



Cambridge City Council Planning

Date: Wednesday, 25 June 2025

Time: 10.00 am

Venue: Small Hall - The Guildhall, Market Square, Cambridge, CB2 3QJ
[access the building via Peashill entrance]

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

1 Order of Agenda

The Planning Committee operates as a single committee meeting but is organised with a three part agenda and will be considered in the following order:

- **Part One**
Major Planning Applications
- **Part Two**
Minor/Other Planning Applications
- **Part Three**
General and Enforcement Items

There will be a forty-five minute lunch break some time between 12noon and 2pm. With possible short breaks between agenda items subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote whether or not the meeting will be adjourned.

2 Apologies

3 Declarations of Interest

Part 1: Major Planning Applications

4 25/0432/TTPO Sturton Street (Pages 5 - 22)

5 23/04380/FUL Land At Ditton Walk (Pages 23 - 80)

Part 2: Minor/Other Planning Applications

6	22/02066/CONDF Owlstone Croft AQDMP	(Pages 81 - 128)
7	24/04582/FUL Innisfree, 1B South Green Road	(Pages 129 - 158)
8	25/00516/FUL Varsity Hotel	(Pages 159 - 206)
9	25/00411/FUL Varsity Hotel	(Pages 207 - 254)
10	25/01440/FUL 22 Grafton Street	(Pages 255 - 270)

Part 3: General and Enforcement Items

11	Appeals Information	(Pages 271 - 274)
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Planning Members: Smart (Chair), Baigent (Vice-Chair), Dryden, Flaubert, Howard, Illingworth, Thornburrow and Todd-Jones

Alternates: Ashton, Bennett, Gawthrope Wood, Lokhmotova and Porrer

Emergency Evacuation Procedure

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- Website: <http://democracy.cambridge.gov.uk>
- Email: democratic.services@cambridge.gov.uk
- Phone: 01223 457000

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Information for Councillors

After the publication of the agenda, if any committee members have any questions, they should be sent to officers up to 12 noon 2 days in advance of the meeting – these will be responded to as part of officer presentation (together with any queries raised by Members at the committee site visit).



Planning Committee Date	25 th June 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	25/0432/TTPO
Site	St Matthews Centre, Sturton Street
Ward / Parish	Petersfield
Proposal	Remove (fell) to ground level and treat stumps to prevent regrowth
Reason Presenting Officer	Clay Shrinkage Subsidence ay 193 Sturton Street Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents and Friends of St Matthew's Piece. Potential cost implications
Site Visit (Yes)	23 June 25: A site visit to look at the trees with Tree officers is confirmed. Access to 193 Sturton Street has also been requested but has not been confirmed.
Options	<ul style="list-style-type: none"> • Grant consent • Grant consent subject to conditions/informatives • Refuse consent

1.0 Executive Summary

- 1.1 In 2022 a tree work application was received to reduce the height by 5m and spread by 4m of three London Plane trees located within the grounds of St Matthews Centre opposite 193 Sturton Street. This application was refused at committee because of incomplete data supporting the application, the lack of heave assessment and the lack of information regarding the installation of a root barrier.
- 1.2 In 2023 a tree work application was received to fell the same trees to ground level and treat stumps to prevent regrowth. Additional evidence was presented with this application to support the subsidence claim. This evidence was reviewed by an independent structural engineer who confirmed technical data supports a causal link between the trees and damage to the building and that the risk of heave associated with tree removal is minimal. The application was refused because the damage associated with the retention of the trees was not considered to outweigh their amenity value. An informative was included recommending consideration of a root barrier.
- 1.3 In 2024 an application was made to dig a trench in Sturton Street to sever roots of protected trees. This was to allow the installation of a root barrier to prevent clay shrinkage beneath 193 Sturton Street. The application was refused because the excavation and subsequent installation of a root barrier posed an unacceptable risk of harm to the health of the trees and there was no certainty that the root barrier would work as a solution to damage to 193 Sturton Street. The risk of harm to tree health was not considered to outweigh the trees' amenity value.
- 1.4 The current application concerns the same three trees. The applicant is again seeking permission to fell the subject three trees to prevent continued tree related clay shrinkage beneath 193 Sturton Street.
- 1.5 Numerous objections to the trees' removals have been received from residents and groups.
- 1.6 Legal advice has previously been sought from counsel and that advice supports the information contained in this report.
- 1.7 If loss or damage that is caused or incurred in consequence of a refusal or conditions associated with a consent, the applicant is entitled to recover from the Council compensation in respect of such loss or damage. A claim of this nature must be made within 12 months from the decision date. Notice of a claim for the installation of a root barrier was received following the refusal of 23/0119/TTPO. It is anticipated that notice of a claim for underpinning will be received if the application is refused.
- 1.8 The payment of costs or the potential payment of compensation is not a decision that can be taken at officer level. Members may refuse consent, grant consent unconditionally or grant consent subject to conditions/informatives.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area	X	Listed Building	NA

*X indicates relevance

- 2.1 The St Matthews Centre is located on the corner of Sturton Street and New Street within the Mill Road conservation area. The TPO'd trees on the west, north and east boundaries of St Matthews Centre form part of a larger group that extends into the adjacent St Matthews Piece, one of the three open spaces cited to have significance in the conservation area appraisal.
- 2.2 The three subject trees are located on the west boundary of St Matthew's Centre. They form part of the visually significant group that bounds the Centre and the adjacent St Matthew's Piece. The three subject trees are located within a line of 13 trees that run the full length of the combined boundary with Sturton Street.

3.0 Relevant Site History

Reference	Works	Outcome
22/0271/TTPO	Crown reduction of three trees	Refused
23/0119/TTPO	Felling of three trees	Refused
24/0413/TTPO	Root severance (root barrier)	Refused

- 3.1 23/0119/TTPO was refused for the following reason:
- 3.2 *'The proposal requires the felling of three trees of outstanding and special value, individually and as part of a group. These trees and the wider group of trees on St Matthew's Piece contribute significantly to public amenity, the urban forest and the character and appearance of the Mill Road Conservation Area, where special attention must be given to the desirability of preserving or enhancing its character and appearance. The damage associated with the retention of the trees is not considered to outweigh their amenity value (including but not limited to their visual, atmospheric, climate, biodiversity, historical and cultural benefits). A material loss of public amenity value, including harm to the Conservation Area, the urban forest and St Matthew's Piece - a highly valued protected open space in Petersfield ward with very limited open space - would arise from their proposed removal. The proposal would, therefore, be contrary to Cambridge Local Plan policy 61, NPPF 2023 paras.131 and 174, NPPG guidance para. 090 Reference ID: 36 090-20140306 and para. 093 Reference ID: 36-093-20140306, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and other legislation, policies and guidance that seek to safeguard the environment.'*
- 3.3 Since the refusal of consent, the NPPF was updated in 2024. Paras. 136 and 187 are now relevant. Para 136 in states:

3.4 *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵², that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

3.5 The NPPG also advises at Paragraph: 090 Reference ID: 36-090-20140306 the following:

'How does the local planning authority consider an application?

If the authority did not visit the site before the application was made then an officer should do so at this stage. The authority should assess whether or not the proposed work is exempt from the requirement to obtain its consent. When considering an application the authority is advised to:

- *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- *consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- *consider whether any requirements apply in regard to protected species;*
- *consider other material considerations, including development plan policies where relevant; and*
- *ensure that appropriate expertise informs its decision.*

Authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.'

4.0 Legislation and Policy

4.1 Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012. Tree Preservation Order number 04/2005. National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG). Key extracts from the NPPF and

NPPG are quoted in the history section as they relate to previous reasons for refusal.

5.0 Consultations

- 5.1 The application was published on public access in addition to standard councillor and extended resident consultation. A Site Notice was issued for display.

6.0 Third Party Representations

- 6.1 Comments have been received from a large number of local residents, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. These can be viewed in full via Public Access using the reference 25/0432/TTPO. Objections are consolidated and summarised at Appendix 1 and a response provided.

7.0 Member Representations

- 7.1 The application has been called in by Cllr Richard Robertson.
- 7.2 Full details of all representations are available on the Council's website.

8.0 Assessment

Planning Considerations

Amenity – Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Justification for Tree Works – Are there sound practical or arboricultural reasons to carry out tree works?

- i. What is the justification
- ii. Is there a financial consideration
- iii. Is there a health and safety consideration
- iv. Does the nuisance outweigh the benefit of retention

Officer Assessment

- 8.1 Amenity – St Matthew's Centre visually forms part of St Matthews Piece, the only formal open space in the Mill Road Conservation Area. As cited in the conservation area appraisal its mature trees are important in long and short views. The trees are highlighted on the Townscape Analysis Map as Important Trees/Tree Groups. Officer opinion is that the trees have a significant amenity value, both individually and as part of a wider group.

Capital Asset Value for Amenity Trees (CAVAT)

- 8.2 The preliminary CAVAT assessment carried out in 2023 has been updated. A full assessment was carried out in May 2025 to take into consideration the 2024 increase in unit value factor and updated methodology. The current value of the trees is £271,453 for T1, £169,46 for T2 and £113,0032 for T3. The full assessments are available on public access.

Condition/Nuisance

- 8.3 Section 14.-(1)(a)(ii) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that nothing shall prevent the cutting down, topping, lopping or uprooting of a tree in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However, when deciding what is necessary to prevent or abate a nuisance consideration should be given to steps other than tree work. This has been considered and forms the basis of the previous application intended to allow the installation of a root barrier that would prevent clay shrinkage beneath the foundations of 193 Sturton Street so removing the influence of tree roots without tree removal.

Justification for Works

- 8.4 No additional evidence has been presented to support the claim that trees located in St Matthews Centre are a causal factor in damage to 193 Sturton Street. However, it has been shown previously that the subject trees are responsible for root induced clay shrinkage subsidence damage to the property and this has not been contested in two previous decision notices.
- foundations are bearing on a clay subsoil with a Low to High potential for volumetric change.
 - moisture content comparisons suggest moisture depletion in two locations.
 - roots from London Plane trees were recovered from samples.
 - Level monitoring has recorded a pattern of seasonal soil drying below the property foundations to a depth beyond the influence of climate.
- 8.5 Submitted evidence was reviewed by an independent structural engineer who has concluded that:
- the technical site inspections are in accordance with current best practices and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.
 - on the balance of probability there is a causal link between the trees, the underlying geology and damage to the building.
 - the heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and
 - the conclusion that the risk of heave is minimal is concurred with.

Discussion

- 9.1 Notwithstanding the above the Court of appeal (In *Perrin* [2008] 1 WLR 1307) held that consideration of all of the circumstances must include the existence of alternative engineering solutions when determining whether or not works are necessary to prevent or abate a nuisance. In this case, and as explained below, alternative engineering schemes involving underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations are available. Consequently, the Council has proceeded on the basis that consent is required for the proposed work.
- 9.2 The Planning Practice Guidance (PPG) states that when considering an application for consent the local authority should:
- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
 - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
 - consider whether any requirements apply in regard to protected species;
 - consider other material considerations, including development plan policies where relevant; and
 - ensure that appropriate expertise informs its decision.
- 9.3 Officers have considered the amenity value of the trees and have concluded that their amenity value is significant. In this regard officers note that the trees are in a conservation area and give very considerable importance and weight to the contribution that the amenity value of the trees makes to the character and appearance of the conservation area. Officers have taken into account section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring it to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. It is accepted that the loss of the trees would harm the character and appearance of the conservation area and that this harm must carry great weight in accordance with the NPPF and the principles of relevant policies in the Council's adopted development plan including policies 14, 55, 59, 61, 67, 69 and 71, which seek to protect amenity to which the trees contribute in terms of, history, character and appearance and in terms of ecology/biodiversity and other environmental considerations. Taking all of the above into account, officers believe that the amenity value of the trees is high and carries substantial weight.
- 9.4 However, on the basis of the independent structural engineer's opinion, the tree team is satisfied that evidence previously provided demonstrates on the balance of probability that there is a causal relationship between the trees and the damage to the subject property. Felling the trees will remove the trees'

influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out with the previously estimated (decoration) cost in the region of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal. In this regard, the tree team is of the view that the works for which consent is sought might be justified, subject to the consideration of other factors identified below.

9.5 There are two alternatives to tree work:

1. Permission for the installation of a root barrier to restrict root growth in the vicinity of the property foundations, so removing the influence of the trees, was refused under 24/0413/TTPO.
2. Underpinning the property would allow for future changes in soil volume beneath the foundations so avoiding continuing foundation movement and damage to the building.

9.6 Both solutions could have financial implications for Cambridge City Council. Following the refusal to allow the felling of trees under 23/0119/TTPO a Notice of Intention to Pursue a Compensation Claim Pursuant to the Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 was received relating to the estimated cost of £80,000 for installing a root barrier. The root barrier installation would emit approximately 3 tons of CO₂. However, as the root barrier application was also refused a full claim has not been received and the applicant is seeking to either fell the trees or underpin the property. Underpinning is now estimated to cost at least £279,500 plus VAT and have a CO₂ emission of 44 tons. This cost is considerably higher than the previous estimate of £120,000 plus vat. The applicant has been asked to provide a breakdown of costs and the reason for the significant increase and the following response has been received.

'The original estimate was in respect of traditional mass concrete underpinning, however mass concrete underpinning couldn't be completed from the outside of the building as some of the walls are party wall structures and others have facing directly on to the pavement. This would mean all works would need to be completed from within the property and would be unsafe and incredibly costly. The only viable solution, given the implied restrictions from the planning meeting, would be to consider a piled raft approach. In essence, this involves taking out all internal floors, some dividing walls for access, and forming a series of piles to support the external walls and internal partition walls on the ground floor. Needle beams are formed to connect to the piles and these extend under the foundations. The piles and needle beams are heave protected and the gaps between the needle beams are dug out and the remaining foundations isolated from the ground. A reinforced concrete floor slab is then formed over the pile heads, connected with steel reinforcement.'

- 9.7 The estimated costs are presented to allow members to consider the potential financial risk against the significant loss of amenity associated with tree removal. Any refusal of permission is not an acceptance of liability and does not preclude the Council from contesting the specifics of any future claims.

Implications

- 9.8 That the trees make a significant contribution to amenity cannot be disputed and consequently it is appropriate to consider underwriting the cost of alternatives to removal. However consideration must also be given to whether or not underwriting the cost of underpinning is disproportionate and not justified notwithstanding the significant contribution that the trees make to amenity.
- 9.9 In this regard, the Council is required to balance a wide range of competing considerations and financial demands. The requirement to underwrite the cost of underpinning would necessitate the making of a payment by the Council which could be regarded as being unjustified and disproportionate to the benefit of retaining the trees when considered in the context of all demands upon the Council's finances. In this regard the use of CAVAT is not appropriate and the availability of funds should be given greater weight than the asset value. CAVAT is based on an understanding of amenity as a sum of public benefits, valuing trees based on the replacement cost approach. It was designed to assist local authorities to achieve appropriate levels of compensation where publicly owned trees are damaged or removed without consent and to provide a basis for managing public trees as assets rather than liabilities. While CAVAT has been used successfully to defend the retention of trees on development sites and to secure adequate compensation when trees are removed, without consideration of the willingness or ability of a local authority to pay, it is not designed to balance the cost of a claim for compensation against a specific tree value. Whether or not an amenity value, CAVAT or Helliwell (another valuation methodology) etc, is greater than the financial risk to the Council should not be the basis for determining an application. Rather, all the associated benefits of tree retention, especially with regard to council policies, canopy cover aspirations and ecosystem services should be weighed against any negative impacts of retention and the negative impacts of removal.
- 9.10 The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions, but that where the authority believes that some loss or damage is foreseeable, it should not grant consent automatically, but should take this factor into account alongside other key considerations, such as the amenity value of the tree(s) and the justification for the proposed works before reaching its final decision.
- 9.11 Notwithstanding the significant amenity value of the trees and the considerable importance and weight this carries, the need to prevent further damage to property, coupled with the arguably disproportionate cost of paying

compensation as a result of the foreseeable loss and damage that may result if consent is refused, means that a refusal might not be justified, essentially for the same reasons as are explained in relation to the potential to underwrite the costs of alternative engineering solutions. However, as stated above any refusal of permission is not an acceptance of liability and does not preclude the Council from contesting the specifics of any future claims.

- 9.12 The trees are, however, located in third party land and, regardless of any permission granted by the Council, permission from the property owner will be required before the trees are lawfully removed. Even if the Council decides that sufficient evidence has been presented to support the application to fell the trees and permission is granted by the Council, the tree owner is not legally obliged to carry out the work or permit its completion.

Options

- 10.0 The payment of costs or the potential payment of compensation is not a decision that can be taken at officer level. For this reason, a recommendation is not given but possible options are set out below.
1. Grant consent
 2. Grant consent subject to replacement planting conditions/informatives.
 3. Refuse consent
-

Background Papers:

The following is a list of applications and associated documents, which can be viewed [Here](#).

- 22/0271/TTPO T1, T2 & T3: London Plane - Reduce height by ~5m and spread by ~4m balancing crown of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions.
- 23/0119/TTPO T1 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth. T2 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth. T3 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove (fell) to ground level and treat stumps to prevent regrowth.
- 24/0413/TTPO The works involve digging a trench to sever roots of protected trees, the trees are as described in the arb report. The trench is as described in the method statement in terms of its length, depth and location.
- 25/0432/TTPO T1, T2 & T3 London Plane - Remove (fell) to ground level and treat stumps to prevent regrowth.

Appendices:

Appendix 1 Consultee Comments

Appendix 1

Consultee Comments

Comment	Officer Response
The application is a waste of public time and money as the felling has already been refused. The applicant should be banned from applying again.	The council is obligated to determine any valid tree works application.
193 Sturton St was constructed in 1995/1996 the foundations should have been designed and constructed to withstand tree influence	NHBC foundation depth calculation, considering mature height of trees, distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.
TPO implies a presumption against removal	A TPO is served to prevent unjustified and harmful works to trees of value. Not to prevent all work regardless of justification
The evidence supporting the alleged damage has been examined and rejected three times.	Evidence was determined to be lacking in relation to 22/0271/TTPO. Subsequent decisions valued trees higher than the cost of any associated compensation claim and were not refused due to lack of evidence.
There is zero public benefit from felling any of the trees only massive public harm	A refusal to allow removal would likely result in a claim for compensation in excess of £280,000. This loss of funds could be considered to be contrary to public benefit and is therefore an important consideration.
No new evidence has been presented	A causal link between damage to 193 Sturton Street and the subject trees has been evidenced previously.
The value of the trees is greater than any damage to a single property	As a refusal could lead to a claim for compensation, committee will decide if the significant value of trees outweighs the potential financial loss to the council
Felling the trees would set a dangerous precedent	Every tree work application should be considered on its own merits and supporting evidence.
If the trees are causing damage why are no other properties damaged.	Tree related property damaged is the result of a number of causal factors that can change metre to metre. The proximity of the trees to other houses would not, alone cause damage to them. The lack of damage to adjacent houses is not evidence of a lack of damage/movement at 193
No evidence has been presented to show alternative solution such as a root barrier or underpinning	The previous application was for the installation of a root barrier. If this application is refused the property will likely be underpinned.

