



Planning Committee Date	8 th January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/03237/S73
Site	1 Fitzwilliam Road, Cambridge, Cambridgeshire, CB2 8BN
Ward / Parish	Petersfield
Proposal	S73 to vary condition 26 (Biodiversity Net Gain) of ref: 22/05093/S73 (S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to replace the requirements of Biodiversity net gain with a Scheme of Ecological Enhancement.
Applicant	Blues Property Fitzwilliam Ltd
Presenting Officer	Amy Stocks
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Biodiversity Net Gain
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks permission for variation of condition 26 of permission 22/05093/S73 to replace the requirements of Biodiversity net gain (BNG) with a Scheme of Ecological Enhancement.
- 1.2 In May 2023 application 22/05093/S73 was reported to planning committee where a BNG planning condition was wrongfully imposed on the permission.
- 1.3 Government guidance states the requirement for BNG cannot be imposed on applications made before day one of mandatory BNG on 12th February 2024 or any subsequent Section 73 applications where the host permission pre-dates 12th February 2024. This application was made before this date and therefore statutory net gain does not apply to this site.
- 1.4 The condition is a pre-commencement condition thus preventing the applicant from progressing with development. However, the applicant has agreed to provide an ecological enhancement scheme of the site to provide some level of ecological betterment, which officers and the ecology department are agreeable to.
- 1.5 Officers recommend that the Planning Committee **Approve** the application subject to conditions.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
Conservation Area	x	Local Nature Reserve	
Listed Building		Flood Zone 1	x
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	

*X indicates relevance

- 2.1 The site is located on the northern side of the junction of Clarendon Road and Fitzwilliam Road. The site comprised of a 2.5 storey brick building (which has been demolished). To the west of the site are 4 buildings of local interest, to the north of the site is the garden of 21 Clarendon Road, located to the east and south of the site is a contemporary design project known as the Kaleidoscope development which has been the subject of major redevelopment in recent years and is not located in a Conservation area.

2.2 The site lies within the Brooklands Avenue Conservation Area. There are two mature sycamore trees on site that benefit from TPO status, these trees are located to the front of the site facing the junction of Fitzwilliam Road and Clarendon Road. The site is also located within a controlled parking zone.

3.0 The Proposal

3.1 The application seeks permission to vary condition 26 (Biodiversity Net Gain) of ref: 22/05093/S73 (S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to replace the requirements of Biodiversity net gain with a Scheme of Ecological Enhancement.

3.2 In May 2023 application 22/05093/S73 was reported to planning committee where a BNG planning condition was wrongfully implemented on the permission.

3.3 Government guidance states the requirement for BNG cannot be imposed on applications made before day one of mandatory BNG on 12th February 2024 or any subsequent Section 73 applications where the host permission pre-dates 12th February 2024. This application was made before this date and therefore statutory net gain does not apply to this site.

3.4 The application has been amended to address representations and further consultations have been carried out as appropriate. Originally the applicant wanted to remove the condition completely but then agreed to provide a scheme of ecological enhancement to secure some level of ecological enhancement on site. This was reviewed and agreed with by officers and the ecology department.

4.0 Relevant Site History

Reference	Description	Outcome
16/00025/REFUSL	Demolition of existing building and construction of six new dwellings and associated access and landscaping.	Dismissed
15/1855/FUL	Demolition of existing building and construction of six new dwellings and associated access and landscaping.	Refused (dismissed at appeal)
19/1141/FUL	Demolition of existing building and construction of three dwellings.	Permitted (at appeal)
19/1141/NMA1	Non material amendment of planning permission	Permitted

	19/1141/FUL (Demolition of existing building and construction of three dwellings) for the relocation of the ground floor protruding element to plot 3, internal reorganisation of rooms and minor amendments to windows including four additional rooflights.	
21/03630/S73	Variation of condition 2 (Approved plans) of planning permission 19/1141/FUL (Demolition of existing building and construction of three dwellings) improvements to the design quality of the proposed development.	Refused
22/05493/S73	S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to allow for minor material amendments including the retention of basements.	Approved
22/05093/S73	S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to allow for minor material amendments.	Approved

