
Appeal Decision

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

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

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

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

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

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

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

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

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

Preliminary Matters

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

¹ Council reference: 06/0552/FUL

Main Issues

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

Reasons

Mix of uses

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

² Net internal area.

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

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

Character and appearance/heritage effects

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

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

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

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

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

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

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

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

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

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

Viability of the Flying Pig

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

Other Matters

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

Environmental Impact Assessment Regulations 2017

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

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

Section 106 Agreement

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

Planning Balance

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

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

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

Conditions and Conclusion

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

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

Jonathan Price

Inspector

DOCUMENTS SUBMITTED DURING THE INQUIRY

- ID.1 Appellant's Opening
- ID.2 Council's Opening
- ID.3 Extract of CD 1.1 EIA Vol 2, Chapter 10 TVIA + bookmarks
- ID.4 Inquiry Statement of Mr Matt White
- ID.5 Inquiry Statement of Mr Tim Quick
- ID.6 Botanic Garden map
- ID.7 SoCG Flying Pig
- ID.8 RTS Agenda
- ID.9 Appellant email to CCC redacted
- ID.10 Extracts of CUBG website
- ID.11 Inquiry Statement Mr Luke Naashat
- ID.12 Council's closing
- ID.13 Appellant's closing

Inquiry Core Document library at

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

APPEARANCES

FOR THE APPELLANT:

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

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

FOR THE LOCAL PLANNING AUTHORITY:

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

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

INTERESTED PARTIES:

Opposing

Mr Daniel Carter
Mr Luke Nashaat
Mr Arthur Kaletzky

Supporting

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

Schedule of Conditions

The standard time limit condition for commencement of development

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

Pre-commencement conditions

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

- 1) Phasing of the demolition of any existing buildings authorised for demolition including elements of the Flying Pig public house.
- 2) Phasing of the construction of the basement, proposed buildings and basement and extensions to the Flying Pig public house.
- 3) Timescales for both demolition and construction phases.

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

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

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

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

g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-

2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.

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

i) Use of concrete crushers.

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

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

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

m) Screening and hoarding details.

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

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

p) External safety and information signing and notices.

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

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

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

t) Membership of the Considerate Contractors Scheme.

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

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

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

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

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

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

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

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

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

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

8. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by AKT II dated August 2020 which accompanied the application and shall also include:

- a) Details of the existing surface water drainage arrangements.
- b) Full results of the proposed drainage system modelling for 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model.
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers.
- d) Full details of the proposed attenuation and flow control measures.
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
- f) Full details of the maintenance/adoption of the surface water drainage system.
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The approved drainage scheme must adhere to the hierarchy of drainage options as outlined in the Framework/PPG.

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

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

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

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

Construction stage conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-occupancy conditions

34. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the buildings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The approved details shall be maintained in full.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46. Prior to first occupation, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:

- the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and resting birds;
- physical arrangements for the lidding, collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
- a good housekeeping plan to ensure spilt or dropped food is cleaned up promptly; and
- signs deterring people from feeding the birds.

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

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

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

The approved CCPMP shall include details:

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

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

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

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

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

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

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

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

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

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

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

Conditions relating to post occupancy monitoring and management

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

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

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

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

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

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

End of conditions.