Level monitoring data is not consistent with the uptake of moisture from trees	Level monitoring from May 2020 to December 2022 shows a cycle of seasonal movement that can only be explained by the influence of significant vegetation.
If the trees are removed there is a risk of heave	A heave assessment has been carried out and the risk considered to be low, this was verified by an independent structural engineer.
If there is no proof of subsidence that can be proved definitively to be the fault of these trees, then the council is not liable for remedial costs.	A claimant needs to establish, on the balance of probabilities, that the trees were an effective and substantial cause of the damage.
A key reason for refusal of 23/0119/TTPO was that the amenity value of T1, T2 & T3 outweighed any damage at 193 Sturton Street - for which the Council has never accepted any liability	Agreed, the previous two applications were refused because the damage associated with the trees was not considered to outweigh the trees' amenity value. The council has not to date received a claim so has not accepted any liability
CAVAT provides a consistent and transparent protocol for evaluating the amenity value of trees. The only CAVAT value so far available for T1, T2 & T3 is a "preliminary" figure of ~£200,000. That appears to have omitted some key elements.	The 2023 CAVAT value has been updated in line with increased unit value factor and updated methodology. However, CAVAT is not designed to balance the cost of a claim for compensation against a specific tree value. Consideration must be given to a council's ability to pay and any public detriment associated with a reduction in funds.
Planning judgments and decision may not LAWFULLY be influenced by consideration of 'costs'	Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 R.24 allows a person who has incurred a loss as a result of a tree work application decision to claim compensation. The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent
Changes in a Conservation area must show that public benefit outweighs public harm	The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act (as amended) Part VIII, Chapter I and the 2012 Regulations. In this context the benefits of retaining the trees may be outweighed by the nuisance associated with tree related subsidence.
Under the "Related Cases" tab, there is a list for 193 Sturton Street, CB1 2QH of SIX planning applications - including 25/0432/TTPO. Not included is the refused 23/0119/TTPO, which is identical to 25/0432/TTPO. What can be the Council's justification for having omitted 23/0119/TTPO from the "Related Cases" tab for 25/0432/TTPO? How are local residents to interpret our public Planning System having ALSO failed to highlight this crucially material prior planning history?	The application register, including history and related cases, is based on application address. The addresses provided for 25/0432/TTPO is Street Record, Sturton Street and the address provided for 23/0119/TTPO was St Matthew's Centre, Sturton Street.

Summary of Friends of St Matthew's Piece Objection with officer comments in italics.

1. 25/ 0432/ TTPO – *exactly* like the previously refused 23/ 0119/ TTPO – applies to fell T1, T2 & T3 on St Matthew's Piece, for the *exact* same alleged reason.

2. A different planning decision would require the applicant to provide:

- **new** evidence and/ or
- **new** 'material considerations'.

Is this provided? **No**, it is not.

3. The applicant submitted six documents for the validation of 25/ 0432/ TTPO. Five are identical to documents for the previously refused 23/ 0119/ TTPO. Therefore, **nothing** in these five documents *can* provide **new** evidence or **new** material considerations.

4. Careful analysis of the 20 pages of the remaining, sixth, document reveals that it contains **no challenge** at all to the prior refusal of 23/ 0119/ TTPO.

5. Instead:

- ~70% comprises shuffled fragments of the applicant's **old** supporting material from 23/ 0119/ TTPO – so **not new**;
- ~25% address *other* planning refusals – not 23/ 0119/ TTPO – so **not 'material'**.

6. That leaves ~5% – *about one page* of the content of the 6th document – in which the

applicant *could* theoretically provide:

- new evidence and/ or
- new material considerations.

Does it? **No**, it does not.

7. The new content for 25/ 0432/ TTPO offers **zero new evidence** to support its allegation that damage at the property is "more extensive and has worsened".

8. It focusses *instead* on threatening the Council (three times) with underpinning costs of £279,500... were 25/ 0432/ TTPO to be refused. The threatened underpinning

costs are abruptly increased here from £120,000 – with *no* details, *no* evidence and *no*

justification. **Neither** of the two **other** listed cost figures is increased **at all**.

Does this intimidate our Council?

The applicant has provided an updated arboricultural report that repeats previous evidence, provides information relating to the financial risk to the council associated with a refusal, a comparison of CO2 emissions and a timeline of damage/movement. The applicant has not provided any additional evidence to support the original claim or to support additional movement. While the additional and consolidated information is a pertinent consideration it should not necessarily result in a different decision.

9. It is significant that planning judgments and decisions may **not** lawfully be influenced by 'cost considerations'. Costs are **not** material to planning decisions.

10. In essence, the single(-ish) page of new content in 25/ 0432/ TTPO, provides:

- **zero new** data;
- **zero new** evidence; and
- **zero new** material considerations.

11. 25/ 0432/ TTPO therefore fails to build **any** planning case for reversing the prior refusal to fell T1, T2 & T3.

12. 25/ 0432/ TTPO **must** therefore be **firmly refused**.

Town & Country Planning Act 1990 S.202E and Town & Country Planning (Tree Preservation) (England) Regulations 2012 R.24 allows a person who has incurred a loss as a result of a tree work application decision to claim compensation.

The significant difference between the refused 23/0119/TTPO and 25/0432/TTPO is the potential cost of a claim to the council, which has risen. The PPG is clear that in taking a decision on an application for consent to carry out works to a protected tree, authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent.

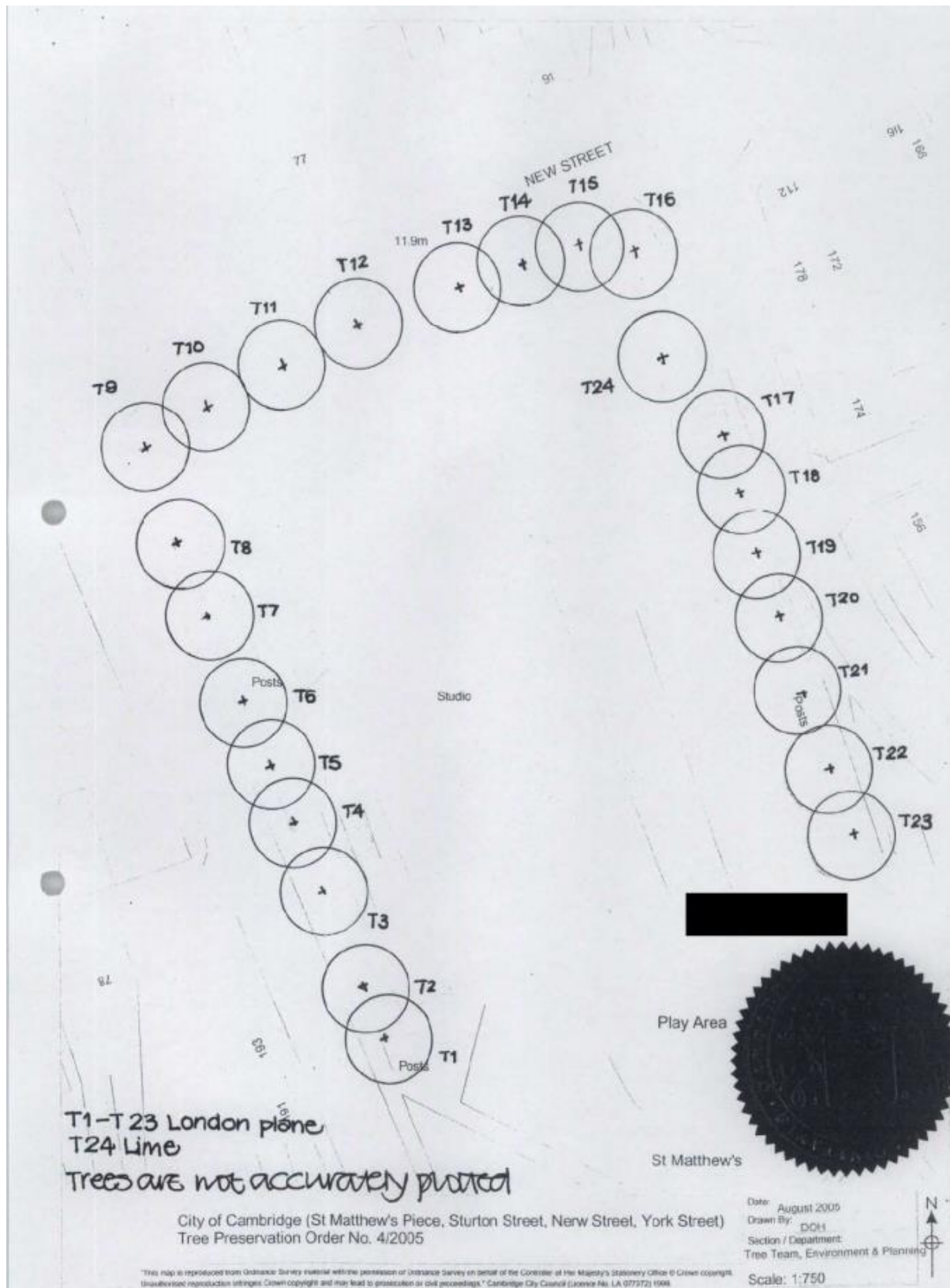
A compensation claim for underpinning in relation to 23/0119/TTPO would now be out of date. Following the refusal of 23/0119/TTPO a notice of intention to claim was made in relation to the costs associated with a root barrier. However, as 24/0413/TTPO was refused the installation of a root barrier was not permitted and underpinning is proposed to stabilise the property. The current application is required to allow any claim for compensation associated with a refusal. While there is an increased cost risk to the council this should not automatically result in a different decision to 23/0119/TTPO but should be a consideration.

Appendix 2



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Appendix 3



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23/04380/FUL – Land At Ditton Walk Cambridge Cambridgeshire

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Abbey Ward

Proposal: Erection of 12 dwellings, including 3 affordable dwellings, and associated works including alterations to access to the site and creation of second access.

Applicant: This Land Limited

Presenting officer: Amy Stocks

Reason presented to committee: Officer referral on the grounds of third party representations, complexity of scheme and policy conflicts.

Member site visit date: N/A

Key issues: 1. Environmental Health Concerns

2. Tree Concerns

Recommendation: Refuse

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
6	Consultations
7	Third party representations
8	Assessment
9	Principle of development
10	Design, layout, scale and landscaping
11	Trees
12	Heritage assets
13	Carbon reduction and sustainable design
14	Biodiversity
15	Water management and flood risk
16	Highway safety and transport Impacts
17	Cycle and car parking provision
18	Amenity
19	Planning obligations (s106)
20	Other matters
21	Planning balance
22	Recommendation

Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks permission for the erection of 12 dwellings, including 3 affordable dwellings, and associated works including alterations to access to the site and creation of second access
- 1.2 Although the visual design of the dwellings is considered in keeping with the character of the area, the proposal raises significant future amenity

concerns which ultimately make the application unacceptable. The application fails to demonstrate there would be no harm to neighbouring occupants from the oil depot and therefore officers cannot support this application in its current form. In the absence of a robust BS4142 noise assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally.

- 1.3 The agent of change principle applies at this site as the applicant has failed to demonstrate that any future adverse noise impacts have been satisfactorily mitigated against appropriate assessment methodology appropriate for the non-anonymous noise at this site. This development may result in unreasonable restrictions being placed on the existing Certas Oil Depot to the west of the site if approval were to be given.
- 1.4 In its present format the proposal is contrary to policy 35 of the Cambridge Local Plan (2018), paragraphs 125 c), 135. f), 187. e), 198. a) and 200 of the NPPF (2024), and the Greater Cambridge Sustainable Design & Construction SPD (2020).
- 1.5 Officers recommend that the Planning Committee refuse the application.

Consultee	Object / No objection / No comment	Paragraph Reference
Access Officer	Objection	6.1
Active Travel England	No Comment	6.4
Anglian Water	No Objection	6.5
Cambridgeshire and Peterborough Integrated Care System	No Objection	6.8
Conservation Officer	No Objection	6.9
County Archaeology	No Objection	6.12
County Education	No Objection	6.13

County Highways Development Management	No Objection	6.14
Designing Out Crime	No Objection	6.17
Ecology Officer	No Objection	6.19
Environment Agency	No Objection	6.20
Environmental Health	Objection	6.23
Fire Authority	No Objection	6.27
Landscape Officer	No Objection	6.29
Lead Local Flood Authority	No Objection	6.32
Sustainability Officer	No Objection	6.35
S106 Officer	No Objection	6.38
Tree Officer	Objection	6.39
Urban Design Officer	No Objection	6.41
Third Party Representations (8)	No Objection, Objection and Neutral	7.1- 7.5
Member Representations (0)	-	-
Local Interest Groups and Organisations / Petition (0)	-	-

Table 2 Consultee summary

2. Site description and context

- 2.1 The site is located off of Ditton Walk. To the north of the site is Ditton Meadows, to the east of the site is Fairfield End, to the south of the site is Ditton Walk and to the west of the site is a Certas oil depot. There are 4 TPOS on site, one group of which borders the site and the oil depot. The

site is located adjacent to the riverside city conservation area, the site is not located within it.

- 2.2 The site has been allocated for development. Policy 3 refers to the spatial strategy for the location of residential development. The site, known as R5, is highlighted as a development area. The site has been highlighted for residential development and has the capacity to support 35 dwellings at 41 density per hectare. The ramification of the allocation will be discussed under the principal section of this report.

3. The proposal

- 3.1 The application seeks permission for the erection of 12 dwellings, including 3 affordable dwellings, and associated works including alterations to access to the site and creation of second access.
- 3.2 The application has been amended to address representations and further consultations have been carried out as appropriate.

4. Relevant site history

Reference	Description	Outcome
C/67/0475	Use of premises as Ambulance Station	Permitted
C/73/0022	The erection of an adult training centre	Permitted
C/73/0679	Erection of Adult Training Centre	Permitted
21/01151/FUL	Erection of 14 dwellings, including 4 affordable dwellings, and associated works including alterations to access to the site.	Withdrawn

Table 2 Relevant site history

- 4.1 This application follows a full planning history. The applicant wanted to enter into a Planning Performance Agreement which the Council declined to enter into as the scheme was too small. The proposal was reviewed at pre-app stage and comments were made for the applicant to make revisions to the application.
- 4.2 A subsequent application was made (21/01151/FUL) and withdrawn. The current application was received on the 17th of November 2023. From this date till now there has been various amendments received, however a very large amendment was due to be received on the 30th May 2024 but was not received for consultation until the 17th June 2024. Following some further amendments the application was reconsulted on the 1st of July 2024. This was the last agreed large amendment to be received.

- 4.3 Officers took the application to case management where the cycle parking was deemed unacceptable. Officers asked for a further amended site plan to show a compliant cycle parking arrangement on the 16th July 2024. Due to this minor change these details would not need to be reconsulted on.. However, the applicant changed more than the limited amendment recommended by officer in light of the urban design comments. The additional changes made would impact other documents submitted which had not been changed. Therefore, officers did not accept this site plan.
- 4.4 The applicant was given a further opportunity to address consultee concerns which was reconsulted on the 21st of January 2025. These amendments failed to address consultee concerns in relation to trees and noise.
- 4.5 In the effort to progress the application planning officers, environmental health officers, the applicant, agent and their noise consultant met to resolve matters. A further amendment was submitted for review, the submission did not address officers' concerns and therefore this final amendment was not accepted. On this basis of these plans and this information the decision is being made in this report. Paragraph 9.2 Lists the relevant information.

5. Policy

5.1 National policy

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2021
Environment Act 2021
Conservation of Habitats and Species Regulations 2017
Equalities Act 2010
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Technical Housing Standards – Nationally Described Space Standard (2015)
ODPM Circular 06/2005 – Protected Species
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan (2018)

Policy 3: Spatial strategy for the location of residential development
Policy 4: The Cambridge Green Belt
Policy 27: Site specific development opportunities
Policy 28: Sustainable design and construction, and water use
Policy 29: Renewable and low carbon energy generation
Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk
 Policy 33: Contaminated land
 Policy 35: Human health and quality of life
 Policy 45: Affordable housing and dwelling mix
 Policy 50: Residential space standards
 Policy 51: Accessible homes
 Policy 55: Responding to context
 Policy 56: Creating successful places
 Policy 57: Designing new buildings
 Policy 59: Designing landscape and the public realm
 Policy 61: Conservation and enhancement of historic environment
 Policy 62: Local heritage assets
 Policy 67: Protection of open space
 Policy 69: Protection of sites of biodiversity and geodiversity importance
 Policy 70: Protection of priority species and habitats
 Policy 71: Trees
 Policy 73: Community, sports and leisure facilities
 Policy 74: Education facilities
 Policy 75: Healthcare facilities
 Policy 80: Supporting sustainable access to development
 Policy 81: Mitigating the transport impact of development
 Policy 82: Parking management
 Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.3 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022
 Sustainable Design and Construction SPD – Adopted January 2020
 Cambridgeshire Flood and Water SPD – Adopted November 2016
 Health Impact Assessment SPD – Adopted March 2011
 Landscape in New Developments SPD – Adopted March 2010
 Trees and Development Sites SPD – Adopted January 2009

5.4 Other guidance

Conservation Area Appraisal Riverside and Stourbridge Common conservation area
 Cambridge and Milton Surface Water Management Plan (2011)
 Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)
 Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste
 Cambridgeshire Design Guide For Streets and Public Realm (2007)
 Cycle Parking Guide for New Residential Developments (2010)

5.5 Area Guidelines

Riverside and Stourbridge Common Conservation Area Appraisal (2012)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

Access Officer-

6.1 *Comment dated 30th November 2023:* The following concerns:

- The applicant refers to aspects of M4(2) standards which apply to flats over houses.
- The cul-de-sac seems to be a shared space surface, therefore it is not suitable for visually impaired people.
- If pavements cannot be provided, a minimum 25 mm up stand must be provided so that visually impaired people using a cane can guide themselves.
- Confirmation all properties are Part M4(2) compliant is required.

6.2 *Comment dated 8th December 2023:*

- There are areas outside with no pedestrian pavement. In these places there must be an edging of a 2.5 cm up stand so that visually impaired people using a cane can guide themselves.

6.3 *Comment dated 8th July 2024:*

- See previous comments.
- One home should be built to wheelchair standard Part 4 (3) and all should be built to Part 4 (2) to future proof, to be sustainable and ensure future costs are not incurred by the council.

Active Travel England- No Comment

6.4 Active Travel England does not comment on applications of this size.

Anglian Water – No Objection

6.5 *Comment dated 6th December 2023:* No objection subject to the following comments and impositions:

- The foul drainage from this development is in the catchment of Cambridge Water Recycling Centre (WRC) which currently does not have capacity to treat the flows from the development site. The

new Cambridge WRC will take all existing domestic flows from current Cambridge WRC and all flows from the future growth within the WRC catchment. Anglian Water are working with Greater Cambridgeshire to understand the long-term growth figures, using the emerging local plan a locations and planning permissions. This allows Anglian Water to design and deliver a new Cambridge WRC which can meet future demand.

- Informatives shall be imposed relating to the used water network, protection of existing assets, building near to a public sewer and any inclusion of sewers within the development.
- The proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. This information is outside the jurisdiction of Anglian Water for comment and the Planning Authority will need to seek the views of the Environment Agency.

6.6 *Comment dated 22nd July 2024:*

- See previous comments.

6.7 *Comment dated 3rd February 2025:* No objection subject to conditions relating to-

- Confirmation of headroom at water recycling centre to accommodate foul flows from the development site.
- Informatives relating to connection to sewers.

Cambridgeshire and Peterborough Integrated Care System- No Objection

6.8 The ICS have no objection to the proposal subject to the following comments and impositions:

- The proposal would likely impact existing GP services. The East Barnwell Health Centre does not have capacity to support the development. The development could generate approximately 28 residents and subsequently increase demand upon existing services.

- A Healthcare Impact Assessment (HIA) has been prepared by CAPICS to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
- The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.
- A contribution of £10,119.17 would be required to enable the provision level required to accommodate the increase in users of the service. This contribution can be secured via a Section 106 obligation.

Conservation Officer- No Objection

6.9 *Comment dated 14th December 2023:*

- Considering the scale, massing and site layout for the proposed development, there will be limited impact on views from the conservation area.
- The new dwellings will be 2 to 2 ½ storeys with there being two new properties adjacent to the common. With the changes to the boundary there will be limited views of the new built form.
- The proposals will meet the requirements of Local Plan policy 61.

6.10 *Comment dated 9th July 2024:*

- No additional Conservation comments.

6.11 *Comment dated 5th March 2025:*

- No additional Conservation comments

County Archaeology- No Objection

6.12 *Comment dated 5th January 2024:* No objection subject to the imposition of the following conditions:

- Condition- Written Scheme of Investigation
- Informative- Partial discharge of the condition

County Education- No Objection

- 6.13 *Comment dated 13th December 2023:* No objection subject to the provision of contributions towards Education, Library and Monitoring.