5.0 Policy

5.1 National

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2021
Environment Act 2021
Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
Conservation of Habitats and Species Regulations 2017
ODPM Circular 06/2005 – Protected Species
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 55: Responding to context

Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

5.4 Other Guidance

Brooklands conservation area

6.0 Consultations

6.1 Local Highway Authority- No Objection

Comment dated 19th September 2023:

6.2 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Comment dated 5th September 2024:

6.3 No comment with regards to these proposals

6.4 Conservation Officer –No Objection

Comment dated 7th September 2023:

6.5 The application has been assessed and it is considered that the proposal would not give rise to any harm to any heritage assets.

Comment dated 13th September 2024:

6.6 See previous comment.

6.7 Drainage- No Objection

Comment dated 18th September 2023:

6.8 Condition 26 relates to biodiversity and therefore drainage has no comments.

6.9 Ecology Officer – No Objection

Comment dated 9th September 2024:

6.10 The original application predates the statutory BNG requirement for small sites, as detailed within the applicants covering letter, therefore the

department are content for the proposed replacement of the BNG condition with an Ecological Enhancement Scheme condition.

6.11 The supplied Ecological Enhancement Plan requires the following minor amendments before it can be supported to discharge the proposed revised condition if the S73 application is approved:

- Suggest relocate swift boxes from above entrance ways. Although swifts tend not to produce significant waste beneath a box, there is potential for House Sparrows to colonise, which may mean undesirable detritus within doorways.
- Suggest both bee hotels are located on the northern fence, providing a southerly aspect. The eastern location is considered too shaded by the mature tree.

Comment dated 26th September 2024:

6.12 It is not clear how the submitted 236 PC(26)01-P2 Ecological Enhancement Plan differs from the original 236 PC(26)01 in relation to the previously suggested relocation of the swift boxes. However, this is not considered a reason for refusal

6.13 Sustainability– No Objection

Comment dated 5th September 2023:

6.14 Condition 26 relates to biodiversity net gain, which does not fall within the remit of the sustainability officers. As such we have no specific comments to make on this section 73 application.

Comment dated 3rd September 2024:

6.15 See previous comments.

6.16 Environmental Quality & Growth Officer – No Objection

Comment dated 21st September 2023

6.17 Comments and recommended conditions remain unchanged from the earlier Environmental Health memo dated 25th August 2020.

Comment dated 10th September 2024:

6.18 Comments and recommended conditions remain unchanged from the earlier Environmental Health memo dated 25th August 2020.

6.19 Trees Officer- Objection

6.20 The trees officers does not support the relocation of the replacement tree from the corner of Clarendon Road and Fitzwilliam Road as the new location does not provide the same public benefit. Replacement trees to the rear appear to have been pushed closer to the boundary walls, which is less sustainable. The removal of the hedges, which are in keeping with the residential character of the area are also not supported. It is requested these elements be changed.

7.0 Third Party Representations

7.1 3 representations have been received.

