fitzroy Street and there is an existing service yard and parking area to the rear accessed from Eden Street Backway which runs along the east of the building. The building is surrounded by residential properties to the east, south and west.

3.0 The Proposal

- 3.1 The application is seeking planning permission for the refurbishment and extension, including terrace and replacement plant and flue at roof top level, external alterations and re-ordering of service yard, parking provision, replacement plant and new bin and plant enclosure.
- 3.2 At ground floor there would be alterations to the windows and doors along Fitzroy Street. The service yard would be altered including the installation of a new cycle store, the addition of a bin store and the creation of two disabled parking spaces with EV charging.
- 3.3 The existing roof plant would be removed and a partial second floor extension would be erected with a new plant area to the rear. The extension would be set back from the front and east roof edges by 2.2 metres and it would create 397 square metres of floor space. The extension would be characterised by a 2.8 metres flat roof with a new chimney measures 3.8 metres above the roof level. The new plant area would be sited to the rear of the extension and it would be set in from the roof edges by a minimum of 2 metres. A new roof terrace would be created to the west of the new extension. A lift overrun and staircase access would be created along the eastern roof edge.
- 3.4 New saw tooth windows would be installed over the ground and first floors on the elevation facing Eden Street backway.
- 3.5 The alterations would allow the building to be used as an 'Urban Lab' with some retail being retained at ground floor.
- 3.6 During the determination process, the plans have been amended to show more retail at ground floor, alterations to windows and doors and the removal of a diesel generator within the service yard. In addition, an Air Quality Assessment and an amended Daylight Sunlight Impacts Report have been added to the application.

4.0 Relevant Site History

Reference	Description	Outcome
20/02629/FUL	Change of use from Class A1 to a flexible A1 (retail)/A3 (restaurants and cafe)/ A5 (hot food takeaway) on the ground floor and a flexible B1	PERM 02.12.2020

	(business)/D1 (non-residential institution) on the first floor.	
10/0582/FUL (Unit 2)	Change of use from A1 (shops) to A3 (restaurants and cafes).	PERM 27.09.2010
04/1140/COU (Unit 10)	Change of use from Class A1 Retail to mixed use Class A1 Retail and Class A3 Food and Drink use.	PERM 14.03.2005
C/00/0957	Erection of a two storey building totalling 2333 sqm (gross) for retail (Class A1) purposes including roof top plant and rear service vehicle/carparking,- following demolition of existing building	PERM 27.06.2003
C/00/0958	Demolition of existing retail building at 2-14 Fitzroy Street	PERM 28.02.2003

- 4.1 The existing building was built following the planning permissions approved in 2003. Neither these permissions nor any of the later approvals removed permitted development rights.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

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 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 10: The City Centre

Policy 11: Development in the City Centre Primary Shopping Area

Policy 12: Fitzroy/Burleigh Street/Grafton Area of Major Change

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust
Policy 40: Development and expansion of business space
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of historic environment
Policy 63: Works to a heritage asset to address climate change
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Grafton Area Masterplan and Guidance SPD (2018)

5.5 Other Guidance

North West Cambridge Area Action Plan (adopted October 2009)
Cambridge East Area Action Plan (adopted February 2008)
Cambridge Southern Fringe Area Action Plan (adopted February 2008)

The Kite conservation area

6.0 Consultations

6.1 County Highways Development Management – No objection

04 April 2023

- 6.2 The amended plan shows all doors opening inwards and this overcomes the Highway Authority's objection. Given the nature of the proposal the Highway Authority will not seek any conditions.

01 December 2022

- 6.3 The doors to the lobby and those of the Transformer building over sail the adopted public highway. This is in a breach of Section 153 of the Highways Act 1980 but is also detrimental to the safety of pedestrians and cyclists.

6.4 Sustainable Drainage Officer – No objection

- 6.5 The submitted drainage strategy demonstrates that a suitable surface water drainage strategy can be delivered in accordance with the local policy. The proposals have not indicated a detailed surface water and foul water scheme, however, it would be acceptable to obtain this information by way of conditions.

6.6 Conservation Officer – No objection

28 February 2023

- 6.7 No further comments on the amended drawings.