County Highways Development Management - No Objection

- 6.14 *Comment dated 12th December 2023:* No objection to the proposal subject to the following conditions and comments:

- The Highway Authority has some reservations with regards to pedestrian and cycle connectivity given the context of the sites links with the surrounding development and access to the Chisholm Trail.
- Condition- Future management and maintenance of the proposed streets
- Condition- Road adoption
- Condition- Traffic management plan
- Condition- Visibility Splays
- Condition- Access to plot 1
- Condition- Surface finish of driveways
- Condition- Construction of accesses
- Informative- Works within Highway land

- 6.15 *Comment dated 15th July 2024:*

- See previous comment.

- 6.16 *Comment dated 11th February 2025:*

- See previous comments

Designing Out Crime- No Objection

- 6.17 *Comment dated 2nd July 2024:* The following comments and impositions have been made:

- Natural Surveillance of public and semi-private spaces entrances to a development, paths, play areas, open spaces, and car parks should be considered within design measures.
- Defensible space and the clear definition, differentiation, and robust separation of public, private, and semi-private space should be enforced in terms of ownership and use.

- External lighting plan is required.
- Cycle Sheds to the front and rear of properties shall be designed to ensure the structures are secure (further design measures can be found on the portal under this comment).
- Side access gates should be lockable from both sides and fitted with a self-closer.
- All doorsets allowing direct access into to the home shall be certificated to minimum standards.
- Windows, roof windows and roof lights must be securely fixed to the building fabric in accordance with the manufacturer's instructions and specifications.
- The applicant should consider submitting a "Secured by Design" (SBD) homes guide 2024 application as this development could attain this award with consultation.

6.18 *Comment dated 5th February 2025:* No objection subject to the imposition of the following conditions-

- Details of external lighting
- Construction phase security

Ecology Officer- No Objection

6.19 *Comment dated 1st July 2024:* No objection to the proposal subject to the following comments:

- Condition- Biodiversity Net Gain (BNG)
- Condition- Monitoring of BNG plan
- Condition- Lighting Plan
- Condition- Ecology Enhancement
- Confirmation that the ground contamination referenced within the FRA / Drainage Strategy will not pose a risk due to the proposed drainage outfall into Ditton Meadows County Wildlife Site.

Environment Agency- No Objection

6.20 *Comment dated 11th December 2023:* No objection subject to the imposition of the following conditions and comments:

- The proposal is not considered to be a high priority site in relation to land contamination. If significant contamination is subsequently discovered that could present a risk to controlled waters, the EA wish to be notified.
- Consideration should be given to the impacts that the proposed development may have upon controlled waters receptors during both construction and operational phases.
- The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the EA Guiding Principles for Land Contamination.
- The current and former land uses (including as an ambulance station) have the potential to be contaminative and could present potential contaminant linkages to controlled waters.
- Given the previously reported hydrocarbon plume in shallow groundwater in the vicinity of the site, attributed to the offsite fuel depot to the west, the EA concur with the recommendation for groundwater monitoring to give an understanding of the current concentrations in the groundwater. The identified potential sources of contamination on site should be targeted for site investigation.
- The adjacent fuel depot site as posing a potential PFAS risk to the water environment. Therefore, the EA recommend that PFAS be included in the groundwater analysis suite when investigations are carried out on the current application site.

6.21 *Comment dated 29th July 2024:*

- See previous comments

6.22 *Comment dated 28th January 2025:*

- No objection to amendments

Environmental Health- Object (Please see the latest comments attached at the end of this report)

6.23 *Comment dated 20th December 2023:* The following has been raised:

- A BS4142 Noise Assessment has been submitted. The report fails to consider the noise impact of the railway line on the dwellings on the adjacent western boundary.
- The Air Quality Assessment submitted with the application states that the depot is operational from 5am whilst the Noise Assessment states it is operational from 8am. Clarification is required on whether the depot is open, with plant operating and receiving deliveries from this earlier time and indeed if any plant operates through the night. Where any plant operates between the hours of 23.00 and 07.00, the assessment against night-time background levels is required.
- Monitoring data is not clear. Clarity is required on what the 2021 monitoring exercise was for (background assessment or specific noise source investigation) and robust acoustic justification is required on the use of this data having regard to and comparison with the noise levels obtained closer to the specific noise sources in 2019.
- It is assumed that +4dB is applied for tonality. However, clarity on what the +2dB character correction relates to is required.
- When considering the site layout and orientation, the assessment of only one dwelling is not considered representative of all dwellings and as such, the site has not been fully characterised in terms of noise impacts. Further assessment demonstrating noise impacts at the facades and any external amenity space across the site is required so that appropriate mitigation can be identified where needed.
- Acoustic justification for the chosen background noise level (2019 data) for the ASHP assessment when 2021 data has been used elsewhere across the site. This is inconsistent and use of these background levels has a significant impact on the findings of the report.
- The impact of train movements must be assessed and considered on the adjacent noise sensitive receptors as part of the wider Noise Impact Assessment.

6.24 *Comment dated 26th July 2024 :*

- The revised BS4142 Noise Assessment supersedes all earlier submissions however the short term attended monitoring data is not considered to be representative or robust enough to fully characterise the site and the potential impact of the operational noise of the Certas fuel depot on future noise sensitive receptors. Robust long term monitoring is required that considers night time ambient conditions prior to operation, night time hours between 5am and 7am and daytime hours in the absence of all noise associated with the operation of the plant (including transient noise associated with deliveries, idling, intermittent machinery). It may be appropriate to include continuous plant but this will need to be fully justified.
- There are concerns that the methodology applied is significantly underestimating the impact. No correction for tonality has been applied for this assessment, despite 'audible tonality' referred to in all other reports.
- The background sound level measured at the western boundary to be used in the BS4142 assessment if impact on the closest noise sensitive receptor to this boundary is considered. This is 4dB lower than the background used. This raises concerns that the methodology being applied is underestimating the potential impact on future noise sensitive residential receptors.
- It is expected the noise impacts of the ASHP's to be assessed for all residential receptors given that the background measured varies across each boundary. When considering the site layout and orientation, the assessment of only one dwelling is not considered representative of all dwellings and as such, the site has not been fully characterised in terms of noise impacts. Further assessment demonstrating noise impacts at the facades across the site is required so that appropriate mitigation can be identified where needed.
- The submission of a proposed Scope of Works for approval prior to undertaking further monitoring is required.

6.25 *Comment dated 21st February 2025:* Object for the following reasons-

- The proposed residential development will be adversely impacted by that noise.

- If redevelopment of the application site must include residential premises, our view is that a full redesign will be required to ensure that noise from the premises next door is designed out from the outset with consideration of internal layouts, location of gardens, aspect and orientation.
- Sealed window units to noise-impacted facades may be a consideration in the current design. However, there are concerns about noise impacts in external amenity spaces.
- The Noise assessment has failed to demonstrate that the noise from the adjoining commercial premises can be adequately mitigated when assessed against BS4142 methodology. The application of BS8233 is not appropriate at this location.
- The assessment identifies significant adverse noise impacts from the neighbouring depot at the facades of the proposed dwellings at night, even with mitigation in place.
- Rather than presenting pre- and post- mitigation noise impacts in accordance with BS4142, the assessment instead uses BS8233 standards for acceptable internal noise levels. This is not appropriate. BS8233 is for use with “anonymous” noise sources and does not take account of the character or nature of the noise source under assessment. BS4142 remains the most appropriate method for rating industrial noise impacts on new residential development (including this proposed development).
- The assessment makes mention of alternative mechanical ventilation for the dwellings and suggests therefore that there is no need for windows to be opened. However, based on the data presented our view is that it is possible that residents will be forced to close windows rather than have an option to do so. This is unacceptable and could give rise to complaints of statutory noise nuisance, especially if future residents are woken by the noise
- It is important to consider the ‘agent of change’ principle in this case.
- The assessment appears to suggest that with windows open to 100mm max, internal noise levels for Approved Document O will be achieved. The noise levels stipulated in Approved Document O are more relaxed than the noise levels stipulated in BS8233 (and approximately 15dB above the internal noise target selected for this development).
- An assessment of noise in the gardens has been made against BS8233 external noise levels. As above, this does not consider the nature and character of the noise from the adjoining depot and is not an acceptable alternative in this case.

- Given the data presented, our view is that when windows are opened or residents are trying to enjoy the use of their gardens, the noise from the neighbouring depot will likely adversely impact on the proposed development.
- A 2.5m barrier along the boundary adjacent to the fuel depot is proposed for mitigation.
- The Noise impact assessment has only considered night time conditions with no appropriate day time / evening assessment provided for both dwellings (ground & first floor) and gardens, instead it relies on achievement of the acceptable internal noise levels stipulated in BS8233 (for anonymous noise sources).
- The use of noise modelling demonstrates that even with mitigation there is a significant adverse impact at the facades of plots 3 & 8.
- BS4142:2014 + A1:2019 is the most appropriate and up-to-date guidance for the assessment of commercial noise sources with any mitigation measures designed and implemented around the results of such a survey.
- The closure of windows is not acceptable method of mitigation. Even if noise impacted windows were sealed shut, there remains potential adverse impacts in external amenity spaces.
- With the current design our view is that this application is contrary to Policy 35 of Cambridge Local Plan (2018) and the Sustainable Design & Construction SPD (2020) and should be refused.

6.26 *Comments dated 3rd June 2025:* Please see attached at the end of this report in Appendix 1.

Fire Authority –No Objection

6.27 *Comment dated 28th November 2023:* No objection to the proposal subject to the following comments and impositions:

- Adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.
- The position of fire hydrants are generally agreed upon when the Water Authority submits plans.
- Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.
- The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the

“National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.

- Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access.

6.28 *Comment dated 21st January 2025:* No objection subject to the following comments and conditions-

- Provision of fire hydrants
- Installed fire hydrants being inspected and tested
- All required hydrants will be plotted
- Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.
- The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.
- Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.
- If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached table.

Landscape Officer- No Objection

6.29 *Comment dated 20th December 2023:* The following has been raised:

- The proposed development would lead to the loss of most of the existing vegetation on the site, including all of the trees protected by TPO.
- The location of the proposed access road would lead to the loss of the row of cypress trees and a category C Ash tree on this edge of the site. Plot 12 would lead to the loss of another category C Ash tree at the rear of the site, and the category B trees on the site frontage would be removed to accommodate plots 01 and 02.
- The proposed tree planting along the road and on plot frontages will not reach a similar scale to the existing line of cypresses and will not be able to replace the landscape resource. Furthermore, trees on residential plots are an unreliable landscape resource in the long-term, as residents may remove the planting in the future.

- The role of vegetation in and around the transition from the meadow landscape into the townscape, has not been fully addressed, and consequently the opportunity to enhance the relationship between the urban parts of Cambridge and the Cam River corridor through the development has not been achieved.
- Landscape object to the removal of existing vegetation on the south-western boundary of the site. The vegetation plays an important role in softening built development and views of the Oil containers on the Fuelcare site from visual receptors in the adjacent green belt. It also contributes to the valued sense of enclosure experienced within the meadow landscape.
- The use of close boarded fencing on the boundary to Ditton Meadows does not achieve the objectives of the Greater Cambridge Landscape Character Assessment (2021) to manage the effects of residential and recreational pressures on the character of the landscape.
- As recommended by Urban Design Colleagues, the landscape department share concerns regarding the proximity of Plot 12 to the boundary adjacent to Fuelcare and the need to relocate the bike stores to the front of the properties.
- The proposed site should either provide a connection to the development at 141 Ditton Walk, or connect to Ditton Meadows via the north-western boundary of the site.
- The removal of plot 12 would allow additional planting to be included on the north-western boundary, and the creating of an informal open space with a link to the meadows.
- The vehicular corridors look quite wide, and we question whether these could be narrowed to avoid them being used as additional parking spaces, as well as to improve the balance between soft and hard landscaping features.
- The location of the bike stores and tree planting outside plot 09 should be reversed in order to enable a medium size tree to be planted.

6.30 *Comment received on the 22nd July 2024:*

- Landscape Officers maintain the objection to tree removal due to adverse effects on landscape and views, contrary to Local Plan policies, 55, 59.
- Should the case officer be minded to approve the application, we seek one further clarification, namely that a 'leaky pipe' can be installed with a water supply to the native hedgerow proposed at Ditton meadows, and recommend that the below conditions are attached.
- Condition- Hard and Soft Landscaping
- Condition- Planting
- Condition- Landscape maintenance
- Condition- Tree Pits
- Condition- Landscape Replacement

6.31 *Comment dated 28th January 2025:* No objection subject to the following conditions:

- Hard and soft landscaping
- Retention of trees on boundary with fuel depot
- Landscape maintenance and management plan

Lead Local Flood Authority- No Objection

6.32 *Comment dated 18th December 2023:* No objection subject to the imposition of the following conditions and comments:

- Condition- Detailed design of the surface water drainage on site
- Condition- Details of surface water run-off on site
- Informative- Pollution control

6.33 *Comment dated 19th July 2024:* No further comments beyond those set down in our response of the 13th December 2023.

6.34 *Comment dated 10th February 2025:*
Support. No further comments

Sustainability Officer- No Objection

6.35 *Comment dated 12th December 2023:* No objection subject to the imposition of the following conditions and comments:

- A revised site plan showing the location of the proposed air source heat pumps is required.

- Condition- Carbon Reduction implementation
- Condition- Water Efficiency
- Informative- Building Regulations
- Informative- Water Efficiency

6.36 *Comment dated 22nd July 2024:*

- Limited information has been provided in relation to the use of thermal dynamic modelling, as suggested in previous comments, acknowledging the potential noise issues that may be associated with natural ventilation and the developments' location in relation to the industrial site nearby.
- Previous comments (dated December 2023) remain if the application were to be granted permission.

6.37 *Comment dated 19th February 2025:* No objection subject to the following conditions-

- Carbon reduction compliance
- Water efficiency
- Water efficiency informative
- Building regulations informative

S106 Officer- No Objection

6.38 *Comment dated 14th December 2023:* No objection subject to the provision of contributions towards local facilities.

Tree Officer- Object

6.39 *Comment dated 9th August 2024:* The following has been raised:

- There are seven trees and two tree groups associated with the site and its redevelopment.
- The submitted Arboricultural Impact Assessment cites the removal of all but one of the tree items, G2, located in a secluded corner at the rear of the site. The most valuable trees and all those protected by TPO are proposed to be removed. This is not supported as the proposed losses will be detrimental to canopy cover and the contribution the site makes to verdant amenity.
- G1 particularly, this is a category B group of evergreen trees located on the boundary between the development site and the adjacent Certas Energy site. The trees present a very significant screen between the competing land uses of fuel storage and associated works on the Certas site and residential properties to

the northeast. Their removal will create unsightly views and increase airborne pollutants leaving the site.

- The applicant has submitted a letter from Cambridgeshire Fire and Rescue Service in support of their proposal to removal all the trees in group G1, however the letter from the fire and rescue service cites tree management as an option to remove the identified risk of fire spreading. The group of trees extends far beyond the location of the tanks and there appears to be no health and safety justification for proposing any risk management to the bulk of the group where it is not in conflict with the tanks.
- The proposed replacement planting is not supported.
- The depth of verge is not sufficient to adequately mitigate against the potential for damage cause by root growth in the future. Planting adjacent to structures and hard standing should be carried with reference to BS5837 2012.
- The proposed deciduous planting will only provide a screen for part of year and should be changed to evergreen planting.
- The combined and significant detriment resulting from tree loss, the proposed development is not considered to accord with Policy 71 of the local plan.

6.40 *Comment dated 7th March 2025:*

- While amendments allow the retention of G1, the layout still fails to the respect the trees of value to the front of site. The proposal in current form is therefore not supported.

Urban Design Officer - No Objection

6.41 *Comment dated 15th December 2023:* The following concerns have been raised:

- Concerns regarding potential impacts of the proposal on the rear gardens of some neighbouring properties and the department are not entirely convinced on the proximity of plot 12 to the existing oil depot.
- The basic 3D model submitted has been included to help officers assess the impact of the proposed scale and massing would have

on neighbouring properties. The model suggests a change during Autumn and Spring Equinox, which is of some concern, given the model is not clear on the overshadowing impact of the proposed houses on plots 06, 05 and 01 on the back gardens of the neighbouring properties at 141 Ditton Walk (plots 7, 5 and 4). A BRE shadow study should be carried out.

- A number of functional design concerns still remain relating to the proximity of plot 12 to the Fuelcare oil depot immediately located to the southwest of the site, and front cycle stores not being located on plot.
- The Ditton Walk footway should be continued across the junction of the access to prioritise pedestrians along the street.
- Internally, the blockwork used should be continued throughout instead of the proposed asphalt to create a calmer character and reinforce a low-speed environment.
- Plot 12 is located the closest to the oil depot. The department are not convinced that a dwelling in this location can be successfully accommodated so close to a potential noise source. The submitted model shadow studies indicate that the back garden of unit 12 will be in shade throughout the year. This is contrary to the BRE guidelines that recommend at least two hours of sunlight on March 21st for at least half of the garden.
- The department recommend plot 12 may be better suited as public open space that could serve the wider development. An open space that terminates views into the site from Ditton Walk could also provide a visual connection with Ditton Meadows and strengthen the wider green corridor that runs along the northern edge of the site. The open space would also act as a buffer zone, allowing for distance between the other dwellings and the oil depot.
- Plot 11 would need to be reconsidered to address the open space and through a rethink of the size and typology of the houses proposed along the north-eastern boundary, it may be possible to accommodate 4 homes here.
- A number of proposed bike sheds are not located on plot (03, 04, 05, 06, 07) and are instead positioned within the public realm. The proposed scale of the bike sheds would diminish the natural

surveillance of the street. Private cycle stores must be located on plot and within the front threshold of the dwelling that they serve and should be located as close as possible to the front door (or at least positioned to be more convenient than the car parking space). The proposed off-plot stores are not considered to comply with Policy 57. A split cycle store approach may be acceptable.

- The removal of the proposed bike sheds for plots 06 and 05 from the public realm and the replacement of the cycle spaces provided in the more space efficient front of-plot stores would allow for a better landscaped boundary treatment between the two developments at 139 and 141 Ditton Walk.
- Unit 02 is a 3-bedroom property with significantly less usable back garden space than unit 01, which is the same house type. Unit 03 is a 3-bedroom property that mirrors unit 08 but has been allocated a much smaller back garden. This is highly questionable given the size of the property and that it is allocated as affordable, which will mean a maximum occupancy. The garden of plot 03 could be enlarged by reconfiguring the car parking spaces for plots 03, 04 to mirror the car parking arrangement for units 07, 08 and elongating the private amenity space for plot 03 towards the street.
- The proposed western gables for plots 08, 03 and 02 and the eastern gable for plot 01 are presenting completely blank elevations facing the street. This does not comply with good urban design principles that are reinforced through Policy 56 (d) of the Local Plan.
- Should the application be approved the below conditions have been recommended.
- Condition- Materials
- Condition- Materials (Sample Panel)
- Condition- Cycle Parking Store

6.42 *Comment dated 22nd July 2024:* The following concerns have been raised:

- A split-store principle has been adopted; however, some detail refinements are needed for the front-of-plot cycle parking provision to be considered acceptable and meet Local Plan policy. The

stores of plots 1 and 2 are located to the sides of the properties and therefore are not overlooked by the dwellings; they should be integrated into the dwelling frontages to ensure natural surveillance.