7.2 Those in objection have raised the following issues:

- Removal of trees has a negative impact on the conservation area
- Works have only started on the foundations; therefore, the developer is wrong to claim the permission has been implemented.
- 10% Net gain is required by the Environment Act (November 2022)
- There is excessive parking on site, which further removes wildlife.
- The car parking will dominate the front gardens while bin storage will dominate the rear gardens which will lead to a detriment to residential amenity. Biodiversity measures will improve this.
- The proposal will allow for 30+ residents on site which will have a larger environmental footprint therefore it is reasonable to ask the developer to enhance the landscape.
- The proposed Ecological Enhancement Plan drawing number PC(26)01 does not show one tree and 3 extensive areas of native hedge that are shown in the approved Proposed Site Plan (drawing number PL(90)01 rev P4 for the Section 73 22/05093 which was approved in May 2023.
- A new small tree in the south-eastern corner of the site to replace the removed mature sycamore tree. The tree it is replacing made a large impact on the street scene and residential amenity, this tree is not shown and would be needed.
- The permitted hedging along neighbouring boundaries have been removed.
- It is unclear if green biodiverse roofs as secured by condition 27 will be installed.
- The tree on the south-eastern corner of the plot and the various native hedges should be added back on the plans as shown on Section 73 (22/05093) that was approved in May 2023 drawing number PL(90)01.
- This plan as it does not offer an adequate level of enhancements to mitigate for the loss of 9 trees.
- The Environment Act (November 2021) included a mandatory requirement for planning applications to provide a 10% net gain in biodiversity. The developer should have to make additional environmental improvements because they have removed so much wildlife habitat. This includes planting more trees and shrubs, and ensuring that they install bird and bat boxes, as well as hedgehog holes in fences.
- The local plan does require that all 'New developments should have regard for and maximise opportunities to incorporate features that support biodiversity (see Appendix J). Therefore, the developer is incorrect in saying the local plan does not require BNG.
- Excessive parking permitted on the site adversely impacts the provision of biodiversity enhancements on site and residential amenity on site

- Comments published by DEFRA on 20 July 2023 that were referenced by the applicant's agent do not appear to necessitate removing conditions in approved s73 planning permissions.
- The development will be a tripling of the number of residents on site (the previous building onsite was a young people's home for less than 10 people). The presence of 30+ residents on site will have a larger environmental footprint than previously, justifying the planning condition for biodiversity enhancements.
- Condition 26 was informed by the Biodiversity SPD adopted in 2022.
- The local planning authority was correctly following government planning policy when they imposed the BNG condition on the s73 permission in May.
- The NPPF states applications should contribute to the natural environment and achieve net gain for biodiversity.
- Biodiversity on the site at 1 Fitzwilliam Road has been significantly reduced by the design approved for this development of three houses.

8.0 Assessment

8.1 The application is for the variation of a planning condition and is made under S73 of the Town and Country Planning Act 1990. National Planning Practice Guidance in respect of such applications states:

8.2 “In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.” [Paragraph: 031 Reference ID: 21a-031-20180615]

8.3 The principle of development of the dwellings on the site has already been established through the granting of the original application (19/1141/FUL).

8.4 Officers are satisfied that there has been no material change in policy or the surrounding context that requires a re-assessment of the principle of development. The assessment for this application focuses on the proposed variations of the plans and their consequences as described below.

8.5 Design, Layout, Scale, Landscaping and Ecology

8.6 Policies 55, 56 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.

8.7 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.

- 8.8 The section 73 application seeks permission for the amendment of condition 26 of permission reference 22/05093/S73. As referred under paragraph 3.3 of this report the BNG condition was wrongfully imposed on the decision notice and therefore the condition has been varied to provide enhancement on site rather than the removal of the requirement to improve ecology locally completely. Officers consider this approach to be acceptable.
- 8.9 The ecological enhancement scheme includes hedgehog holes, swift boxes, general bird boxes, bat boxes, bee hotels and hedgehog hibernation log piles. While the council's ecologist had requested for minor amendments to the plan, the overall decision from the ecology officers where the minor amendments would not warrant a refusal should the plan remain unchanged. Planning officers consider the enhancement measures to be acceptable and are a positive contribution to the scheme.
- 8.10 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 55, 56, 59 and 70.

8.11 Trees

- 8.12 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. Para. 136 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.13 The trees officer has objected to the scheme on the grounds the current ecological plan does not show a tree where T002 has been removed (to the front of the site between T001 and T003). The tree officer has objected to the replacement trees to the rear of the site and the removal of hedgerows.
- 8.14 The replacement of T002 under permission 22/05093/S73 (which varied permission 19/1141/FUL) was not secured via condition. The site plan approved under these permissions labels this area as:

Proposed replacement shade tolerant shrub or small tree e.g. guelder rose to compensate for loss of T002 (which is in poor condition and needing to be removed to ensure long term health of T003); Type and specification to be agreed by way of condition