30 November 2022

- 6.8 The site is within the Kite Conservation Area and is adjacent to listed buildings. The existing building detracts from the character of the Conservation Area.
- 6.9 The proposed additional floor would replace the existing roof plant and enclosure. It would be slightly higher and cover more of the roof, however, the views submitted show that the impact would be minimal on the setting of the grade II listed buildings of New Square.
- 6.10 There is currently a view of the lantern of 17 Fitzroy Street which is grade II listed. The proposed views show that where there are limited views, these will not be lost by the proposal.
- 6.11 The chimney stack would be taller, however, chimneys are a known feature in the local area and it is considered that this would add to the roofscape.
- 6.12 There will be a lot of glazing however, there will be light sensors and blinds to ensure illumination can be carefully managed.
- 6.13 No objection subject to conditions requesting details of the roof and chimney materials.
- 6.14 Senior Sustainability Officer – No objection**
- 6.15 The overall approach being taken to sustainable design and construction is welcomed. The applicant is intending to utilise BREEAM certification for the whole scheme and targeting a minimum of BREEAM very good. Recommend conditions regarding BREEAM certification.

6.16 Environmental Health – No objections

4 April 2023

- 6.17 The applicant has now confirmed that an alternative solution will be installed using a battery storage back up system. This has addressed the final outstanding issue from Environmental Health comments.

- 6.18 Whilst I am in support of the battery back up system, limited information has been provided and we have limited knowledge of this technology. Given the sensitivity of the site in relation to impact on amenity of adjacent receptors a condition is recommended requiring the submission of the details of the proposed system.

27 February 2023

- 6.19 An Air Quality Assessment (AQA) has now been submitted. The need for a detailed assessment associated with emissions from vehicle movements has been scoped out given the limited change in vehicle movements. This is considered acceptable.

- 6.20 We are not able to support the conclusion that the back up generators will not lead to any hourly exceedances without further evidence. Given the development is located within a residential urban area within the Air Quality Management Area (AQMA) further assessment is required.

23 November 2022

- 6.21 The proposed development is located within the AQMA. No reference to air quality and the impact of the proposed development is included in the application documents.
- 6.22 In terms of construction pollution, conditions regarding construction and delivery hours are recommended.
- 6.23 A noise control strategy report has been submitted. Recommend conditions regarding the roof terrace. It is agreed that with careful plant selection and mitigation, the plant noise limits details within the report can be achieved. Recommend a plant noise condition.
- 6.24 The ventilation flues are centrally located and proposed to serve the internal fume cupboards. Recommend an odour condition.
- 6.25 Residential properties are in close proximity to the service yard, therefore reasonable daytime hours are recommended to be conditions for all service collections and deliveries.
- 6.26 It is required to establish the impact on lighting on the surrounding environment. An artificial lighting impact assessment will be required to establish lighting during pre and post curfew in accordance with Institute of Lighting Professionals (ILP) guidance notes.

6.27 Cadent – No objection

- 6.28 The application is in close proximity to medium and low pressure assets. No objection but please add an informative.

7.0 Third Party Representations

7.1 30 representations have been received.

7.2 Those in objection (28 representations) have raised the following issues:

-Loss of retail

- Not compliant with the Local Plan
- Would cause a detrimental impact on the remaining retail
- The Grafton redevelopment involves loss of retail
- Description does not refer to the change of use
- Unable to demonstrate an evidence based need

-Residential Amenity:

- Loss of light
- Over dominant
- Loss of privacy
- Noise from terrace
- Noise from plant and generator
- Fumes and smoke
- Construction impacts
- Dangerous

- Visual Impact:

- Design, appearance and materials inappropriate;
- Too high for the area
- Impact on the heritage assets
- Existing building already out of character, this would exacerbate it

- Highway Concerns:

- Inadequate parking
- Increase in traffic movements
- Raised kerb on a shared surface

7.3 Those in support (2 representations) have raised cited the following reasons:

- Undersupply of lab space;
- Long term prosperity

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

8.0 Assessment

8.1 Principle of Development

8.2 Policy 10 of the Cambridge Local Plan 2018 states that the City Centre will be the primary focus for developments attracting a large number of people and meeting retail, leisure, cultural and other needs appropriate to its role as a multi-functional regional centre. Policy 11 states that within Primary Shopping Areas (PSA) in the City Centre none centre uses including residential and business use would not be supported at ground floor level.

Policy 12 states that the Grafton AoMC is the primary focus for providing additional comparison retail in the city centre.