- The stores of plots 3, 4, 7, 8 open facing the street; the stores should be rotated so that their doors will open onto the private walkway and not the carriageway.
- The use of timber panels for cycle stores facing the public realm is considered unacceptable from an urban design perspective due to security concerns – a more robust material with an internal locking mechanism.
- The submitted overshadowing assessment by Herrington Consulting Limited outlines that 4 out of 12 properties will be short of meeting BRE guidelines for private amenity, which recommend that at least half of amenity areas should receive at least two hours of sunlight on 21 March.
- Climbing plants would be particularly beneficial across the boundary fence between the development and neighbouring oil depot.
- The acceptability of the proximity of plot 12 to the neighbouring oil depot remains an Environmental Health judgement; should they raise an issue with this, our previous suggestion that this plot could be an open public space still remains.
- Subject to the further refinements outlined above Urban Design will be able to support the application.
- Should the application be approved the below conditions have been recommended.
- Condition- Materials
- Condition- Materials (Sample Panel)
- Condition- Cycle Parking Store

6.43 *Comment dated 4th February 2025: No Objection subject to the following comments/conditions:*

- Conditions relating to materials
- Condition relating to cycle parking details

7. Third party representations

7.1 8 representations have been received.

7.2 Those in objection have raised the following issues:

- Overdevelopment of the site.
- Scale and layout of the proposal would harm the operation of the oil depot.
- The noise assessment confirms there will be a noise impact on the nearest dwelling, and specifically to the facade facing on to the oil depot. A third-party representative wished to provide their own noise assessment in review of the applicants, officers did not grant an extension for them to provide this nor did officers receive any documents.
- Renewable technology should be installed on the houses during the build, not after.
- Concerns regarding how the site will be impacted by drainage and how surface run-off will impact neighbouring gardens.
- The trees on site should be retained.
- TPO trees will be lost on site, this is contrary to policy 71 of the local plan and paragraph 136 of the NPPF. Their loss would be visibly harmful and would cause additional visual amenity issues in relation to the neighbouring oil depot.
- Loss of trees on south-western boundary. These large mature trees help to buffer the sound and pollution from the Oil Depot site.
- The trees along the south-western boundary are visible from Ditton meadows, the Chisolm trail and the railway line. They help to screen the views of the industrial site from the beautiful green spaces. The replacement of the trees with fencing does not have the same impact and this fencing would be subject to graffiti and block out views into the neighbouring meadow.
- The screening and sound buffering offered by the Leylandii is essential to avoid exposing residents (both existing and in the planned houses) to intolerable noise and light pollution. The application is contrary to Cambridge Local Plan policies 34 (light pollution control) and 35 (protection of human health and quality of life from noise pollution and vibration).

- The trees have high amenity value, as they are visible from this public space. Their removal would thus be detrimental to anybody who enjoys the Meadows, as well as of course to local wildlife.
- The Oil Depot makes most noise in the night and early morning. Reducing the sound buffering by removing the trees will detrimentally affect the current residential neighbours as well as the new owners of the new properties.
- The application has not factored in car parking, parking (like on Fairfield End) will spill out onto Ditton Walk which will impact occupants on this road. Parking on this road is at full capacity.
- Insufficient information was submitted to determine the application
- The proposal would not be in accordance with the existing pattern of development.
- The proposal would result in an increase in vehicle movements and would be of detriment to the public highway.

7.3 Those in support have given the following reasons:

- The development has been planned to reduce the visual impact on Ditton Meadows. Only two dwellings are proposed on the northern elevation and their height and design means their impact, when viewed from the meadows has been minimised.
- There is support for the sustainable construction to Passivhaus standards and wish to see this conditioned so that should the development be sold on it will still be delivered at this standard.
- There is support for mixed native hedging along the northern hedge in front of the fencing.
- Neighbouring an undeveloped and unsightly plot of is unpleasant.

7.4 Those raising neutral comments have given the following reasons:

- Welcome the plan to build on what is currently an empty, unused and visually unappealing plot.
- The new design is better than what was previously proposed.
- The new proposal to retain the majority of the Leylandii cypress border is welcomed.
- The current proposal for a 6 monthly maintenance of the proposed reduction to 10m seems potentially unsustainable.
- The plan to fell the ash tree on the back of the site (numbered T003) is unjustified on the explanation given in the tree survey. This tree too acts as a natural visual barrier between the depot and Ditton Meadows.
- The plans include the planting of new trees and on balance may increase the protective coverage both for the new houses and towards the meadows.
- Encourage the council to ensure that the overall landscaping proposal would increase rather than decrease the tree coverage in this sensitive location.

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

8. Assessment

- 8.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:
- Principle of development
 - Housing provision
 - Design, layout, scale and landscaping
 - Trees
 - Heritage assets
 - Carbon reduction and sustainable design
 - Biodiversity
 - Water management and flood risk
 - Highway safety and transport impacts
 - Car and cycle parking
 - Amenity
 - Planning obligations
 - Other matters
 - Planning balance
 - Recommendation

9. Principle of Development

- 9.1 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need.
- 9.2 The address for allocation site R5, is listed as Camfields Resource Centre and Oil Depot 137-139 Ditton Walk. The allocation includes the old resource centre site (where the proposal will take place) and the existing depot (which will remain in situ).

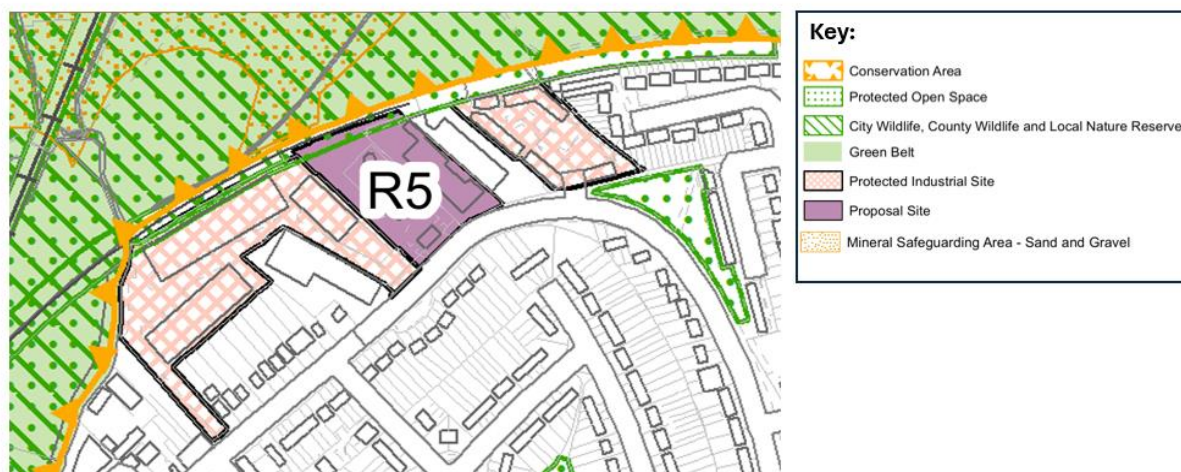


Figure 1: Allocations Map Extract¹

- 9.3 The site has been highlighted in this allocation for residential development and has the capacity to support 35 dwellings at 41 density per hectare (dph). Provisional issues have been highlighted under the allocation stating the following:
- *Surface water flooding requires mitigation.*
 - *Contamination requires remediation and will limit development to flats/non-family housing without gardens.*
 - *Access onto Ditton Walk, subject to detailed testing*
- 9.4 Policy 27 has identified this site for development, under Appendix B of the Local Plan, however it has identified the whole of the site, inclusive of the oil depot itself. This proposal sees the development of half of the site (with the retention of the oil depot), therefore introducing further constraints than would have been identified in the allocation of this site within the policy. The constraints include the retention of the oil depot, which produces noise and amenity issues. As the whole of the site is not part of this application it is considered that the full weight of Policy 27 cannot be applied to this application. Therefore, it is not fully in conformity with it and this is not a wholly allocated site. In its current form, the application is contrary to policy 27 of the Cambridge Local Plan (2018).
- 9.5 Despite the land allocation being restricted to the development of flats only (as listed under the allocation), the application seeks permission for the erection of 12 dwellings with gardens. As the proposal seeks to develop half of the site (the resources centre half, not the oil depot), officers consider land contamination in these areas would be less, but would not be insignificant. However, in the event of an approval the contamination officer confirmed the standard contamination conditions would apply here. Therefore, subject to conditions the proposal would accord with policy 33 of the Cambridge Local Plan (2018)

¹ [Development plan: Adopted policies map - Cambridge City Council](#)

- 9.6 The density would be in accordance with the dph required on this site, however officers would encourage the applicant to review the sizes of the dwellings to address the clear site constraints (i.e the oil depot) as expanded below within this report.
- 9.7 Policy 27 refers to site specific development opportunities. The policy states that proposals would be supported at these sites providing any issues of flooding or contamination are addressed, design considerations, satisfactory access and other infrastructure and other requirements where policy dictates. As for the reasons expanded in the below report, officers do not consider the proposal is in accordance with policy 27.
- 9.8 The site would see the use of brownfield land. Paragraph 125 of the NPPF (2024) refers to making the most effective use of suitable brownfield land. Point c of this paragraph states:
- give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- 9.9 Although the site would be making use of brownfield land, the substantial harm caused in terms of noise from the existing oil depot on the future residents of the proposal would not be acceptable and should not be regarded as such.
- 9.10 However, the principle of development is understood within condition 3 of the Local Plan and this development is not wholly within the allocation of R5 and policy 27. The development could be acceptable if it is acceptable under other policies of the local plan and material planning considerations. This is to be discussed further in this report.

Affordable housing

- 9.11 Policy 45 of the Cambridge Local Plan requires residential development of 11-14 units or more to provide a minimum of 25% of affordable housing. The Local Plan states that further details on the practical implementation of this policy will be set out in an up-to-date Affordable Housing Supplementary Planning Document (SPD).
- 9.12 The proposal sees the provision of 3 affordable units out of 12 dwellings (two 2 bed units and one 3 bed unit- Plots 3, 4 and 5). This equates to 25% of the number of dwellings on the site. In the event the application is approved, affordable units can be secured by way of condition. Therefore, the proposal is in accordance with policy 45 of the Local Plan.

- 9.13 The proposal sees the provision of 3 affordable units out of 12 dwellings. This equates to 25%, therefore the proposal is in accordance with policy 45 of the Local Plan.
- 9.14 Officers are satisfied that the proposed distribution of the affordable units within the site is appropriate, and the level of affordable housing is acceptable and accords with Policy 45 of the Local Plan.

10. Design, layout, scale and landscaping

- 10.1 Policies 55, 56, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.2 The application site comprises of 12 dwellings. The dwellings will be of an appearance similar to the neighbouring Fairfield End development.
- 10.3 Housing type 1 (plots 1 and 2) are 3 storey- 3-bedroom units; these dwellings will benefit from grey in colour cedar lap on the elevations with a natural red pan tile roof. The windows and doors will be anthracite PPC aluminium surrounds.
- 10.4 Housing type 2 (plot 3) is a 2 storey- 3-bedroom unit; this dwelling will benefit from grey in colour cedar lap on the elevations with a dark grey pan tile roof. The windows and doors will be anthracite PPC aluminium surrounds.
- 10.5 Housing type 3 (plots 5 and 4) is a 2 storey – 2-bedroom unit which has a similar appearance to housing type 2. The windows and doors will be anthracite PPC aluminium surrounds.
- 10.6 Housing type 4 (plots 6, 7 and 8) are 3 storey- 3-bedroom units; these dwellings will benefit from grey in colour cedar lap on the elevations with a natural red pan tile roof. These dwellings will have a small dormer on the front elevation of the dwellings which will serve a bedroom. The dormers will be cladded with material which matches the lower levels of the dwellings. The windows and doors will be anthracite PPC aluminium surrounds.
- 10.7 Housing type 5 (plots 9, 10 and 11) is a 3 storey- 4-bedroom unit; this dwelling will benefit from grey in colour cedar lap on the elevations with a dark grey pan tile roof. These dwellings will have 2 dormer windows on the front elevation of the roof slope, these windows will serve a bedroom and a study. The dormers will be cladded with material which matches the lower levels of the dwellings. The windows and doors will be anthracite PPC aluminium surrounds.
- 10.8 Housing type 6 (plot 12) is a 3 storey- 4-bedroom unit; this dwelling will benefit from grey in colour cedar lap and brickwork on the elevations with

a natural red pan tile roof. This dwelling will have a small dormer on the front elevation of the dwellings which will serve a study. The windows and doors will be anthracite PPC aluminium surrounds.

- 10.9 Officers consider the appearance of the dwellings to be responsive to the design of the neighbouring development and would therefore not be out of character with the wider area.
- 10.10 The Urban Design department has been consulted on this application. The departments previous concerns on the scheme have been addressed, these included cycle store openings (on plots 3, 4, 7, 8), cycle store locations (plots 1 and 2) and the private amenity of plot 2. The department still have concerns regarding the materials to be used in the construction of the stores, however this matter can be addressed via condition.
- 10.11 The proposal would benefit from various soft landscaping normally associated with a development of this type of development. However, the proposal sees the removal of several protected trees. The objection to the removal of these trees from our trees officer has been expanded upon under section 8.27 of this report. The Landscapes department have referred to these removal works but are supportive of the works overall as the protected Leylandii are being retained and trees, where removed, will be replaced on site. In the event the planning application is approved, the landscape department recommend conditions relating to hard and soft landscaping, planting, landscape maintenance, tree pits and landscape replacement. As such the development does respond positively to the existing landscape character and is contrary to the objectives of the Greater Cambridge Landscape Character Assessment (Policy 55 and Policy 59).
- 10.12 The Designing out crime have reviewed the application and have requested an external lighting scheme. The department requested this either prior to determination or via condition. Officers consider in the event the application is approved; the required details can be secured via condition. They have also provided a construction phase security advisory note, the details of which can also be secured via condition.
- 10.13 Plot 12 is located the closest to the oil depot. Officers have concerns about the proximity this plot is to the industrial site and the potential impacts this may have on the occupants of this dwelling; this has been further discussed under section 8.91 of this report but officers felt it necessary to mention here. The noise assessment provided states that there will be some level of harm to the external areas of the plots which is not acceptable. While it has been suggested that the windows of the properties can be fixed shut, this still does not address the issues of the level of noise that will be present within the residential gardens of the properties. Officers consider the occupants of the proposals will be adversely impacted by the operation of the oil depot. The layout of the proposal fails to take into consideration of potential impacts.

- 10.14 The Fire Authority have requested the provision of fire hydrants to serve the proposed dwellings. As all proposed hydrants will need to be approved in writing by the fire authority, officers consider a condition securing their implementation and maintenance to be sufficient in this instance. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.
- 10.15 Overall, the proposed development is a high-quality in relation to the design of the dwellings, but the impacts the oil depot would have on future occupants, the application fails to accord with Cambridge Local Plan (2018) policies 50, 55, 56, 57 and 59 and the NPPF.

11. Trees

- 11.1 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.
- 11.2 The Council’s Tree Officer has advised that the application is not suitable in tree terms. Trees G2 and G1 will remain, while trees T001, T004, T005, T006 and T007 will be felled.
- 11.3 Tree group G1 is a group B category of evergreen trees which are located along the boundary of the site and the neighbouring oil depot. Officers would also like to note the various comments made by third party representatives which state the operation of the oil depot has associated noise and odour, the trees along the boundary help block these impacts as well as making the boundary more visually appealing.
- 11.4 The Trees Officer has reviewed the letter submitted by the Cambridgeshire Fire and Rescue Service in support of the removal of group G1. The letter states the trees along this boundary are at risk of spreading fire on the premises. The trees adjacent to the fuel storage tanks located at the rear of the Certas Energy site are of excessive height and poorly maintained, as a result the trees pose an increased risk of fire (especially in the summer months). To reduce the risk of fire spread, the standard of housekeeping shall be maintained. The fire department recommends a competent tree specialist be employed to either remove or reduce the trees to a sufficient height to not pose a risk to the Certas fuel storage tanks.
- 11.5 The Trees officer noted the option of maintenance had not been explored (to their knowledge) and would prefer the trees are not removed. The group of trees, according to the trees officer, extends far beyond the location of the tanks therefore these areas pose less risk of fire and would

in turn there would be no health and safety justification for proposing risk management to areas where there is no conflict with the tanks. As such the applicant has decided to retain G1.

- 11.6 As the proposal will result in the loss of protected trees, the trees department maintain their objection to the scheme.

Feature No	Surgery or Fell	Reason for Works	BS Category
G001	Reduce lateral growth back to 1m from stem up to height of 6m and then reduce upper lateral growth to 2m from main stems. Reduce height by 3.5m to 10m and maintain twice annually. Section fell the top part of landscape feature and replace with suitable evergreen species to maintain long-term screening. Undertake linear root pruning for proposed service route. Undertake a reduction of 1.5m along the southern side of the feature to provide clearance from the fuel storage tanks.	Renovate the feature back to a manageable and a more aesthetically pleasing appearance for the site whilst also enabling space for development works. Linear root pruning is required to facilitate the installation of the domestic foul water drain.	B
G002	Undertake a crown reduction of 3m on the southern aspect of the feature to allow clearance for proposed building.	To allow construction clearance for plot 11.	C
T001	Fell	Undesirable relationship with proposed housing plot.	B
T003	Fell	Undesirable location to proposed residential building.	C
T004	Fell	Conflicts with proposed new access road through site and required service route.	C
T005	Fell	Conflicts with proposed landscaping plan.	B
T006	Fell	Conflicts with proposed hard surfacing.	B
T007	Fell	Conflicts with proposed hard surfacing.	B

Figure 2- Extract From Arboricultural Assessment (Page 3)

- 11.7 Figure 2 shows an extract from an arboricultural assessment, as shown we can see the trees to be felled vary from a moderate quality to low quality. Additionally, to further mitigate this loss, the conditions as required by the landscape department will allow for replacement planting elsewhere on site. Officers consider the loss of trees, in combination with the conditions as required by the landscape department, on the site to be minimal.
- 11.8 The proposal would not be contrary with policies 59 and 71 of the Local Plan.
- 11.9 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

12. Heritage Assets

- 12.1 The application is adjacent to the Riverside and Stourbridge Common Conservation Area. The application is close to the Old Maltings which is a building of local interest (BLI) and is therefore considered to be a Non-Designated Heritage Asset (NDHA).
- 12.2 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.
- 12.3 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.
- 12.4 The Conservation Officer has advised that the scale, massing and site layout for the proposed development, there will be limited impact on views from the conservation area. The boundary with the Riverside and Stourbridge Conservation Area will be hedging with trees and a 1.8m close-boarded fence with a trellis on top. This will help to mitigate the impact of the new development on the edge of this open space. The new dwellings will be 2 to 2 ½ storeys with there being two new properties adjacent to the common. With the changes to the boundary there will be limited views of the new built form.
- 12.5 The impact on the BLI is minimal and therefore no conservation comments are considered necessary.
- 12.6 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 listed buildings. 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 paragraphs 210 and 212, and Local Plan policies 61, 62 and 67.
- 12.7 The County Archeology department have also been consulted on this application and have raised no objection subject to the impositions of conditions relating to a written scheme of investigation and an informative relating the partial discharge of conditions.

13. Carbon reduction and sustainable design

- 13.1 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to

minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

- 13.2 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 13.3 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 13.4 The application is supported by an energy and sustainability statement. The sustainability department have confirmed the proposal would be in accordance with the relevant local plan policies. The department have referred the overheating element of the proposal (Part O Assessment), they have requested an informative be imposed to ensure any changes to the design would change this assessment.
- 13.5 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions relating to carbon reduction technologies and water efficiency.
- 13.6 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

14. Biodiversity

- 14.1 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.
- 14.2 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that the site is of low value / negligible

value habitats with some native and no-native trees and that new landscaping proposals have the potential to significantly enhance the ecological value of the site.

14.3 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and biodiversity net gain is delivered.

14.4 Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

15. Water management and flood risk

15.1 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.

15.2 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.

15.3 The Local Lead Flood Authority has advised the proposal is acceptable in principle subject to conditions regarding surface water drainage and run-off. Anglian Water, also have no objection to the scheme but request several informatives to be included recommendation if it is to be for approval.

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

16. Highway safety and transport impacts

16.1 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

16.2 Para. 116 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

16.3 The application is supported by a Transport Report. The report shows there is no sustainability, safety or capacity reasons why the proposal

cannot be permitted. Access to the site would be achieved off Ditton Walk. The site would benefit from a ramped entrance to the site with a block paved internal road network.