- 8.15 The replacement planting of the tree was proposed under condition 17. A full hard and soft landscaping scheme (condition 17) was submitted to and approved by the LPA (22/05093/CONDB). Drawing P3304-SLS01 revision 1 depicts the planting proposed onsite. In place of T002, two '*Buddleja davidii* *Nanho blue*' shrubs have been proposed. Planning officers consider the planting of the shrubs in this location is necessary for the health of T003 which is also protected and is still existing on site. Therefore, the replacement of T002 is considered acceptable and addressed. The trees to the rear of the gardens were also shown in this plan, given the wording under the approved site plan, officers do not consider these trees to be replacement trees but as additional trees. As condition 17 has already been approved and is not being varied under this condition, the decision of this condition cannot be challenged or changed under this application.
- 8.16 The soft landscaping scheme shows hedging along the borders of the site and to the front of the properties. As this is an approved plan, the developers will be required to implement the soft landscaping scheme as approved.
- 8.17 The Council's Tree Officer has advised that the plan be amended to show a replacement tree in place of T002. However, after reviewing the site history, planning officers consider the refusal of the application on grounds T002 has not been replaced to be unreasonable.
- 8.18 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

8.19 Heritage Assets

- 8.20 The application falls within the Brooklands Avenue Conservation Area. The application site borders a designated building of local interest no.BLI0117 (no.3-9 Fitzwilliam Road).
- 8.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.22 Para. 206 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.

- 8.23 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.
- 8.24 The Conservation Officer has advised that the proposed changes would not give rise to any harm to any heritage assets.
- 8.25 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area or the setting of Buildings of Local Interest. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy 61.

8.26 Third Party Representations

- 8.27 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
<i>Biodiversity on the site at 1 Fitzwilliam Road has been significantly reduced by the design approved for this development of three houses</i>	The principle of the development has been agreed under the host permissions, officers cannot rescind the decision.
<i>The NPPF states applications should contribute to the natural environment and achieve net gain for biodiversity.</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report. Officers consider the enhancement strategy will provide an opportunity for biodiversity to flourish on site.
<i>The local planning authority was correctly following government planning policy when they imposed the BNG condition on the s73 permission in May.</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.
<i>Condition 26 was informed by the Biodiversity SPD</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.

<p><i>adopted in 2022.</i></p>	
<p><i>Comments published by DEFRA on 20 July 2023 that were referenced by the applicant's agent do not appear to necessitate removing conditions in approved s73 planning permissions.</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>
<p><i>The local plan does require that all 'New developments should have regard for and maximise opportunities to incorporate features that support biodiversity (see Appendix J). Therefore, the developer is incorrect in saying the local plan does not require BNG</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>
<p><i>This plan as it does not offer an adequate level of enhancements to mitigate for the loss of 9 trees.</i></p>	<p>Please see section 8.14-8.16 of this report. Officers consider the level of enhancements offered are adequate.</p>
<p><i>The tree on the south-eastern corner of the plot and the various native hedges should be added back on the plans as shown on Section 73 (22/05093) that was approved in May 2023 drawing number PL(90)01.</i></p>	<p>This comment has been addressed under paragraphs 8.14-8.16 of this report.</p>
<p><i>It is unclear if green biodiverse roofs as</i></p>	<p>Condition 27 is outside of the remits of this application, as condition 27 still stands, the developer</p>