- 8.3 The proposal seeks to extend and refurbish the existing building and would subsequently result in accommodation for office and research and development called by the applicant as an 'Urban Lab'. This would result in the partial loss of retail at ground floor.
- 8.4 Officers note that the loss of retail at ground floor level is contrary to Policies 11 and 12 of the Local Plan. However, since the adoption of the Local Plan in 2018, the Government changed the planning use classes. As of 01 September 2020 retail now falls under Class E. Whilst previous permissions have allowed the building to be used for Classes A1, A3, A5, B1 and D1, there were no restrictions to the uses imposed by way of condition. The existing building comprises retail units at ground floor with retail storage at first floor. As such, officers are of the opinion that the building currently falls under Class E.
- 8.5 Offices to carry out any operation or administrative functions, research and development of products or processes and industrial processes now also fall within Class E and so the intended use does not require planning permission subject to the use falling within those listed within E(g). Class E(g) specifically states that they are uses which can be carried out in a residential area without detriment to its amenity by reason of noise, vibration, smell, fumes, smoke, soot ash, dust or grit. The proposal does include the installation of a chimney and the Environmental Health Officer has been consulted on the application which is reviewed in more detail below.
- 8.6 The applicant is therefore not seeking planning permission for the intended use and this has not been included in the description of proposed development. As such, this element of the proposal is not a material consideration.
- 8.7 Design, Layout, Scale and Landscaping and Impact on Heritage Assets**
- 8.8 Policies 55, 56, 57, 58 and 59 of the Cambridge Local Plan (2018) 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.
- 8.9 The site lies within the Kite Conservation Area and is within the setting of numerous Grade II Listed Buildings. Para. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 200 states that 'Any harm to, or loss of, the

significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...' Local Plan policy 61 aligns with the statutory provisions and NPPF advice.

- 8.10 The existing building is described within the Grafton Area Masterplan as a positive contribution to the street scene and it is not listed as an area of potential shop front improvements. However, it is noted that within the Kite Conservation Area appraisal it detracts from the Conservation Area.
- 8.11 The proposed roof extension would replace the existing plant screening on the roof with an enlarged footprint which would extend towards Fitzroy Street. Additional plant screening would be located to the rear of the roof extension. Whilst the addition would be larger than the existing, it is considered that due to the set back that it would not be overly visible from Fitzroy Street. The majority of the new plant would be set back from Eden Street Backway and so would not be overly visible, however, it is noted that part of the roof extension would be flush with this elevation. Whilst this would add some visual bulk to this side, however, this is limited to a small section of the overall roof. In addition, it is noted that due to the narrowness of Eden Street Backway, it would not be overly noticeable from the street immediately adjacent to the site. There would be longer views of this element further up the street, however it is considered that the use of zinc cladding would result in a lighter component.
- 8.12 The extension would be visible from longer views from New Square, however, the views as submitted demonstrate that the impact of this additional height and coverage will have a minimal impact on the surrounding area and heritage assets. The views have also demonstrated that the proposal would not result in the loss of the lantern of the grade II listed building of No.17 Fitzroy Street.
- 8.13 The most prominent part of the proposal would be the chimney, however, chimney stacks are a known feature in the local area and so it is considered that it would add to the roovescape of the city.
- 8.14 The proposal would involve the installation of a lot of new glazing. However, the overhanging eaves which will cast shadow onto the glazing would reduce the glare and the Conservation Officer is content with the light sensors and blinds to ensure that the illumination can be carefully managed so that it does not become a beacon and detract from the nearby listed buildings.
- 8.15 There are no concerns with the alterations to the existing buildings as these are mostly minor and would have limited impact on the visual amenity. It is considered that the addition of the saw tooth windows on the east elevation would break up a large expanse of blank brick work and would add a limited level of activation to this elevation.

- 8.16 It is considered that care must be taken that the materials for the chimney stack and roof to ensure that it does not detract from the listed building and appear over dominant in the street scene. As such, it is considered reasonable to add conditions requesting this information.
- 8.17 There are no concerns with the proposed appearance of the cycle store. No scaled details of the new bin store have been provided, however, visuals within the Design and Access Statement demonstrate that it would be limited in size and scale. As this element would not be visible from the public realm it is considered reasonable to accept scaled details by way of condition.
- 8.18 Overall, the Conservation Officer has concluded that the proposed development would have a limited impact on the setting of the heritage assets as per paragraph 195 of the NPPF. The proposal would have an acceptable level of impact on the visual amenity of the existing building and the surrounding area. In addition, the proposal would not adversely affect the character and setting of the Listed Buildings and it would preserve and enhance the character or appearance of the Kite Conservation Area. The proposal is compliant with Policies 55, 56, 58 and 61 of the Cambridge Local Plan (2018) and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF.