- 16.4 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, raise no objection to the proposal subject to conditions as set out under paragraph 6.9.
- 16.5 Subject to conditions as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

17. Car and cycle provision

17.1 Cycle Parking

- 17.2 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 17.3 The site adopts a split cycle storage arrangement across the site, similar arrangements have been observed on other developments. Officers consider the split approach to be suitable in this location to avoid the frontage of the dwellings appearing cluttered.

- 17.4 The proposal provides and integrate adequate cycle storage and is therefore compliant with policies 57 and Appendix L of the City Local Plan (2018).

17.5 Car parking

- 17.6 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the

Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 17.7 The site is located outside of a controlled parking zone. Each dwelling will benefit from a single car parking space. The car spaces of plots 2, 3, 4, 7 and 8 will be located to the side of the properties, while all other plots will benefit from car parking spaces to the front of their dwellings. The provision of car parking is in accordance with policy. In addition, officers consider the site to be a of a sustainable location, the site is located 2.1 miles from the centre of Cambridge and is roughly a 11-minute bike ride. The site is supported by good transport links both in and out of the city centre.
- 17.8 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future.
- 17.9 Subject to conditions, the car parking is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD. The proposed car and cycle parking is compliant with policy TI/3 of the Local Plan / policy 81 of the Local Plan.

18. Amenity

- 18.1 Policy 35 and 50 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

*Neighbouring and Proposed Properties
Impact on Nos. 1, 2, 7 and 12 of the proposal:*

- 18.2 The submitted overshadowing assessment by Herrington Consulting Limited, shows that the properties garden will be short of meeting BRE guidelines for private amenity, which recommend that at least half of amenity areas should receive at least two hours of sunlight on 21 March.

Although the proposal would meet daylight requirements for the rest of the year the proposal would fail to meet BRE requirements during this part of the year.

18.3 The applicant submitted revised plans to improve the garden spaces of these plots to allow for the provision of more sunlight during the month of march. While the provision increased, the level of sunlight provided is marginally below the required threshold during the month of March, however as the provision of sunlight during the summer months exceeds the limit officers consider on balance the level of light received by the proposed gardens are acceptable.

18.4 Officers acknowledge there will be new views achieved into neighbouring gardens (namely nos. 1, 3 and 5 Fairfield End) because of this development. However, officers do not consider adverse levels of overlooking would be achieved outside of what would be expected within a city setting.

Future Occupants

18.5 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

18.6 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	3	5	3	99	122	+23
2	3	5	3	99	122	+23
3	3	5	2	93	96	+3
4	2	4	2	79	83	+4
5	2	4	2	79	83	+4
6	3	5	3	99	117	+18
7	3	5	3	99	117	+18
8	3	5	3	99	117	+18
9	4	7	3	121	171	+50
10	4	7	3	121	171	+50
11	4	7	3	121	171	+50
12	4	7	3	121	177	+56

18.7 The table above shows the proposal would be in accordance with policy 50 of the City Local Plan. Officers would like to note one of the bedrooms of plots 4 and 5 would accommodate 2 single beds (i.e. two bed spaces), therefore the bedroom has been counted as two bed spaces.

18.8 Garden Size(s)

Unit	Proposed size of unit (m2)	Garden Size (m2)
1	122	70
2	122	56
3	96	38
4	83	44
5	83	61
6	117	76
7	117	44
8	117	65
9	171	91
10	171	99
11	171	161
12	177	157

- 18.9 The proposed garden space for each dwelling is considered acceptable.
- 18.10 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.
- 18.11 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. Officers consider this requirement could be delivered via condition.

Construction and environmental health impacts

18.12 *Contamination:*

- 18.13 Given the previous use of the site, it is likely some level of contamination investigation/remediation would be required. The EA have raised no objections to the proposal subject to the imposition of conditions relating to ground water monitoring. Officers have liaised with the environmental health department who agree to this approach and in addition seek conditions to be added in relation to contamination investigation and remediation.

- 18.14 It is considered in its current format, subject to conditions, the proposal would be in accordance with policy 33 of the Cambridge Local Plan (2018).
- 18.15 *Noise:*
- 18.16 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 18.17 Policy 35 states residential and other noise sensitive development will be permitted where it can be demonstrated that future users of the development will not be exposed internally and externally to unacceptable levels of noise pollution/disturbance from existing or planned uses. This would include proposed noise sensitive development that may experience adverse impacts as a result of exposure to noise from existing or planned/future (i) transport sources (air, road, rail and mixed sources) or (ii) industrial, trade or business / commercial sources.
- 18.18 To the west of the site is the Certas Oil Depot. This is an industrial use and is a business that could cause noise and disturbance to adjacent residents at any time of the day or night (unsociable hours). The hours of use are not controlled through a planning condition (the use is historical) and as this use is not inside of the redline of the proposal site, it cannot be restricted as part of the determination of this application.
- 18.19 No.12 is the closest property to this industrial site (3.4m). The application was accompanied by a noise assessment; however, the Councils Environmental Health team have concerns with the relevance of the assessment. The most recent comments from environmental health have been attached at the end of this report in Appendix 1 which goes into further detail.
- 18.20 The key issue with the submitted noise assessment is the standards used to assess the potential impacts. Environmental Health consider the BS4142:2014 to be the most suitable standard to be applied in this instance. The BS4142 method is used to assess the impact on humans in residential premises from the following emitters:
- industrial premises, manufacturing premises or fixed installations
 - mobile plant, vehicles, train or ship movements within the permit boundary

- 18.21 The applicant used standard BS4142 to assess the site pre-mitigation measures. This is the effect of noise (in this case the operation of the oil depot) on the proposal (the 12 dwellings) without mitigation measures (i.e the acoustic fencing and other measures). The assessment showed there would be an impact with no mitigation. Normally the second half of the assessment would show the application of proposed mitigation measures under the same standard the pre-mitigation measure levels were assessed to (so the mitigation measures when in place should be tested against the same standard previously applied, in this instance BS4142). Instead, the applicant has applied the criteria BS8233:2014 (BS8233) under this second stage of the assessment. BS8233 refers to ambient noise (such as traffic or railway noise). The submitted noise assessment fails to assess the proposed mitigation under standard BS4142, instead assessing potential noise levels with the mitigation measures under BS8233. The use of BS8233 is not considered appropriate in this instance as the standard does not account for the industrial noise as caused by the neighbouring oil depot. As the inappropriate noise standard has been used it is considered that the true and full extent of the noise impact on the proposal dwellings cannot be fully understood from the oil depot and as a result officers cannot ascertain whether the proposed mitigation measures would be efficient in reducing the level of noise from the existing operation of the oil depot on the proposed properties and their gardens.
- 18.22 Having reviewed the proposed mitigation measures in place, several of the dwellings (including external amenity areas) will be subject to an adverse level of noise under criteria BS4142.
- 18.23 The scale of the acoustic feature corrections alongside the lack of a robust BS4142 assessment both pre and post mitigation demonstrating that acceptable noise levels can be achieved when assessed against BS4142 reinforces officers view that BS8233 (designed for anonymous noise sources such as traffic) is not an appropriate assessment methodology or appropriate noise levels in this instance. The proposal would fail to protect future occupants from unacceptable adverse noise impacts from the existing surrounding uses.
- 18.24 The current proposed mitigation measures include;
- No windows adjacent to the oil depot on plot 12
 - Other plots being located away from the oil depot boundary
 - A 2.5m high acoustic barrier along the boundary of the oil depot
 - All dwellings to be fitted with a whole house Mechanical Ventilation Heat Recovery system.
- 18.25 Despite the proposed mitigation measures, Planning Officers and the Environmental Health team met with applicant and their noise consultants to ascertain what could be imposed in terms of mitigation to combat the adverse noise impacts. It was suggested the acoustic fencing proposed

be increased in height from 2.5m to 3.5m to test if this would reduce the adverse impacts experienced by the proposed dwellings and their external amenity areas. The applicant re-submitted the details for officer review, and whilst the change was positive, the wrong standard for measuring noise (BS8233) was still applied and therefore officers could not confidently state that the increase in height would address issues in the event the correct standard was applied. Therefore, as the amendments did not overcome officers concerns the amendments were not accepted.

- 18.26 The applicant has proposed the provision of Mechanical Ventilation with Heat Recovery (MVHR) systems to negate the need to open windows. Whilst this approach is considered appropriate where the noise source is anonymous (i.e traffic), it is not considered appropriate for commercial noise of this magnitude. The applicant refers to application (23/01966/PRIOR) where this approach has been approved, this approach was approved to address traffic noise, not commercial noise. As the application is different in terms of the type of noise being discussed, this proposed measure is not considered acceptable.
- 18.27 For the façade impacted by commercial noise windows are sealed shut. It is also unacceptable for third parties such as future residents to keep windows closed during adverse noise occurrences. Quality development should allow future residents to open windows at any time.
- 18.28 As stipulated by paragraph 200 of the NPPF, the agent of change is applicable to this site. Paragraph 200 states:
- Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*
- 18.29 The existing Certas Oil Depot (137 Ditton Walk) undertakes operations in the early hours of the morning (05:00am-07:00am). This time is particularly sensitive as neighbouring residential occupants would normally be sleeping at this time. In the event the proposal is approved, should the local authority receive complaints of the operation of the depot from the new occupants, the council are duty bound to serve a legal notice on the offending premises requiring noise abatement. If abatement was achieved this may result in unreasonable restrictions being placed on the existing business.

- 18.30 The submitted noise assessment states that future occupiers will not be exposed to greater noise levels than existing residents at Fairfield End and Ditton Walk. It is worth noting, complaints have been received from the residents from both roads relating to the operation of the oil depot, despite being further away from the depot than the proposed site. As the proposed dwellings will be closer to the oil depot it is likely the noise levels from the depot will be heard at greater levels at the proposed dwellings.
- 18.31 As such, without suitable mitigation against the existing noise constraints, the proposal would fail to protect the amenity of the future occupiers and would place unnecessary pressure on the operation of the existing oil depot.
- 18.32 Overall, In the absence of a robust BS4142 assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally. The applicant has failed to adequately assess the adverse noise impact of the adjacent industrial premises on the future noise sensitive receptors against appropriate BS4142 methodology and is contrary to the requirements detailed in the assessment for non-anonymous noise in the Sustainable Design and Construction SPD (2020). It has not been demonstrated that significant adverse noise impacts will not arise on health and quality of life / amenity. The Council's EH officers have advised:
- 'In our view, even with the proposed mitigation measures in place, some dwellings—including external amenity areas—are likely to be subject to a significant adverse noise impact under BS4142 criteria. The applicant has failed to demonstrate otherwise.'*
- 18.33 The applicant has had several opportunities to address consultee concerns. As the noise assessment fails to demonstrate there would be limited/no adverse impacts on the proposed development in line with the correct noise standards for commercial noise, officers cannot assure the future occupants on these homes will not be adversely impacted. Therefore, in its current form the proposal is contrary to paragraphs 135. f), 187. e), 198. a) and 200 of the NPPF (Dec 2024), Policy 35 of Cambridge Local Plan (2018) and the Greater Cambridge Sustainable Design & Construction SPD (2020).
- 18.34 The proposal fails to adequately respect the amenity of its neighbours and of future occupants and is considered that it is contrary to Cambridge Local Plan (2018) policies 35, 50, 51, and 57.

19. Planning obligations (S106)

- 19.1 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does

not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (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.

19.2 The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Council's Local Plan and the NPPF.

19.3 Policy 85 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

19.4 Heads of Terms

19.5 The Heads of Terms (HoT's) as identified are to be secured within the S106 and are set out in the summary below:

Obligation	Contribution / Term	Trigger
Education: -Pre-school -Primary -Secondary	Early Years- £20,369 Primary- N/A Secondary- £45,455	100% prior to commencement
Open Space: -Provision -Management -Access -Sports pitches -Allotments -Drainage management	£16,530.00 (plus indexation) - towards the provision of and / or improvements to the playing pitches, court and MUGA at Ditton Fields Recreation Ground. £16,808.00 (plus indexation) - for the provision of and/or improvement of the informal open space facilities (including landscaping, paths, trees, benches, bins, and information signs) at Ditton Fields Recreation Ground. £21,984.00 (plus indexation)- towards the provision and/or improvement of the children and teenage play facilities at Ditton Fields Recreation Ground.	100% prior to commencement

Health	£10,119.17 to accommodate additional occupants at local health facility East Barnwell Health Centre.	100% prior to commencement
Indoor community facilities	£18,683.00 (plus indexation) - towards the provision of and / or improvement to Indoor Sports provision at Abbey Sports Complex.	100% prior to commencement
Libraries	£450	100% prior to occupation of the 6 th dwelling
Waste	£1,080 - towards waste receptacles for the benefit of the new development.	100% prior to commencement
S106 Administration, Monitoring and Compliance	£150- Cambridgeshire County Council	100% prior to commencement
	£2,200 (plus indexation)- towards the monitoring and administration of the section 106 agreement.	100% prior to commencement
	£500 would be required for each instance (if applicable) where the Council is required to provide written confirmation of an obligation.	100% prior to commencement

Heads of terms

- 19.6 The Heads of Terms (HoT's) as identified are to be secured within the S106 and are set out in the summary table above.
- 19.7 The planning obligations are necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).

20. Other matters

- 20.1 Bins
- 20.2 Policy 57 requires refuse and recycling to be successfully integrated into proposals. Each property will benefit from an individual bin store. There are two bin collection points within the site which will serve all 12 properties. Officers consider the proposal has successfully integrated refuse and recycling into the proposal and is in accordance with policy 57 of the local plan.

21. Planning balance

- 21.1 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).
- 21.2 Summary of harm
- 21.3 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).
- 21.4 Due to insufficient information officers are unable to ascertain that no harm to the occupants of the proposed dwellings would result from being near the oil depot. In the absence of a robust BS4142 assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally.
- 21.5 Policy 27 through Appendix B or the Local Plan 2018 identifies sites that are suitable for development. As identified above this site is part of R5, as it is not the whole of the site and introduces further constraints and impacts then this site is not wholly supported as it also conflicts with Policy 27 d) as there are conflicts with Policy 35 of the local plan, due to the impact from noise and the lack of mitigation that can be accommodated on the site. Despite making use of brownfield land, the proposal would cause substantial harm on the amenity of occupants of the proposed development as a result of the operation of the existing neighbouring oil depot. Therefore, the proposal fails to comply with paragraph 125 of the NPPF (2024).
- 21.6 Additionally, the proposal would fail to integrate into the area where existing businesses (Certas Oil depot) operate. If approved, the future occupants would likely experience adverse levels of noise from the operation of the existing business which will likely result in complaints which could result in unreasonable restrictions being placed on the operation of the depot. As the existing business will have a significant adverse effect on the new development and no suitable mitigation measures have not been put forward, the proposal is contrary to paragraph 200 of the NPPF (2024)
- 21.7 Summary of benefits
- 21.8 The proposal would provide housing on part of an allocated site. The proposal contains a good mix of housing types and would provide affordable housing.

- 21.9 In conclusion, having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

22. Recommendation

22.1 Refuse for the following reasons:

1. Policy 27 refers to site specific development opportunities. The policy states that proposals shall be supported at these sites subject to any issues of flooding or contamination are addressed, design considerations, satisfactory access and other infrastructure and other requirements where policy dictates are provided. Policy 35 of the Cambridge Local Plan dictates developments will not lead to significant adverse effects and impacts on health and quality of life/amenity from noise and vibration. The proposal fails to appropriately address noise impact issues from the operation of the existing neighbouring oil depot on the future occupants of the proposed dwellings and is therefore contrary to policy 35. As the proposal fails to adhere to other requirements where other policy dictates, the proposal fails to accord with policy 27. Therefore, the principle of the development is unacceptable and is contrary to policy 27 of the Cambridge City Local Plan (2018).
2. There has been insufficient information submitted regarding the potential harm to the future occupants of the dwellings in relation to the neighbouring oil depot. In the absence of a robust BS4142 assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally. The proposal would fail to integrate into the area where existing businesses (Certas Oil depot) operate. From the lack of a robust assessment and suitable mitigation measures to address the existing noise levels from the oil depot, future occupants would likely experience adverse levels of noise from the operation of the existing business which will likely result in complaints which the local authority have a duty to act upon. This action could result in unreasonable restrictions being placed on the operation of the depot. The proposal is contrary to policies 27 and 35 of the Cambridge City Local Plan (2018), paragraphs 125 c), 135. f), 187. e), 198. a) and 200 of the NPPF (2024), and the Greater Cambridge Sustainable Design & Construction SPD (2020).

22.2 The refusal is based on the below plans and information:

Plans:

- LOCATION PLAN- DITT-SCN-XX-XX-DR-A-01_001-A1 REV PL01 – date received 26.06.2025
- EXISTING SITE SECTIONS- DITT-SCN-XX-00-DR-A-ZZ_008-A1 REV PL02- date received 26.06.2025
- EXISTING SITE PLAN- DITT_SCN_XX_XX_DR_A_01.010_A1 REV PL02- date received 26.06.2025
- PROPOSED SITE PLAN- DITT-SCN-XX-XX-DR-A-02.001_A1 REV PL06- date received 09.01.2025
- PROPOSED ASHP PLAN- DITT_SCN_XX_XX_DR_A_02.010_A1 REV PL03 - date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 01 & 02/ TYPE 01 - DITT-SCN-XX-00-DR-A-ZZ_001-A3 REV PL03 - date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 3 / TYPE 02 DITT-SCN-XX-00-DR-A-ZZ_002-A3 REV PL03 - date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 04 & 05 - DITT-SCN-XX-00-DR-A-ZZ_003-A3 REV PL03- date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 06 & 07 & 08/ TYPE 04- DITT-SCN-XX-00-DR-A-ZZ_004-A3 REV PL03- date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 09 & 10 & 11 / TYPE 05 - DITT-SCN-XX-00-DR-A-ZZ_005-A3 REV PL03- date received 09.01.2025
- PROPOSED PLANS AND ELEVATIONS AND SECTION PLOT 12/ TYPE 06 - DITT-SCN-XX-00-DR-A-ZZ_006-A3 REV PL03- date received 09.01.2025
- PROPOSED SITE SECTIONS - DITT-SCN-XX-00-DR-A-ZZ_009-A3 REV PL03- date received 09.01.2025
- LANDSCAPE MASTERPLAN- 2261 A6-LLA-XX-DR-L-0001 REV P13- date received 09.01.2025
- AUTOTRACK SWEPT PATH ANALYSIS - C-600 REV P9- date received 09.01.2025
- AIA- 11237-D-AIA- date received 09.01.2025
- CYCLE AND REFUSE STORE - DITT_SCN_XX_XX_DR_A_90.040_A4_PLO1 Rev P01- date received 26.06.2025

Supporting Information:

- Design and Access Statement Addendum- date received 09.01.2025
- Landscape Technical Response- 2261A4 SK005- date received 09.01.2025
- Landscape and Visual Appraisal Rev K- date received 09.01.2025
- Landscape And Visual Assessment Appendix A.2- date received 09.01.2025
- Landscape And Visual Assessment Appendix A.3- date received 09.01.2025
- Landscape And Visual Assessment Appendix B- date received 09.01.2025
- Landscape And Visual Assessment Appendix C- date received 09.01.2025
- Landscape And Visual Assessment Appendix D- date received 09.01.2025
- Landscape And Visual Assessment Appendix E- date received 09.01.2025
- Tree Survey and Arboricultural Impact Assessment in Accordance with BS 5837:2012- date received 09.01.2025

- Overshadowing Assessment Revision 2 (3 parts)-date received 09.01.2025
- Flood Risk Assessment Drainage Strategy Rev 4-date received 09.01.2025
- Biodiversity Net Gain Report Ditton Walk V5- date received 09.01.2025
- Updated Biodiversity Metric 4.0 Calculation- date received 09.01.2025
- Noise Impact Assessment P2 (SRL) -date received 09.01.2025
- Energy and Sustainability Statement R04 -date received 09.01.2025
- Draft S106 Agreement -date received 09.01.2025
- Legal Advice Note- date received 09.01.2025
- Legal Advice Note P2 - date received 22.05.2025
- Email Correspondence With Manufacturer Formpave- date received 22.05.2025
- Air Quality Assessment Rev 3- date received 26.06.2024
- Geo Environmental Desk Study (3 Parts) – date received 26.06.2024
- Preliminary Ecological Appraisal- date received 08.07.2024
- Heritage Statement Version 1.1- date received 17.11.2023
- Parking Summary Report – date received 17.11.2023
- Transport Report – date received 17.11.2023
- Utilities Summary Report – date received 17.11.2023
- Recap Waste Management Design Guide Toolkit- Date Received 17.11.2023
- Architectural Visuals- 1970-SCN-XX-XX-VS-A-90_006-A3 REV PL02- date received 26.06.2024
- Architectural Visuals 2 - DITT-SCN-XX-XX-VS-A-90_005-A3 REV PL02 - date received 26.06.2024
- Architectural Visuals 3 - DITT-SCN-XX-XX-VS-A-90_007-A3 REV PL02 - date received 26.06.2024
- Architectural Visuals Trees as 5 years - DITT-SCN-XX-XX-VS-A-90_009-A3 REV PL02 - date received 26.06.2024
- Architectural Visuals 1- date received 17/11/2023
- Architectural Visuals 2- date received 17/11/2023
- Architectural Visuals 3- date received 17/11/2023
- Architectural Visuals 4- date received 17/11/2023
- Material Palette Mood Board- date received 09.01.2025

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PLANNING CONSULTATION RESPONSE

Responding Officer:	Elizabeth Bruce
Date:	3 rd June 2025
Planning Ref No:	23/04380/FUL
Tascomi Ref No:	9497/25
Description of Development:	<p>Land at Ditton Walk, Cambridge</p> <p>Erection of 12 dwellings, including 3 affordable dwellings, and associated works including alterations to access to the site and creation of second access.</p> <p>Additional Information:</p> <p>Applicant Rebuttal Document titled:</p> <p>23/04380/FUL 139 Ditton Walk, Cambridge - Response to LPA Comments (Ref: 82306-SRL-RP-YA-02-S2-P3)', prepared by SRL Technical Services Ltd</p>

Cross one:

- ☐ The development proposed is **acceptable** subject to the imposition of the condition(s)/informative(s) outlined below.
- ☒ The development proposed is **unacceptable** and should be refused for the reason(s) set out below.
- ☐ It is not possible to comment on the proposed development and the additional information set out below will be required in order to provide comments.