<p><i>secured by condition 27 will be installed.</i></p>	<p>will be required to provide biodiverse roofs unless this condition is removed.</p>
<p><i>The permitted hedging along neighbouring boundaries have been removed.</i></p>	<p>This comment has been addressed under paragraphs 8.14-8.16 of this report.</p>
<p><i>A new small tree in the south-eastern corner of the site to replace the removed mature sycamore tree. The tree it is replacing made a large impact on the street scene and residential amenity, this tree is not shown and would be needed.</i></p>	<p>This comment has been addressed under paragraphs 8.14-8.16 of this report.</p>
<p><i>The proposed Ecological Enhancement Plan drawing number PC(26)01 does not show one tree and 3 extensive areas of native hedge that are shown in the approved Proposed Site Plan (drawing number PL(90)01 rev P4 for the Section 73 22/05093 which was approved in May 2023.</i></p>	<p>This comment has been addressed under paragraphs 8.14-8.16 of this report.</p>
<p><i>The proposal will allow for 30+ residents on site which will have a larger environmental footprint therefore it is reasonable to ask the developer to enhance the landscape.</i></p>	<p>The developer has put forward a landscaping scheme which the LPA considers to be acceptable. The number of potential occupants on the site is immaterial to this as the sizes of the dwellings have been accepted under the host permissions.</p>

<p><i>The car parking will dominate the front gardens while bin storage will dominate the rear gardens which will lead to a deterrent to residential amenity. Biodiversity measures will improve this.</i></p>	<p>This is outside of the remit of this application, the level of parking has been established under the host permissions and therefore considered acceptable.</p>
<p><i>There is excessive parking on site, which further removes wildlife.</i></p>	<p>This is outside of the remit of this application, the level of parking has been established under the host permissions and therefore considered acceptable.</p>
<p><i>10% Net gain is required by the Environment Act (November 2022)</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>
<p><i>Removal of trees has a negative impact on the conservation area</i></p>	<p>Officers consider this comment has been addressed under section 8.19 of the report.</p>
<p><i>Works have only started on the foundations; therefore, the developer is wrong to claim the permission has been implemented.</i></p>	<p>Foundation works are considered a material start and would constitute implementation of the permission.</p>
<p><i>The Environment Act (November 2021) included a mandatory requirement for planning applications to provide a 10% net gain in biodiversity. The developer should have to make additional environmental improvements because they have removed so much wildlife habitat. This</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>

<p><i>includes planting more trees and shrubs, and ensuring that they install bird and bat boxes, as well as hedgehog holes in fences.</i></p>	
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8.28 Planning Balance

- 8.29 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).
- 8.30 The site is not obliged to achieve 10% net gain on site for the reason outlined under section 3.3 of this report. The enhancement scheme will allow for an adequate level of enhancement which would not have been secured if the condition were to be simply removed.
- 8.31 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

9.0 Recommendation

9.1 **Approve** subject to conditions

9.2 CONDITIONS

1. 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.

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

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

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

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

4. Two pedestrian visibility splays of 2m x 2m shall be provided each side of the proposed vehicular accesses measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.

Reason: In the interests of highway safety.

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

Reason: for the safe and effective operation of the highway.

6. The construction of the development shall be undertaken in accordance with the approved Details: BS5228 Noise & Vibration Impact Assessment (Ref: 36493-R1) produced by Sound Solution Consultants and dated 27th April 2021 The development shall be carried out in accordance with the approved details under application 19/1141/CONDB.

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

7. Measures to minimise the spread of airborne dust from the site during the demolition / construction period shall be undertaken in accordance with the Approved details: Airborne Dust Method Statement, 1 Fitzwilliam Road, Cambridge, for This Land (Sept 21) The development shall be carried out in accordance with the approved details under application 19/1141/CONDB.

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

8. Electric Vehicle (EV) Charge Points shall be installed in accordance with the approved documents APL100 EV Point Location Layout; and Fast Charging Solo Smart Charger Domestic Datasheet. The development

shall be carried out in accordance with the approved details under application 19/1141/CONDC.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2024) paragraphs 112, 117, 187 and 199 Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

9. The facing materials used on the development shall be in accordance with Condition 9 - External Materials Planning Ref: 22/05093/S73, Rev- A , dated July 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

10. The roof materials shall be in accordance with Condition 10- Roof Details , drawing no. PC(10)01 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

11. The installation of the oriel window on unit 3 shall be undertaken in accordance with Condition 11- Oriel Window Detail Sheet 1 of 2, drawing no. PC(11)01 Rev P1, dated June 2023 and Condition 11- Oriel Window Detail Sheet 2 of 2, drawing no. PC(11)02 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity within the conservation amenity (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

12. The construction of the development shall be undertaken in accordance with Condition 12- General Details Sheet 1 of 2, drawing no. PC(12)01 Rev P1, dated June 2023 and Condition 12- General Details Sheet 2 of 2,

drawing no. PC(12)02 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

13. All works undertaken to trees shall be done so in accordance with the approved Arboricultural Method Statement and Tree Protection Plan Reference 8656-D-AMS, discharged under application 19/1141/CONDA.