8.19 Carbon Reduction and Sustainable Design

- 8.20 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.
- 8.21 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.
- 8.22 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.
- 8.23 The application is supported by a Sustainability Checklist and a BREEAM Pre-Assessment Summary Sheet. The Council's Sustainability Officer has reviewed the documents and confirms that the proposal intends to utilise BREEAM certification for the whole scheme which exceeds the requirements of Policy 28. The proposed approach is welcomed and the achievement of BREEAM 'very good' is supported on balance due to the

significant carbon reduction benefits that come the adaptive reuse of an existing building. This can be ensured by way of conditions regarding BREEAM certification.

- 8.24 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.25 Biodiversity

- 8.26 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.
- 8.27 The Biodiversity SPD states that all suitable commercial and community building applications will include integrated bird box features for building dependent birds (breeding Swifts, House Sparrows, Starlings and House Martins) in keeping with the scale of development. The proposal suggest 4 swift boxes on the rear elevation. The Ecology Officer was not formally consulted, however Officers did discuss the proposal with them. It was confirmed that the siting of the swift boxes is not ideal due to the south facing elevation and they should ideally be higher. However, it is considered that the final detail of this can be dealt with by way of condition.
- 8.28 The existing site does not offer any soft landscape and so there is little or no ecological value. The Design and Access Statement states that a brown roof is proposed and the roof terrace would add planting and shrubbery. As such, it is considered that a Biodiversity Net Gain can be achieved on the site. It is considered reasonable to add a condition requesting the details of the net gain to ensure it complies with the requirements.

8.29 Water Management and Flood Risk

- 8.30 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.
- 8.31 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The applicants have submitted a Drainage Strategy and SUDs report. The Council's Sustainable Drainage Engineer has advised that the submitted document demonstrates that a suitable surface water drainage

strategy can be delivered. However, there is not a detailed surface and foul water drainage scheme. However, it would be acceptable to obtain this information by way of condition.

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

8.33 Highway Safety and Transport Impacts

- 8.34 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.
- 8.35 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.
- 8.36 With the exception of the provision of two disabled parking spaces the development would be car free which is a reduction from the existing situation. As such, it is considered that the proposal would not result in a significant uplift of vehicular movements. The Local Highways Authority has reviewed the proposal and following the amendments to the doorways, have raised no objection and do not require any conditions. The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.37 Cycle and Car Parking Provision

8.38 Cycle Parking

- 8.39 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. These spaces should be located in a purpose-built area and be at least as convenient as car parking provision. The requirement for office use is 2 spaces for every 5 staff members or 1 per 30 sqm of gross floor area (whichever is greater). The cycle store would provide 52 cycle spaces and an additional 8 racks for public use would be provided at the junction of Fitzroy Street and Eden Street Backway. For the size of the building, 86 cycle spaces would be required and as such there is a shortfall of 26 spaces. However, the cycle parking provision would be greatly increased on the existing situation and the extension would only require an uplift of 11 spaces which is provided. Due to the site's location within walking distance of public transport routes and its proximity to public cycle racks within the area it is considered that as a

large number has been provided along with additional public spaces, on balance the provision is acceptable in this case.

8.40 Car parking

8.41 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 1 space per 100 square metres. 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. With the exception of two disabled spaces, the proposal would be car free. Due to the application site being within the City Centre this is considered acceptable.

8.42 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at 1 per 1,000m² of floor space for fast charging points; 1 per 2 spaces for slow charging points and passive provision for the remaining spaces to provide capability for increasing provision in the future. The plans demonstrate that the disabled parking spaces would have EV charging which is acceptable.

8.43 The proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

8.44 Amenity

8.45 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.

8.46 The application site is surrounded by residential properties to the east, south and west along, Eden Street, Eden Street Backway and New Square respectively.

8.47 The existing building is built up to the garden areas of Nos.30-32 (inclusive) New Square with the service area adjoining Nos.28-29. These properties benefit from small gardens and so the existing building is currently located a minimum of 9 metres from the rear walls of this row of terraces. A Daylight Sunlight Impacts Report has been submitted which demonstrates that there is no change in sun hours to the neighbouring gardens of the properties along New Square. In addition, the sightline section demonstrates that the proposed extension would not be worsen the situation the existing building has on these properties in terms of dominance and outlook.