Reasons for Recommending Refusal

Noise & Planning

The application concerns the development of 12 residential dwellings immediately adjacent to an existing industrial / commercial noise source. The site is bordered by the Certas Energy fuel depot to the west at 37 Ditton Walk, residential properties to the south and east, and open land with a railway line to the north.

Following concerns raised by Environmental Health in earlier comments dated 21st December 2023 and 26th July 2024 a revised '*Noise Impact Assessment* (Ref:82306-SRL-RP-YA-01-S2-P2) produced by SRL Technical Services Ltd and dated 29th October 2024 (hereafter referred to as the 'SRL-NIA: 29-10-24') was submitted to address outstanding issues.

Environmental Health issued a recommendation for refusal (comments dated 21st February 2025), stating that the applicant had not sufficiently demonstrated that future noise-sensitive receptors would be protected from unacceptable adverse noise impact / levels.

These comments are in response to the rebuttal submitted by the applicant titled *23/04380/FUL 139 Ditton Walk, Cambridge - Response to LPA Comments (Ref: 82306-SRL-RP-YA-02-S2-P3)*, prepared by SRL Technical Services Ltd and dated 18th March 2025 (hereafter referred to as the SRL – 18-03-25).

The key areas of dispute / disagreement lie around the most appropriate application of national planning practice guidance and national / industry noise guidance at this site and whether this aligns with the requirements of both local and national planning policy. This is very much a professional judgement in terms of potential adverse noise impacts, as adverse noise impacts / effects is not an exact science.

It is important to note that concerns regarding the operational noise impact of the adjacent fuel depot on future residential amenity, as well as the application of the Agent of Change principle, have been consistently raised by this service throughout this application and the previous (now withdrawn) application (21/01151/FUL).

I have the following comments to make:

Local & National Noise Planning Policy

Having reviewed the rebuttal Environmental Health are still of the view that this application should be refused, as in its current form the proposed development will fail to protect future users from unacceptable adverse noise impacts / levels.

In our view this is contrary to Paragraphs 135. f), 187. e) and 198. a) of the NPPF (Dec 2024), Policy 35 of Cambridge Local Plan (2018) and the Greater Cambridge Sustainable Design & Construction SPD (2020). Additionally, the Agent of Change principle is deemed applicable to this location, as outlined in Paragraph 200 of the NPPF (2024).

Application of Guidance – BS4142 Vs BS8233 & ProPG

We consider '*BS4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound*' (hereafter referred to as a 'BS 4142') to be the most appropriate and up-to-date guidance for assessing commercial / industrial noise sources. The Scope of BS4142 in section 1.2 states that:

'This standard is applicable to the determination of the following levels at outdoor locations:

3) assessing sound at proposed new dwellings or premises used for residential purposes.'

The design of the development and any proposed mitigation measures should be informed by the results of such a BS 4142 assessment. This approach is consistent with the approach detailed in the Sustainable Design & Construction SPD (2020).

Section 6.2 of the SRL-NIA: 29-10-24 completes a BS4142 assessment pre mitigation with results in BS 4142 sound / noise ratings levels ranging from +22dB to +32dB at the worst impacted dwelling.

The applicant has applied appropriate acoustic feature /character corrections for each of the individual noise sources (See Table 5, Page 21 of SRL-NIA: 29-10-24) with the level of these corrections acknowledging the scale of the impact from the adjacent off-site noise sources.

For example, an acoustic feature /character correction of + 12dB has been applied for the fuel pump (+3dB for slightly perceptible tonality, +6dB for clearly perceptible impulsivity and +3dB for intermittency) which is located immediately adjacent to the boundary approximately 20m from the façade of the closest proposed noise sensitive receptor.

Further to this there is still in the view of Environmental Health some uncertainty in the background noise levels applied in this assessment which could be underestimating the final potential impact.

Other than this initial BS4142 assessment, which demonstrated a significant adverse impact without mitigation, the applicant has yet to provide evidence that acceptable noise levels can be achieved with mitigation when assessed against BS4142.

Instead, the application has opted to apply the criteria applied in '*BS8233: 2014 Guidance on sound insulation and noise reduction for building*' (hereafter referred to as 'BS8233'), that is designed for anonymous noise such as traffic. In our view, even with the proposed mitigation measures in place, some dwellings—including external amenity areas—are likely to be subject to a significant adverse noise impact under BS4142 criteria. The applicant has failed to demonstrate otherwise.

The scale of the acoustic feature / character corrections alongside the lack of a robust BS4142 assessment both pre and post mitigation demonstrating that acceptable noise levels can be achieved when assessed against BS4142 reinforces our view that BS8233 (designed for anonymous noise sources such as traffic) is not an appropriate assessment methodology or appropriate noise levels in this instance.

Use of Lowest Observable Adverse Effect Level (LOAEL) & significant Observable Adverse Effect Level (SOAEL)

The applicant has applied BS8233 internal noise levels with a selected SOAEL of 25dB(A) (5dB below BS8233 recommended criteria) for internal noise levels and 55dB(A) for gardens.

Our view is that BS8233 is more appropriate for anonymous noise sources and is not considered the most appropriate method of assessment of industrial / commercial noise. It fails to take account of the nature and acoustic feature / character of the noise in question, and whilst we acknowledge the SOAEL for internal noise is set at 5dB below the BS8233 levels, our view remains that the acoustic feature / character and nature of the noise are subsequently overlooked or understated.

Section 3.0 of the SRL – 18-03-25 states that by requiring the noise to be assessed against BS4142 we are contradicting our own policy.

Whilst we acknowledge that note VIII of table 3.10 'Internal Ambient Noise Levels for dwellings' within the Sustainable Design & Construction SPD (2020) acknowledges that where noise has a specific sound feature or character lower noise limits might be appropriate, the applicant has taken this as a standalone statement out of context without considering the wider advice within the SPD pertaining to commercial noise, most notably Table 2 'Guideline Relative Sound Levels standards for non-anonymous noise'; of Annex C, Appendix 8 as referenced in Section 3.6.73 of the SPD.

Whilst the use of reduced internal noise levels in some cases may be deemed appropriate, it is our view that this is not the case for this site given the scale of the adverse impact.

Further to this the applicant goes on to reference BS4142, (Section 11 Assessment of the impacts, commentary on 11) and the consideration of context.

Whilst we acknowledge the reference to context and that the applicant has proposed a package of noise mitigation, it is our view that despite these proposals the applicant has failed to demonstrate that future on site noise sensitive receptors will not be exposed to unacceptable adverse noise impacts / levels.

The applicant reiterates in multiple locations that this development is the introduction of new noise sensitive receptors adjacent to an existing commercial noise source as opposed to the introduction of a new noise source adjacent to existing residential and therefore the same level of controls does not need to be applied.

We question this rationale as it is still necessary for a development to protect future on site users from unacceptable adverse noise impacts, and further to this ensure that the operation of the existing commercial business is not compromised as per the NPPF agent of change principal.

Whilst there is always a degree of Caveat Emptor (Buyer Beware), our service still has a responsibility to ensure unacceptable adverse noise impacts should be avoided on health and quality of life / amenity and avoid a future statutory noise nuisance arising.

Based on the potential scale of the noise impact and acoustic feature / character of the existing noise sources (acknowledged by the applicant in the level of character corrections applied in the BS4142 assessment), it is not possible to make an informed decision on whether the reduced noise levels (in this case 5dB below BS8233 criteria) is appropriate, as the applicant has failed to fully assess and quantify the impact of the commercial noise at the closest noise sensitive receptor (both at the façade and centre of external amenity area) in accordance with the methodology in BS 41412 and actual sound / noise rating levels which determines the significance of adverse noise impact subject to context. Without this information we have insufficient information to take a view on whether the reduced noise level for internal noise levels will adequately protect future on site users.

Further to this it is not considered appropriate to assess external amenity areas against a noise level of 55dB as this is based on anonymous noise and takes no account for the impact of the specific noise acoustic features / characters.

We are unable to recommend an alternative value until such time as a robust BS4142 assessment has been completed demonstrating that future noise sensitive receptors will not be exposed to significant/adverse impacts

Agent of Change Principal

We believe the Agent of Change principal as per Paragraph 200 NPPF (2024) applies for this application site, which is immediately adjacent to an existing industrial / commercial business at 137 Ditton Walk, with operations occurring during the night time hours of 05:00 and 07:00, one of the most noise sensitive times of the day. We do not support the view of the applicant that the provision of mitigation without demonstrating acceptable noise levels against appropriate BS 4142 assessment methodology meets the responsibility of the applicant when it comes to this issue.

Should the local authority receive noise complaints in the future and if a statutory noise nuisance is witnessed exposing future residents to unacceptable noise from industrial / commercial activities / plant, we would have a duty to serve a legal notice on the offending premises requiring noise abatement. If abatement works were required, this may result in unreasonable restrictions being placed on the existing business and/or adding to the costs and administrative burdens upon them unduly. This would be contrary to the Agent of Change principle. We understand the business at 137 Ditton Walk has no planning restrictions limiting operations and can effectively operate 24/7.

Section 6.0, Page 11 of SRL – 18-03-25 states that future occupiers will not be exposed to greater noise levels than existing residents at Fairfield End, approx. 35m and Ditton Walk, 70m. Just by the nature of the proximity and acoustic feature / character of the noise source future occupants will be exposed to greater variation in noise. It is worth noting that noise complaints have been received from Fairfield End relating to the operation of this site and that residents on Ditton Walk are substantially further away and there will be an element of shielding from the fuel depot building.

The applicant has proposed as part of the mitigation package the provision of Mechanical Ventilation with Heat Recovery (MVHR) systems to negate the need to open windows (Section 4.0, SRL – 18-03-25). Whilst this approach is considered appropriate where the noise source is anonymous it is not considered appropriate for commercial noise of this magnitude, as referenced in previous comments. The applicant references a development in Cambridge (23/01966/PRIOR) where this approach has been approved. It is worth noting that this approach was only approved for the façade impact by high traffic noise. For the façade impacted by commercial noise windows are sealed shut. It is also unacceptable for third parties such as future residents to keep windows closed during adverse noise occurrences. Quality development should allow future residents to open windows at any time.

Noise Mitigation Measures – As Proposed

The proposed mitigations takes the form of no windows on the façade adjacent to the operational fuel depot on Plot 12, with other plots moved further back and the access road located along this boundary. Alongside mitigation through design a 2.5m barrier along the boundary of the development site adjacent to the fuel depot is proposed with all dwellings having whole house MVHR systems.

Following a meeting between the applicant and Environmental Health on 2nd May 2025 modelling was completed for a 3.5m boundary fence as detailed in '23/04380/FUL 139 *Ditton Walk, Cambridge – Additional Mitigation* (Ref: 82306-SRL-RP-YA-03-S2-P1) produced by SRL and dated 12th May 2025.

The industrial / commercial noise associated with the operation of the adjoining fuel depot has been modelled using the CadnaA software, before and after mitigation with results applied to the BS8233 criteria.

As stated previously we do not support the use of BS8233 methodology and do not agree with the applicants reasoning that BS8233 is a more appropriate assessment criteria in this specific context. The adjacent noise source has distinct acoustic feature / character features and BS8233 fails to take account of the impact these have on the health and quality of life / amenity of noise sensitive receptors. Therefore, looking at absolute levels, designed for anonymous noise cannot be considered appropriate at this location given the level of the rating level above background prior to mitigation.

In order to establish the suitability of the site for development assessment against BS4142 is required both pre and post mitigation.

Conclusion

Environmental Health recommend refusal of this application in its current form as in our view it is contrary to paragraphs 135. f), 187. e), 198. a) and 200 of the NPPF (Dec 2024), Policy 35 of Cambridge Local Plan (2018) and the Greater Cambridge Sustainable Design & Construction SPD (2020).

The applicant has failed to adequately assess the adverse noise impact of the adjacent industrial / commercial premises on the future noise sensitive receptors against appropriate BS4142 methodology and is contrary to the requirements detailed in the assessment for non-anonymous noise in the Sustainable Design and Construction SPD (2020). It has not been demonstrated that significant adverse noise impacts / effect will not arise on health and quality of life / amenity.

We do not support the applicants use of BS8233 criteria as acceptable at this site given the scale of the significant adverse noise impact prior to mitigation or post mitigation proposals considering the scale of acoustic feature / character corrections applied.

In the absence of a robust BS4142 assessment it is not possible to establish if the package of noise mitigation proposed is satisfactory in mitigating the potential adverse noise impacts for future occupants both externally and internally.

Further to this it is our view that the agent of change principal applies at this site as the applicant has failed to demonstrate that any future adverse noise impacts have been satisfactorily mitigated against appropriate assessment methodology appropriate for the non-anonymous noise at this site. This development may result in unreasonable restrictions being placed on the existing business at 137 Ditton Walk, Cambridge, CB5 8QD and/or adding to the costs and operational administrative burdens upon them unduly.

Kind Regards,

Elizabeth Bruce
Scientific Officer

Environmental Quality & Growth Team
Cambridge City Council



22/02066/CONDF – Owlstone Croft, Owlstone Road

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Newnham

Proposal: Submission of details required by condition 8 (Air Quality and Dust Management Plan) of planning permission 22/02066/FUL

Applicant: Queen's College

Presenting officer: Tom Gray

Reason presented to committee: Application raises special planning policy or other considerations

Member site visit date: N/A

Key issues: Whether the details are acceptable and in conformity with the reasons and policy requirements for this condition.

Recommendation: Approve

1.0 Executive Summary

- 1.1 The application seeks to discharge condition 8 of planning consent 22/02066/FUL attached by the Planning Inspector.

No development (or phase of) shall commence until an Air Quality and Dust Management Plan (AQDMP) has been submitted to and approved in writing by the local planning authority. The AQDMP should include:

- a) Details of consultations with key receptors, particularly Newnham Croft Primary School, held prior to the discharge of the condition;*
- b) site specific mitigation measures to be implemented to minimise dust and emissions upon residential properties and other sensitive receptors including Newnham Croft Primary School during demolition and construction. This should take account of the findings of the construction dust risk assessment presented in the Air Quality Assessment and a baseline assessment of air quality on site. These measures should be in line with current Institute of Air Quality Management (IAQM) best practice;*
- c) site and equipment layout plan, identifying the proximity of sensitive receptors, the location of site entrance / exit, wheel washing facilities, hard standing, and stockpiles;*
- d) details of phasing of demolition and construction works, including timetable. The timetable should restrict all demolition works to school holidays;*
- e) roles and responsibilities in the event of dust episodes or complaints arising;*
- f) the dust monitoring strategy, including type, number and location of monitors and the appropriate exceedance level;*
- g) the approach to be taken should the exceedance level be exceeded.*

The AQDMP shall be implemented and monitors retained and maintained on site for the duration of the demolition and construction works.

- 1.2 The reason for this condition is to protect the living conditions of nearby occupiers including sensitive receptors such as the Newnham Croft Primary School (NCPS).
- 1.3 The applicant has submitted an Air Quality and Dust Management Plan (AQDMP) (dated 14th March 2025) and previous revisions of this document have been subject to pre-submission consultation with NCPS and a formal consultation during the application process with the Council's Environmental Health Officer. Further comments from NCPS have been received during the application process (dated 10th February 2025 and 1st April 2025) and where appropriate, these comments have been addressed by the applicant in the latest revision document (dated 14th March 2025). Consultations with sensitive receptors living nearby the application site has also taken place.
- 1.4 In consultation with the Environmental Health Officer, it is considered that the proposed mitigation measures are suitable to minimise dust and

emission impacts upon sensitive receptors in line with the dust risk assessment and the Institute of Air Quality Management (IAQM) best practice.

- 1.5 The AQDMP provides suitable information with regards to the site and equipment layout including the proximity of sensitive receptors and provides details of the role and responsibility of the site manager in response to dust episodes and complaints. In addition, an addendum has been provided which includes a timetable restricting all demolition works to school holidays.
- 1.6 The dust management strategy submitted with the AQDMP details that three monitors will be installed in suitable locations along the boundaries of the application site and appropriate site action levels and actions taken have been informed by best practice guidance and considered by officers to be acceptable.
- 1.7 On the basis of the submission, it is considered that the information is in accordance with the appropriate guidance and officers consider that the measures described in the submission will protect local residents and NCPS from unacceptable dust and emission impacts during demolition/construction of the development. The submission is therefore in conformity with the reasons and policy requirements.
- 1.8 Officers recommend that the Planning Committee approve the details submitted and discharge condition 8 of planning permission 22/02066/FUL

Consultee/Representation	Object / No objection / No comment	Paragraph reference
Environmental Health	No objection	6
Nature Conservation Officer	No objection	6
Third Party Representations (1)	Objection	7
Member Representations (1)	Objection	8
Local Interest Groups and Organisations / Petition (1)	Objection	9

Table 1 Consultee/Representation summary

2.0 Site Description and Context

Controlled Parking Zone	X	Adjacent to Tree Preservation Orders	X
Conservation Area	X	City/County Wildlife Site and Local Nature Reserve	X
Adjacent to Protected Open Space	X	Flood Zone 1, 2, 3	X
Building of Local Interest	X	Adjacent to Green Belt	X

- 2.1 Owlstone Croft is owned by Queens' College and the application site is situated within the Newnham Croft Conservation Area. The Porter's Lodge is identified as a Building of Local Interest (BLI) and Block A (Owlstone House) is listed as a positive building within the Newnham Croft Conservation Area Appraisal. Block A is the original Owlstone House which has seen a series of extensions built during the 20th Century. This building currently consists of 29 student rooms, a dining room, kitchen, common room, computer room, archive room and store.
- 2.2 The existing site comprises several other buildings. Block B (former nurses accommodation) is a four storey building and houses 68 student rooms and WCs; Block D (nursery building) was originally built in the 1930s and was significantly altered in 2013 when it was converted to a nursery with 5 student rooms above; outbuildings behind the Lodge connect to Block D and are used as garaging and for storage; finally, cycle sheds and a refuse storage area are located on part of the site of former Block C (built in 1963 and demolished above slab level in 2001). Consent was granted in 2021 for two storage containers used as a temporary gym within this area. The remainder of the site comprises hardstanding, parking areas and a large lawned area.
- 2.3 The site is located immediately north and west of the Paradise Nature Reserve (a semi-wetland habitat), which is a Local Nature Reserve (LNR), Protected Open Space and County/City Wildlife Site. This area borders the river Cam on its eastern side. The application site is also adjacent to existing Green Belt land to the east.
- 2.4 The site is located to the east of residential properties' gardens along Owlstone Road and the south of playing fields of Newnham Croft Primary School (NCPS).
- 2.5 The vast majority of the application site is within Flood Zone 1 with areas near and on the eastern boundary of the site within Flood Zone 2 and 3. Several trees are situated along the eastern and northern boundaries of the site. Vehicular access is via residential streets, leading from Barton Road. The nearest residential streets of Owlstone Road and Grantchester Meadows are controlled parking zones.