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

14. The submitted and approved HAYDENS ARBORICULTURAL NOTE (Submitted 03 December 2021) has confirmed a site meeting attended by the site manager and the arboricultural consultant to discuss details of the approved AMS has been undertaken. The approved record of this meeting was submitted and approved under application 19/1141/CONDF.

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

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

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

16. If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

17. The hard and soft landscaping on site shall be undertaken in accordance with the Soft Landscaping Scheme drawing no. P3304-SLS01 Rev V1, dated 30th June 2023 and the Proposed Hard Landscaping, drawing no. PC(17)01 Rev 01, dated June 2023 as permitted under reference 22/05093/CONDB. 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 by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

18. The positions, design, materials and type of boundary treatments erected on site shall be in accordance with Drawing PC (18)01, Titled; Proposed Boundary Treatments, date received 12th July 2023 as approved under reference 22/05093/CONDA. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

19. The scheme for surface water drainage works shall be undertaken in accordance with the Drainage Report & Appendices, reference 23/0186, dated 20th June 2023, by Andrew Firebrace Partnership Limited as permitted under reference 22/05093/CONDA. The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

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

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

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

21. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

22. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

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

23. The construction of the proposal shall be in accordance with:

- Energy efficiency Feasibility, Green Heat Ltd, date received 25.07.2023
- Drawing number PC(23)01 - Condition 23 Renewable Technology Locations, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 1, 1 Fitzwilliam Road, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 2, 1 Fitzwilliam Road, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 3, 1 Fitzwilliam Road, date received 25.07.2023
- Twenty Nine Architecture and Planning, Condition 23 - Renewable Technology Noise Mitigation Measures and Maintenance Programme, July 2023, Rev-A, date received 25.07.2023

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

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

24. The water efficiency specification shall be installed in accordance with the approved details, document SHARMAN GRIMWADE - Building Regulations Part G Water Calculation - Revision P1 - 18/05/2021, approved under application 19/1141/CONDD.

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).

25. For the hereby approved dwellings units 1, 2 and 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to the insertion of new windows , loft conversion including rear dormers shall not be allowed without the granting of specific planning permission. For the hereby approved dwellings unit 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to side extensions and the provision within the curtilage of the dwellinghouses of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling, to protect the character of the area/trees and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 50, 55, 61 and 71)

26. The ecological enhancements on site shall be delivered in accordance with drawing titled 'Proposed Ecological Enhancement' drawing no. PC(26)01-P2, received 10th September 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological enhancements in accordance with the NPPF 2024 para 187, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

27. Notwithstanding the approved plans, the flat roof areas to the rear of the dwellings and on the protruding element of plot 3 hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:
- a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
 - b) With suitable access for maintenance.
 - c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

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

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

28. Those windows shown to be obscure glazed on the approved plans shall be obscured to at least Pilkington level 3 prior to occupation of the dwelling(s) and shall be retained as such for the lifetime of the development. Any openings shall be above 1.7m from the internal finished floor level nearest the respective window unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity (Cambridge Local Plan policies 55, 56, 57)

Informatives

1. The applicant will be responsible for fully funding the removal of the existing residents parking bay, including all legal, advertisement fees and engineering costs.
2. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
3. The residents of the new dwelling will not qualify for Residents' Permit (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.
4. The oriel window referred to under condition 11 of this permission, is the protruding ground floor element on the east elevation of plot 3.