8.48 The existing building is located approximately 16 metres from the rear walls of the properties along Eden Street. Whilst the extension would not bring the building closer, it would result in a higher element along one part

of the roof. The site lines demonstrates that this element would not intersect the 25 degree vertical line from the first floor windows, however, it would intersect this line from the ground floor. The BRE guidelines state that if the proposed development goes above the 25 degree vertical line then further checks on daylight and sunlight are required. The submitted Daylight Sunlight Impacts Report demonstrates that the proposal would not change the amount of sun hours on the ground level to the garden areas of these properties. Whilst the extension would be noticeable from the rear of the properties along Eden Street, it is considered that due to the separation distance, it would not result in a sense of dominance.

- 8.49 Due to the set back from the southern roof edge in conjunction with the orientation of the site, it is considered that the extension would not result in any loss of sunlight to the properties along Eden Street Backway. Due to the set back from the roof, the plant area would not be visible from these properties and so it is considered it would not overdominate these properties.
- 8.50 A new garden terrace at second floor would be located on the north western corner of the building. This would be in close proximity to the properties along New Square. The terrace would be set back 1.5 metres from the parapet and the plans demonstrate that there would be a privacy screen around the western and southern edges to prevent any overlooking to residential properties from this terrace. To ensure that it does not result in a loss of privacy it is considered reasonable to add a condition requesting the final details of this screening.
- 8.51 Saw tooth windows would be installed on the eastern elevation. Whilst it is noted that due to the angle of these windows, they would not allow for direct views over the gardens, the first floor ones would result in some views of the garden areas of the properties of Eden Street. As such, it is considered reasonable to ensure that these new windows would be obscurely glazed to protect to the privacy of these neighbours.
- 8.52 No additional windows would be installed on the southern elevation and so it is considered that there would be no additional loss of privacy to the properties along Eden Street Backway.
- 8.53 Subsequently, it is considered that subject to conditions, the proposal would have an acceptable impact on the residential amenity of the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance and loss of privacy in compliance with Policies 50, 52, 53 and 58 of the Cambridge Local Plan (2018).
- 8.54 Construction and Environmental Impacts
- 8.55 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours, servicing and collection hours to protect the

amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

Air Quality

- 8.56 The application site is located within the Air Quality Management Area (AQMA). The Environmental Health Officer has welcomed the removal of car parking and the provision of new cycle storages and the inclusion of electric vehicle charge points.
- 8.57 During the determination process, an Air Quality Assessment has been submitted. It is agreed that the need for a detailed assessment associated with emissions for vehicle movements has been scoped out given the limited change in vehicle movements, reduced car parking and provision of EVCPs. The report has confirmed that the provision of heating and hot water for the daily operation of the site will be via electric services and the Environmental Health Officer has welcomed this approach.
- 8.58 Due to the concerns regarding a back up diesel generator, this has been removed from the proposal and replaced with a back up unit incorporating battery storage. The Environmental Health Officer has no objections to this approach. However, as limited information regarding this element has been proposed a condition is recommended to submit further details of the back up unit prior to installation.

Noise

- 8.59 The applicant has submitted a Noise Control Strategy Report which has been assessed by The Council's Environmental Health team. In regards to the roof terrace, the proposed mitigation measures include hours of use and prohibiting amplified music. The Environmental Health Officer has no objection to this and proposed conditions to ensure these measures are in place.
- 8.60 The submitted report states plant rating limits to be achieved at the site boundary. The Environmental Health Officer has confirmed that the limits are acceptable. The emergency plant (smoke extract fans) noise criteria are in accordance with the recommendations that the plant will not exceed the existing background sound level by more than 5dB at the boundary. A condition is recommended for the submission of the noise insulation/mitigation scheme and to ensure the rating level of sound emitted complies with the information provided within the noise report. The diesel generator has since been removed from the proposal and replaced with a back up battery powered unit. As there is limited knowledge about this system, it is considered reasonable to add a condition requesting further details before this is installed.
- 8.61 Residential properties are located in very close proximity to the service yard, therefore reasonable daytime hours are recommended to be

conditioned for all service collections/ dispatches from and deliveries to the approved development including refuse collections.

Odour

- 8.62 The proposed ventilation flues, which would serve the internal flue cupboards, are located centrally within the site. It is recommended to add an odour condition to ensure adequate odour abatement plant to be installed relevant to the end use.

Lighting

- 8.63 It is required to establish the impact of lighting on the surrounding environment. An artificial lighting impact assessment would be required to establish lighting during pre and post curfew. This can be dealt with by way of condition.