3.0 The Proposal

3.1 The application seeks to discharge condition 8 (Air Quality and Dust Management Plan) of planning permission 22/02066/FUL.

3.2 Condition 8 states:

No development (or phase of) shall commence until an Air Quality and Dust Management Plan (AQDMP) has been submitted to and approved in writing by the local planning authority. The AQDMP should include:

- a) Details of consultations with key receptors, particularly Newnham Croft Primary School, held prior to the discharge of the condition;*
- b) site specific mitigation measures to be implemented to minimise dust and emissions upon residential properties and other sensitive receptors including Newnham Croft Primary School during demolition and construction. This should take account of the findings of the construction dust risk assessment presented in the Air Quality Assessment and a baseline assessment of air quality on site. These measures should be in line with current Institute of Air Quality Management (IAQM) best practice;*
- c) site and equipment layout plan, identifying the proximity of sensitive receptors, the location of site entrance / exit, wheel washing facilities, hard standing, and stockpiles;*
- d) details of phasing of demolition and construction works, including timetable. The timetable should restrict all demolition works to school holidays;*
- e) roles and responsibilities in the event of dust episodes or complaints arising;*
- f) the dust monitoring strategy, including type, number and location of monitors and the appropriate exceedance level;*
- g) the approach to be taken should the exceedance level be exceeded.*

The AQDMP shall be implemented and monitors retained and maintained on site for the duration of the demolition and construction works.

4.0 Relevant Site History

Application	Description	Outcome
22/02066/FUL	Demolition of nursery building, part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and	Refused, Appeal Allowed

	other storage and new electricity substation within outbuildings	
22/02066/CONDA	Submission of details required by condition 26 (arboricultural method statement) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDB	Submission of details required by condition 20 (Hydrological Report) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDC	Submission of details required by condition 17 (written scheme of investigation) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDD	Submission of details required by condition 35 (non-translucent fence) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDE	Submission of details required by condition 3 (Phasing Strategy) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDG	Submission of details required by condition 28 (Replacement Nursery Provision) of planning permission 22/02066/FUL	Refused to Discharge
22/02066/CONDH	Submission of details required by conditions 30 (Landscape and Ecological Management Plan), 31(Bird and Bat Boxes), and 33 (Ecological Design Strategy) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDI	Submission of details required by condition 29 (Construction Ecological Management Plan) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDJ	Submission of details required by condition 19 (surface water run-off) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDK	Submission of details required by condition 14 (Traffic Management plan) of planning permission 22/02066/FUL	Refused to Discharge
22/02066/CONDL	Submission of details required by condition 7 (Demolition/construction noise and vibration impact assessment) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDM	Submission of details required by condition 28 (replacement nursery provision) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDN	Submission of details required by condition 10 (materials management plan) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDO	Submission of details required by condition 18 (surface water drainage scheme) of planning permission 22/02066/FUL	Discharged in Full
22/02066/CONDP	Submission of details required by condition 4 (noise assessment) of planning permission 22/02066/FUL	Pending Consideration

22/02066/CONDQ	Submission of details required by condition 32 (artificial lighting) of planning permission 22/02066/FUL	Pending Consideration
22/02066/CONDR	Submission of details required by condition 14 (Traffic Management Plan) of planning permission 22/02066/FUL	Pending Consideration

5.0 Policy

5.1 National Policy

National Planning Policy Framework 2024
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 36: Air Quality, Odour and Dust

5.3 Neighbourhood Plan

South Newnham Neighbourhood Plan (2024)

6.0 Consultations

Environmental Health Officer – No Objection

Nature Conservation Officer – No Objection

7.0 Third Party Representations

7.1 One objection has been received – concern regarding the dust management and site run-off into Paradise Nature Reserve

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

8.0 Member Representations

8.1 Councillor Clough has called in the application to Planning Committee due to the absence of any sub-phasing information (including duration, start and finish dates, interlinking dependences) and in line with the committee's concerns.

9.0 Local Groups / Petition

9.1 Newnham Croft Primary School have commented as follows:

Further comments (received 1st April 2025):

- Previous points raised have not been fully reflected in the document, for example, specific scheduling of activities is still not clear such as asbestos removal
- Outdoor classroom located in close proximity to the application site
- Real time notification or exceedance levels should be provided to the school
- Speed of responsiveness will take time, risking the children's health, particularly those that are more vulnerable
- School requests real time notification as then have the ability to move them in time rather than at a later time
- Request that condition will be brought to committee

Formal consultation response (received 10th February 2025):

- Lack of phasing of construction and demolition timetable to understand when potentially disruptive activity will be taking place to ensure that pupils will not be impacted by noise and polluting activities
- Dates of school holidays must be included in the timetable
- The applicant has not taken into consideration the school's views
- The applicant has ignored the request for a third monitor to be installed
- Date of monitor installation needs to be including in the timetable
- Needs to be a mechanism for taking account of the baseline assessment findings and revising the SALs in light of baseline levels and best practice
- Layout plan is missing the equipment and construction compound. Locations of polluting equipment need to be known
- Timetable should clearly indicate all demolition activity occurring within the specific dates of the school holidays, including the removal of asbestos and the concrete slab
- Relies on responsive monitoring that is predicated on the receipt of substantiated complaints, which means the school must have access to air pollution data. Currently no mechanism to inform the school of a pollution event
- No monitor in relation to the playing field where children exercise

Pre-submission consultation response (received 20th November 2024):

- One further monitoring location required along the school boundary further south
- Request third party reviews the output from the monitors and takes responsibility for alerts
- Trigger levels/SAL
- Actions taken if exceedances occur
- Request information as to when demolition and asbestos removal will take place
- Dust monitoring should take place more regularly
- Request that electric vehicles are used as opposed to petrol/diesel
- Siting of generators should be set away from the school boundary

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

10.0 Assessment

- 10.1 This discharge of condition application follows the planning consent granted at appeal under reference 22/02066/FUL in which Planning Inspector attached condition 8 (Air Quality and Dust Management Plan (AQDMP)).

- 10.2 The Planning Inspector in Paragraph 68 of the Appeal Decision (Appendix i) states the following:

“Condition 8 requires the preparation and submission of an Air Quality and Dust Management Plan which is necessary in the interests of the living conditions of nearby occupiers including sensitive receptors such as NCPS. Further, in the interests of the health, wellbeing and education of children, due to the proximity of the proposed development with NCPS, to make the development acceptable it is necessary to limit all demolition on the site to be carried out during school holidays.”

- 10.3 Following further consultation with NCPS and the Environmental Officer, the applicant has revised the submission in response to the points raised and provided the following information to support this discharge of condition application:

- Air Quality and Dust Management Plan dated 14 March 2025 (J10-13082D-10-8)
- Addendum to Section 5 of the Air Quality Dust Management Plan, Condition 8

Each part of the condition is to be commented on, in light of the information received and the comments on this application.

(a) Details of consultations with key receptors, particularly Newnham Croft Primary School, held prior to the discharge of the condition

- 10.4 In accordance with the condition, in October 2024, prior to the submission of this application, the applicant provided Newnham Croft Primary School (NCPS) with the draft AQDMP. NCPS provided a response to this draft in November 2024. Further responses from NCPS (including in February 2025) on further revisions of the AQDMP have been received during the course of this application.
- 10.5 Whilst it is disappointing that wider community engagement has not taken place prior to the discharge of condition application being submitted, during the application process [and upon the request of the Council], an online engagement event was held with local residents living along

Owlstone Road. The details of questions raised and the consultants' responses from this event have been shared with the Council and are available online.

- 10.6 On this basis, it is considered that the extent of consultations held with key receptors living nearby the application site (Newnham Croft Primary School and Owlstone Road residents) is acceptable and criterion (a) of this condition is satisfied.

(b) Site specific mitigation measures to be implemented to minimise dust and emissions upon residential properties and other sensitive receptors including Newnham Croft Primary School during demolition and construction. This should take account of the findings of the construction dust risk assessment presented in the Air Quality Assessment and a baseline assessment of air quality on site. These measures should be in line with current Institute of Air Quality Management (IAQM) best practice

- 10.7 Table 1-1 of the AQDMP (dated 14th March 2025) outlines the risk of impacts without mitigation. This has been used to determine appropriate mitigation measures to control construction dust and air quality upon sensitive receptors.
- 10.8 To establish baseline air quality PM₁₀ (small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter) concentrations, monitors will be installed three months prior to works starting on the site. These baseline air quality measurements will be submitted to Cambridge City Council's Environmental Health Officer prior to works commencing.
- 10.9 Section 3 of the AQDMP sets out the dust management measures to be applied. Following a formal consultation with the Council's Environmental Health Officer, the AQDMP states that along with reasonably generic mitigation measures in line with Institute of Air Quality Management (IAQM) best practice, during moderate or high wind conditions, demolition activities in close proximity to adjoining properties will cease. Moreover, any dust generating activities (associated with construction and earthworks) during periods of high wind speeds will stop.
- 10.10 The dust management measures to be applied include implementing measures such as erecting solid barriers, using wet methods and dust suppression systems, avoiding the use of diesel/petrol generators and the efficient removal of waste materials from the site.
- 10.11 In consultation with the Environmental Health Officer, it is considered that the proposed mitigation measures are suitable to minimise dust and emission impacts upon sensitive receptors in line with the IAQM best practice. Criterion (b) of this condition is therefore satisfied.

(c) Site and equipment layout plan, identifying the proximity of sensitive receptors, the location of site entrance / exit, wheel washing facilities, hard standing, and stockpiles

- 10.12 Section 4 of the AQDMP (dated 14th March 2025) provides a layout plan showing the proximity of sensitive receptors along Owlstone Road in addition to Newnham Croft Primary School (NCPS) including the school's outside classroom. The location of the site entrance/exit in the south-western corner is annotated whilst hardstanding (including temporary hardstanding) is shown in which construction stockpiles and mortar silos will be stored. The wheel wash facility in addition to storage containers and skips will be located within the construction compound near the entrance to the application site as shown.
- 10.13 Previous NCPS comments concerning the siting and nature of equipment have been noted. Section 4 provides a list of anticipated equipment to be used on site with the distance between non-road mobile machinery (NRMM) and sensitive receptors to be maximised as far as possible.
- 10.14 Following consultation with the Council's Environmental Health Officer, it is considered that the AQDMP on NRMM with regards minimising use along the northern boundary adjacent to the school and maximising the distance to sensitive receptors is acceptable and in accordance with the best practice guidance.
- 10.15 On this basis, criterion (c) is therefore satisfied.

(d) Details of phasing of demolition and construction works, including timetable. The timetable should restrict all demolition works to school holidays

- 10.16 Section 5 of the AQDMP states that the development will be undertaken in a single phase in accordance with condition 3 (phasing plan).
- 10.17 Condition 5 (Construction/demolition hours) is of relevance given that this restricts development between 8am and 6pm Monday to Friday and between 8am and 1pm on Saturday only.
- 10.18 In accordance with the condition requirement, all demolition works will be undertaken during the school holidays. NCPS comments concerning asbestos removal as part of this application are noted, and the applicant has clarified that this will take place in school holidays, envisaged to take place in the NCPS school summer holidays (24th July-30th August 2025), these dates are reflected in the AQDMP.
- 10.19 Whilst the development cannot commence until all pre-commencement conditions have been discharged, on the basis that all remaining pre-commencement are discharged in time, the AQDMP states that the anticipated start date for the project is 30th June 2025 (for mobilisation and site set up only).

- 10.20 The NCPS and local member comments concerning the need for a timetable to demonstrate the scheduling of works are acknowledged. An addendum to Section 5 of the AQDMP has been submitted which provides a demolition and construction timetable. Whilst this provides anticipated timeframes, the timetable cannot be fixed as this will be affected by variables such as wind speed which may require works to be temporarily paused.
- 10.21 With regards to the demolition works to Block D, Block A and the concrete slab including the garden store, demolition will be within school holidays. Demolition is anticipated to be within the 2025 summer holidays and reference to the NCPS school holiday times has been reflected in the AQDMP. As the addendum demonstrates, it is expected that the demolition to Block A extensions will take approximately 5 weeks, whilst simultaneously demolition to Block D and ancillary buildings will take approximately 4 weeks.
- 10.22 Given the tendency for prolonged warm and dry periods during July and August, following consultation with the Council's Environmental Health Officer, it is considered that careful monitoring and mitigation measures will need to be implemented as per the best practice guidance.
- 10.23 The construction timetable also demonstrates that during the summer holidays, other construction activities such as works to Blocks A & B and the cut and fill to the overall site will be ongoing, extending into school term time. Construction works will also commence to the new substation and the new terrace buildings. It is envisaged that works to Block A and B (including extensions) will take an estimated 94 weeks and the new terrace buildings will take approximately 88 weeks. However, as indicated previously, variables such as adverse weather conditions may affect these timescales.
- 10.24 The addendum submitted additionally states that if there is likely to be any material change in the timetable as set out, an updated timetable will be provided to the Local Planning Authority and the local community will be updated.
- 10.25 On the basis of submission, the timetable provided is considered to be acceptable in relation to anticipated air quality and dust impacts on sensitive receptors and provides sufficient information in accordance with criterion (d).

(e) roles and responsibilities in the event of dust episodes or complaints arising

- 10.26 Roles and responsibilities for the site manager and all staff are detailed within Section 6 of the AQDMP.
- 10.27 The AQDMP states that the contractor's head office and site manager's contact details will be displayed at the site entrance so in the event of a

dust episode or complaints arise, a procedure is in place to deal with these.

- 10.28 Inspections, observations, meteorological conditions and visual monitoring may identify occasions when dust emissions or abnormal emissions occur. The site's manager's response to dust episodes is detailed within Section 8 of the AQDMP which states that all significant dust events will be investigated, addressed and additional mitigation measures implemented or operations temporarily suspended or modified to prevent reoccurrence.
- 10.29 With regards to the response to complaints, the site manager will record, respond to and follow up all complaints including ensuring that suitably qualified personnel are available to respond at all times. The procedure is detailed within Section 8 of the AQDMP and is considered acceptable to officers. In addition, Cambridge City Council will be notified that a complaint has been received, notified of the investigation's findings and any remedial measures taken.
- 10.30 Following a formal consultation with the Council's Environmental Health Officer, there is no objection to these roles and responsibilities, and it is considered that criterion (e) is satisfied.

f) the dust monitoring strategy, including type, number and location of monitors and the appropriate exceedance level

- 10.31 Section 7 of the AQDMP details the proposed monitoring strategy. Further to consultation with NCPS and the Environmental Health Officer, the number of monitors has been increased with two monitors now proposed to be located close to NCPS to the north (one of which is adjacent to the school playing field) and one monitor located close to residential receptors to the south-west. Therefore providing three monitors in total.
- 10.32 NCPS comments with regards baseline monitoring are noted. In order to understand existing conditions more accurately, monitors will be installed three months prior to the works starting on the site to establish baseline PM₁₀ and PM_{2.5} concentrations, and these monitors will be in place for the duration of demolition and construction phases. These baseline levels will be submitted to Cambridge City Council's Environmental Health Officers prior to the works commencing.
- 10.33 Section 7 of the AQDMP also sets out the site action levels (SALs) to be in place for the duration of the works. An alert level will not be set for PM_{2.5} concentrations, however, given that there is no published guidance on PM_{2.5} limits for construction, given that this lower particle size would be included in coarse PM concentrations and on the basis that construction/demolition emits a higher proportion of coarse particles than fine, the applicant's justification is accepted by the Environmental Health Officer.

- 10.34 The AQDMP advises a “lower alert” level, which is 150 µg/m³ (Microgrammes per cubic metre) as a 1 hour average and a “site action level” (SAL) for PM₁₀ will be the IAQM (2018) recommended level of 190 µg/m³ as a 1 hour average.
- 10.35 The AQDMP states that Cambridge City Council’s Environmental Health Officers will be provided with access to the monitoring data upon request which is considered acceptable.
- 10.36 With regards to dust soiling, regular visual inspections will also take place and inspection logs made available to Cambridge City Council upon request.
- 10.37 Whilst previous NCPS comments suggesting that a third party takes responsibility for monitoring and alerts, in discussion with the Environmental Health Officer, the revised monitoring strategy and responsibilities as set out are considered suitable.
- 10.38 Previous NCPS comments regarding the need for more regular monitoring have been taken into account in the revised AQDMP. The AQDMP states that additional location-specific monitoring will be discussed with Cambridge City Council in the event that substantiated complaints are received or at the request of Council following any justified complaints. In addition, any monitoring required will continue until the complaint is resolved, the satisfaction of Cambridge City Council.
- 10.39 Following a formal consultation with the Council’s Environmental Health Officer, there is no objection to the dust management strategy and it is considered that criterion (f) is satisfied.

(g) the approach to be taken should the exceedance level be exceeded.

- 10.40 Previous NCPS comments concerning site action levels (SAL) and actions are noted. The AQDMP advises that “site action level” (SAL) for PM₁₀ will be the IAQM (2018) recommended level of 190 µg/m³ as a 1 hour average. In the event that this SAL exceeded, the Site Manager will investigate the current works, and if dust is due to works on site, then works will stop immediately to enable a risk assessment to establish the extent of the alert and what mitigation measures are required to reduce these concentrations.
- 10.41 If the SAL exceeded is a “lower alert” level, which is 150 µg/m³ as a 1 hour average, then the Site Manager will investigate the current works on site, assess the cause and implement additional mitigation including using alternative methods.
- 10.42 Following regular visual inspections and in the event that significant dust on the site boundary is identified/recorded, investigation/remedial action will be taken and operations modified to avoid an activity from repeatedly causing unacceptable dust emissions. Additional mitigation measures may

be triggered by adverse weather forecasts such as long periods of dry weather and/or high wind speeds. In these cases, water suppression will be used liberally and in advance in order to prevent dust emissions beyond the site boundary.

- 10.43 Whilst NCPS comments querying the speed of responsiveness and the request for live data to be provided to the school to allow for example children to be moved to another location is noted, this would not be standard practice and the purpose of this AQDMP condition and SALs are to modify on-site activities rather than change the behaviours of nearby receptors.

10.44 **Other Matters**

- 10.45 Paradise Local Nature Reserve is considered to be a sensitive receptor for both airborne dust and from waterborne pollutants. Third parties concern on this potential issue are noted. Following a formal consultation with the Council's Nature Conservation Officer, it considered that the measures outlined in the Construction Ecological Management Plan (discharged under application 22/02066/CONDI) satisfactorily addresses the risk to ecological receptors and is appropriately cross-referenced within the AQDMP submission.