- 8.64 Summary

- 8.65 The proposal adequately respects the amenity of its neighbours and is considered that, subject to conditions, it is compliant with Policies 35 and 36 Cambridge Local Plan (2018).

8.66 Third Party Representations

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

Third Party Comment	Officer Response
Loss of Retail	As per paragraphs 8.4-8.7.
Impact on residential amenity	Discussed in paragraphs 8.45 to 8.66
Visual Impact	Discussed in paragraphs 8.8-8.19
Highway Concerns	Discussed in paragraphs 8.34 to 8.44

8.68 Planning Balance

- 8.69 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).
- 8.70 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, along with the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the General Permitted Development Order (2015) as amended, the views of statutory consultees

and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

8.71 Recommendation

8.72 Approve subject to:

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

9.0 Planning Conditions

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

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

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

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

3. No chimneys shall be constructed until a sample of the type and source of material for the stacks have been submitted to and approved in writing by the Local Planning Authority. The chimney stacks shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the setting of the Listed Buildings and the Conservation Area. (Cambridge Local Plan 2018, policies 61)

4. No roofs shall be constructed until a sample of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to and approved in writing by the Local Planning Authority. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

5. Within 6 months of commencement of development, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'very good' as a minimum will be met, with at least 3 credits for Wat 01 (water consumption). Where the Design Stage certificate shows a shortfall in credits for BREEAM 'very good', a statement shall also be

submitted identifying how the shortfall will be addressed. If such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

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

6. The development shall not be occupied, until details of facilities for the covered, storage of waste for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the store. A bin store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The bin store and green roof as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bins, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31, 55 and 56).

7. The development hereby approved shall not be occupied until a BRE issued post Construction Certificate has been submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met. If such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

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

8. 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).

9. Notwithstanding the approved plans, the flat roof of the extension hereby approved shall be a green/brown biodiverse roof(s). The green/brown biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

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

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

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

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

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

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local

planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

11. 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) Full details of the maintenance/adoption of the surface water drainage system;
 - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water
 - h) 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).

12. 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 31 and 32).

13. The development hereby permitted, shall not be occupied until details of the proposed screening to the roof terrace have been submitted to, and approved in writing by the Local Planning Authority. The details shall include scaled drawings demonstrating the height and materials to be used. The development shall be carried out in full in accordance with the approved details prior to use of the roof terrace.

Reason: Reason: To safeguard the privacy of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 58).

14. 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).

15. No development (including demolition, enabling works or piling shall commence until a demolition/construction noise and vibration impact assessment associated with the development, has been submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration on construction and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents from noise or vibration. The development shall be carried out in accordance with the approved measures.

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

16. 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).

17. The 1st floor roof terrace shall be used solely by employees of the application site during standard office activities and shall not be used

outside of 07:00hrs - 19:00hrs Monday to Saturday and 08:00hrs to 13:00hrs Sundays.

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

18. No music, either amplified or acoustic, shall be played within the external roof terrace.

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

19. No operational plant, machinery or equipment shall be installed until a noise insulation/mitigation scheme 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 35).

20. The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the rating level limits specified within the Hoare Lea (HL) have provided a "Acoustics - Noise Control Strategy" report dated 4th October 2022 (rev 01).

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

21. The back up power unit with battery storage, hereby approved, shall not be installed until technical details of power system has been submitted to, and agreed in writing with the Local Planning Authority. The details shall include predicted noise levels and if necessary, a detailed noise impact assessment. The approved system shall be installed, maintained and operated in accordance with the approved details.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policies 35 and 36).

22. 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).

23. All service collections / dispatches from and deliveries to the approved development including refuse / recycling collections during the operational phase shall only be permitted between the hours of 07:00 to 21:00 Monday to Friday, 08:00 to 13:00 on Saturday. Service collections / dispatches and deliveries are not permitted at any time on Sundays or Public Holidays.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policies 35 and 36).

24. No development above ground level shall 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).

25. Prior to the installation of any artificial lighting, an 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. 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 - GN01/20 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

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

Informatives:

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on

www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2. To satisfy and discharge Environmental Health conditions relating to artificial lighting, contaminated land, noise / sound, air quality and odours / fumes, any assessment and mitigation shall be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction SPD, (Adopted January 2020) <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd> and in particular section 3.6 - Pollution and the following associated appendices:
 - 6: Requirements for Specific Lighting Schemes
 - 7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide
 - 8: Further technical guidance related to noise pollution