- 10.46 Additional NCPS comments are acknowledged and where appropriate in consultation with the Environmental Health Officer have been addressed as part of the revised AQDMP.

- 10.47 The local member's comments regarding this submission are noted. The information has been assessed against the requirements of this condition and is deemed to be acceptable on this basis.

10.48 **Conclusion**

- 10.49 Officers consider that the information provided is in accordance with the appropriate Institute of Air Quality Management (IAQM) best practice guidance. Site specific mitigation measures as detailed will protect local residents and NCPS from unacceptable dust and emission impacts. Site and equipment information, a timetable of works, the complaints procedure, dust management strategy details and the approach should levels be exceeded have been provided to the satisfaction of officers. The details submitted are therefore acceptable and in conformity with the reasons and policy requirements.

11.0 **Recommendation**

11.1 **Approval** of the following details:

- Air Quality and Dust Management Plan dated 14 March 2025 (J10-13082D-10-8) (received 19th March 2025)

- Addendum to Section 5 of the Air Quality Dust Management Plan, Condition 8 (received 13th May 2025)

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



Appeal Decision

Inquiry Held 26 - 29 September and 3 - 6 October 2023

Site visit made on 28 September 2023

by Philip Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/Q0505/W/23/3323130

Owlstone Croft, Owlstone Road, Cambridge CB3 9JJ

- 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 The Queen's College of St. Margaret and St. Bernard against the decision of Cambridge City Council.
 - The application Ref 22/02066/FUL, dated 22 April 2022, was refused by notice dated 13 January 2023.
 - The development proposed is described as the demolition (in a conservation area) of nursery building and part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and other storage and new electricity substation within outbuildings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition (in a conservation area) of nursery building and part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and other storage and new electricity substation within outbuildings at Owlstone Croft, Owlstone Road, Cambridge CB3 9JJ in accordance with the terms of the application, Ref 22/02066/FUL, dated 22 April 2022, subject to the conditions set out in the attached schedule at Annex A.

Preliminary matters

2. During the course of the Inquiry, it was identified that part of the appeal site along its eastern boundary falls within the designation of Protected Open Space (POS) which was not otherwise referenced on the Council's decision notice. I have therefore addressed this point as part of my consideration of the first main issue.
3. A Statement of Common Ground (SoCG) between the appellant and the Council confirmed that the first part of reason for refusal number 3 relating to the layout of the proposal for future students adversely affecting the ecological relationship with the Paradise Local Nature Reserve (PLNR) was no longer being pursued by the Council (or indeed any other parties to this appeal).

4. Since the appeal was lodged, the Government has published a revised National Planning Policy Framework (the Framework) in September 2023. The parties did not indicate that any of the new or amended paragraphs of the Framework were of relevance to this appeal nor have any paragraph numbers of relevance to this appeal altered. However, I have nonetheless had regard to the latest iteration of the Framework in reaching my decision.
5. The Friends of Paradise Nature Reserve (FPNR) and Newnham Croft Primary School (NCPS) were both granted Rule 6 status and took part as main parties to the appeal.
6. A legal agreement has been submitted along with this appeal which secures a number of planning obligations and I discuss these later in my decision.
7. The final sitting day of the Inquiry was 6 October 2023. It was agreed that the final signed planning obligation was to be submitted by not later than 16 October and this was subsequently provided on 12 October.

Main Issues

8. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the recreational and amenity value of the Paradise Local Nature Reserve; and
 - ecology and biodiversity having regard to the Paradise Local Nature Reserve.
9. The decision will also consider any benefits that would arise from the proposed development and this forms part of my conclusions as set out below.

Reasons

Character and appearance

10. The appeal site comprises a number of existing buildings including the Owlstone House building (referred to as block A on the plans) which has previously been subject to a number of alterations. To the immediate south of Owlstone House is a four-storey accommodation block (block B on the plans) and to the southern end of the site is a part two-storey building finished with a light-coloured external render which has a nursery school on the ground floor and accommodation at first floor level. The site also includes a large area of formal managed lawn with some planted borders and is bordered to its east by the Paradise Local Nature Reserve (PLNR) and to the north by the Newnham Croft Primary School (NCPS). The appeal site has an institutional character, distinct from that of the surrounding streets which are themselves characterised by longer rows of terraced properties of predominantly two storeys.
11. The proposal would result in the development of four new accommodation blocks, described as 2 and a half storeys high. Block T4 as it is referred to on the plans would be located to the south of the site and replace the nursery building. The block would be around 16.6 metres high to the eaves line and around 19.4 metres high to the ridge with the uppermost floor comprising of accommodation within a mansard roof. The height of block T4 would be greater

than that of the terraced properties in nearby streets including Owlstone Road. Although the eaves and ridge would be in excess of the prevailing character of dwellings in the area, the accommodation blocks would not be read as part of a single street-scene. Instead, the proposed accommodation blocks would be read in the context of the appeal site itself which as set out above, includes Owlstone House but also the existing four storey accommodation on site. As a result, I do not find the height of the proposed accommodation blocks to be harmful.

12. The eastern elevation of Block T4 would be sited closer to the boundary of the site with the PLNR than the existing nursery. This would result in a building that would be more prominent than the existing building when viewed from the boardwalk within the PLNR. The appeal site slopes gradually towards the PLNR and Block T4 would have a finished floor level above that of the boardwalk within the PLNR. However, the eastern gable of the Block T4 would be narrower than the width of the existing nursery building. Therefore, although it would be both taller and closer to the PLNR than the nursery, the width of the gable would limit the sense of bulk arising from its height and massing. The light-coloured render of the existing nursery building currently draws attention to itself when viewed from the boardwalk within the PLNR. However, the proposed eastern gable of Block T4 would be faced with brick which would provide a more subtle and less stark elevation than currently experienced from the boardwalk. The accommodation blocks would not be a copy of the design characteristics in the wider area, but would, in terms of their design and layout, respond positively to their context as an educational institution and would not result in a stark and overbearing elevation adjacent the PLNR.
13. Concerns were raised that the scheme would fail to be subservient to the PLNR. The existing lawned area within the appeal site is a highly managed outdoor space with planted borders. The lawn and grounds of Owlstone Croft provide a clear visual contrast to the more enclosed, wild and unmanaged PLNR to its east. The appeal proposal would result in the development of the lawned area of the site due to the terraced accommodation blocks. However, the appeal site's formal managed lawn and grounds do not currently exhibit any existing subservient characteristics to the PLNR, instead, it is more representative of a large residential garden which would not be unexpected in an urban edge environment. As such, there would be no harm in respect of subservience arising from its development.
14. During the Inquiry, it was identified that a narrow part of the appeal site along the eastern boundary is included within an area of designated Protected Open Space (POS) which also covers the PLNR¹. Policy 67 of the Cambridge Local Plan (2018) (the CLP) seeks to protect, amongst other things, the character of POS. There are currently three poplar trees (Ref G002) and two ash trees (T008, and T009) within this strip of land on the eastern boundary of the site which would be removed as part of the proposed development. The PLNR is characterised by, amongst other things, its dense woodland and resulting sense of enclosure. The removal of the trees would result in the loss of a component of the character of the PLNR as designated POS. Whilst the removal of the trees would adversely affect the small strip of POS within the appeal site, when viewed against the backdrop of the wider POS encompassing the PLNR, there would be no overall visual change in the character of the wider POS. I find no

¹ CD14.21 – Owlstone Croft Protected Open Space boundary

evidence that the character of the strip of POS on the appeal site should be considered separately to the PLNR as it is a single designation. The PLNR would continue to be viewed as an unmanaged woodland area. As I find the overall character of the POS would not be altered, the removal of the trees would not be harmful to the character of the POS and would thereby accord with Policy 67 of the CLP.

15. The three poplar trees have previously been pollarded and along with two ash trees on the eastern boundary of the site are identified in the Tree Survey² as being 'Category C' trees of low quality. Evidence was presented which indicates that the poplars are of a non-native species and have a lifespan of around 10 or more years. The trees have a reasonable lifespan remaining and although the poplars have been pollarded, they do make a modest positive contribution to the character of the area as part of the boundary between the appeal site and the PLNR. Policy 59(b) of the CLP seeks to ensure trees and habitats which contribute to the character and quality of an area are retained. Whilst the contribution of the trees is modest, their removal would nonetheless fail to accord with Policy 59(b) which expects proposals to demonstrate that existing features that positively contribute to the character and quality of an area are retained and protected.
16. From my site visit conducted during late summer when significant leaf coverage was still present, there are glimpsed views possible over the lawned area and across to Owlstone Croft from the boardwalk side of the PLNR into the site between existing gaps in vegetation. Policy 8 of the CLP seeks that landscape improvement proposals strengthen or recreate the well-defined and vegetated urban edge. Concerns were raised that the proposed landscaping would blur the boundary between the site and the PLNR harming the edge of the PLNR. However, the soft landscape plan indicates that there would be considerable native hedge planting along the eastern boundary, a significant proportion of which would be allowed to grow out. Some areas along the boundary would have deliberate gaps left, and these would allow framed views into the site from the boardwalk. The extent of the proposed hedge planting, whilst broken in places, would become established and although the verified views indicate this would take time mature, it would provide a well-defined vegetated edge along a majority of the eastern boundary. I find that the extent of landscaping, whilst changed, would not be harmful and would accord with the provisions of Policy 8 of the CLP.
17. The PLNR is located within the Green Belt which the Framework seeks to keep land permanently open and not approve inappropriate development. However, the proposed development would not be within the Green Belt and it is noted that there would be no direct Green Belt impact as a result of openness. The PLNR is predominantly characterised by dense woodland and there are some areas, such as those along the boardwalk, where there are gaps in the tree canopies where views of the lawn, Owlstone House and the nursery on the site can be seen. Despite the availability of some limited views into the site, I do not find that the boardwalk side of the PLNR to be particularly open even having regard to the proposed removal of the poplar and ash trees discussed above. Whilst the appeal development would be visible through the gaps in the proposed hedge planting, this would allow views of and in between the proposed accommodation blocks. Whilst the terrace blocks would be closer to

² CD1.13 – Tree Survey AIA and method statement and tree protection plan

the PLNR on the boardwalk side than the existing development on site, due to the spacing of the blocks and the ability to gain longer views in between, there would be no harmful reduction to the sense of openness.

18. The proposed development would create an area of damp meadow along the eastern boundary of the site. The damp meadow would link to the existing ditch which provides, amongst other things, a visual cue to the presence of the nearby wet woodland of the PLNR. The appeal proposal would include native trees of a range of sizes planted along the eastern boundary and interspersed within the damp and general meadow which would be created. The proposed soft landscaping which includes significant hedge planting would continue to provide a clear, albeit changed boundary between the site and the PLNR. The overall landscaping to the east of the site would respond to the wider context of the PLNR as a feature of natural importance which Policy 55 of the CLP expects development to demonstrate. Whilst the proposal would not accord with Policy 59(b), the use of native species within the proposed soft landscaping scheme is supported by Policy 59(g) and (h) of the CLP.
19. The proposal pulls at odds with two elements of Policy 59 as set out above. However, when considering the design of the scheme overall, the use of the cranked design for the terrace blocks would relate positively to the character and function of the site and its surrounding buildings, whilst the integration of outdoor spaces, public realm enhancement, design and use of materials would provide a high-quality development. Therefore, overall I find the proposal would accord with Policy 59 of the CLP.
20. The appeal site also forms part of the Newnham Croft Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I attach considerable importance and weight.
21. The Newnham Croft Conservation Area Appraisal (CAA) identifies that the significance of the CA is derived from its open spaces as much as its buildings. The CAA also highlights the poor condition and general appearance of the Owlstone Croft site and buildings (noting the recent repairs to the gatehouse) as negative features, with the later additions to Owlstone House, the 4-storey accommodation block and the nursery buildings as features which detract from the conservation area.
22. The proposed development would result in significant additional built form on the current grassed land area, which may have been associated with the original garden setting of Owlstone Croft House. However, the removal of the nursery building and the later alterations to Owlstone House, which currently detract from the significance of the CA, would make a positive contribution to the character and appearance of the area. It is therefore common ground between the Council and the appellant that no harm would occur. Based on the evidence provided I agree, and find that overall, the proposal would enhance the character of the conservation area.
23. In conclusion, the proposal would therefore not result in harm to the character and appearance of the area. It would therefore accord with policies 8, 59 and 67 of the CLP for the reasons set out above. It would also accord with policies 55 and 56 which state that development will be supported where it responds

positively to its context and is designed to be attractive, high quality, accessible, inclusive and safe.

24. The proposal would, overall, accord with paragraph 130 of the Framework which seeks to, amongst other things, ensure developments function well and add to the overall quality of the areas and are visually attractive as a result of good architecture.

Recreational and amenity value

25. The PLNR is well used by local residents and visitors to the area but also provides a route between the Lammas land car park and the wider Newnham Croft area. The PLNR has a wider recreational value as it provides the opportunity for a range of activities to take place including walking and watching birds, bats and other species. The boardwalk side of the PLNR appears to be well-used and evidence indicated that the river walk side is also popular during warmer weather as a result of the attraction of the river environment of the Cam for boats, punts and canoes. The boardwalk side of the PLNR may be quieter during warmer months albeit users would still experience intermittent and transient noise from children using the outdoor area of the nursery and the Newnham Croft Primary School (NCPS) and its playing field. Noise would also be generated by existing students utilising the lawned area for recreation. Noise from these users may be limited, but the boardwalk side of the PLNR is not an entirely quiet and tranquil area, instead its character is impacted by these existing uses.
26. The existing lawn of the appeal site is currently used as recreation space for the students and gatherings can currently take place informally on this area. The proposed development includes outdoor seating areas for each of the accommodation blocks and these would be relatively self-contained and landscaped. Whilst students could make use of other areas within the site which also serve as part of the landscaping, wet meadow or drainage network, the outdoor courtyard seating areas would act as honeypot features for socialising. In respect of the outdoor area for block T4 which would be close to the boundary with the PLNR, the extent of proposed hedge and tree planting in this part of the site would, over time, screen the seating area from the boardwalk. This part of the appeal site experiences some noise as a result of the nursery and noise could be generated by future occupants of the development, albeit this may be at different times, such as later into the evening. However, the extent of proposed screening within the site boundary combined with the depth of vegetation between the boundary of the PLNR and the boardwalk would serve to reduce the visibility and audibility of future occupiers using the proposed seating.
27. Concerns were raised that the proposed development would result in additional noise from future occupiers which would harm the recreation and amenity value of the PLNR. The proposal would result in a net gain of around 45 units accommodated on site, and therefore there would be additional students using the site. The proposed development includes a meadowed area to the east of the site, as well as a number of outdoor seating spaces located to the south of each of the four proposed new accommodation blocks (T1-4). There would also be further space in an area of land to the north of block T1 where students may also gather. Whilst the presence of additional people on site would be evident from the PLNR, there is no clear evidence presented that there would be an

adverse impact arising from domestic paraphernalia or additional future occupiers on site. Furthermore, the Student Management Plan which would be secured by the proposed planning obligation would be capable of addressing any potential concerns regarding the behaviour of future occupiers in a way that would not be possible with conventional residential accommodation. I therefore do not consider there would be any detrimental impact on the tranquillity of the PLNR.

28. The existing views of buildings on the appeal site from the boardwalk, although glimpsed at the time of my visit when the vegetation is verdant, provide a more formal outlook from the edge of the PLNR. The lawned grounds of the appeal site have an appearance akin to a large managed residential garden with views of the nursery close to the boardwalk and Owlstone Croft further away. The proposed terrace blocks would significantly increase the amount of built development on site, however, the spacing of the terrace blocks and gaps in the boundary planting would continue to allow for longer views of Owlstone House. The boardwalk side of the PLNR would continue to be influenced by a more formal and managed outlook as a result of the proposed development, but the overall character of the PLNR as an unmanaged woodland would not be altered. The existing buildings on site do not currently have any adverse impact on the PLNR, nonetheless, I find no clear evidence as to how the presence of additional buildings would directly, or indirectly harm the recreational amenity of the reserve.
29. In light of the above, the proposal would not result in harm to the recreation and amenity value of the PLNR. It would therefore accord with Policy 67 of the CLP which seeks to ensure, amongst other things, that proposals do not harm or lead to loss of open space of recreational importance.

Ecology and biodiversity

30. The PLNR is a designated Local Nature Reserve (LNR) and is home to, amongst other things, a number of species of bats including Barbastelle which are amongst the rarest bats found within the United Kingdom. There is no dispute that Barbastelle passes have been recorded by the appellant and FPNR in their evidence. Although there is disagreement on the adequacy of survey efforts undertaken, it is clear that there is consistent bat activity at the boundary of the appeal site and the PLNR.
31. Concerns were raised that the proposed development was not accompanied by an Ecological Impact Assessment (EcIA) and a thorough assessment of the effects of the proposal had not been undertaken. Paragraph 7.66 of the supporting text to Policy 69 of the CLP indicates that where development is proposed within, adjoining or which will otherwise affect a locally designated nature conservation site (such as the PLNR), comprehensive surveys of the historic and existing biodiversity importance, and professional ecological assessment of the proposed development and measures to protect and enhance habitat or species will be required. Furthermore, Policy 70 of the CLP sets out that where development is proposed adjoining a site hosting priority species and habitats, an assessment will be required covering the issues set out in criteria e-h.
32. The appellants have not provided a single EcIA but have produced a Preliminary Ecological Appraisal (PEA) along with a Preliminary Roost Assessment and Nocturnal Bat Survey which included dusk emergence and

dawn re-entry surveys. The additional studies include an evaluation of impacts and the studies clearly indicate that they are based on combined information and provide recommendations, including in respect of lighting. Although there is no other survey in relation to protected species within the PLNR other than bats, the PEA nonetheless indicates at paragraph 3.3 that it has assessed the interconnectivity of suitable habitats, which would include the adjacent PLNR. Furthermore, the protected species scoping survey section at paragraph 4.3 of the PEA considered the potential to support each species category, whilst section 5 considered off-site habitats and set out recommendations.

33. The PEA and subsequent reports set out above collectively provide a professional assessment of relevant ecological information, including the status of bats and the impact of the appeal proposal. I find nothing within the text of either Policy 69 or 70 which expressly requires a single EcIA, and whilst the Council's Biodiversity Supplementary Planning Document (SPD) includes a requirement for an EcIA, this is included in the requirements for validation. The appeal scheme was originally validated by the Council without an EcIA, and although the SPD can be given weight, it cannot introduce policy content to require an EcIA that is not otherwise present within the Development Plan. As such, I find that a suitable professional assessment has been carried out and thereby no conflict with Policies 69 and 70 of the CLP in this regard.
34. In regard to the loss of poplars on ecology, the trees were identified in evidence as having importance for Barbastelle as potential roost features and for their vertical complexity in terms of available food sources for bats. The proposed damp meadow to the east of the appeal site would provide opportunities for insects although it was suggested this may be less preferable to Barbastelle than other species. Whilst there may be some difference in the ecological value of the poplars when considered against the proposed damp meadow, the proposed damp meadow would nonetheless provide opportunities for a range of insect prey that would support bats, including Barbastelle. Although concerns were raised that the damp meadow would potentially attract other bat species and place Barbastelle at competitive disadvantage, there is no clear evidence that the location of the damp meadow adjacent to the ditch and boundary with the PLNR would have this effect.
35. I turn now to the matter of lighting on protected species, particularly in respect of Barbastelle bats which are a light-sensitive species. The Institute of Lighting Professionals (ILP) Guidance Note 08/18³ recommends that where bats are identified, lighting levels are kept to 'complete darkness', and a lighting level of 0.4 lux on the vertical plane would be an appropriate level. There is no dispute between the parties that there would be no harm to bats if the lighting levels could be kept below this level on the boundary of the site with the PLNR. The appellant's modelled lighting scheme shows that around 3.5% of the 1,800 points on the vertical plane south of proposed accommodation block T4 would exceed the 0.4 lux level showing a maximum of 0.55 lux at a vertical plane around 15m from the southern edge of T4⁴. The points which would currently exceed the proposed condition principally relate to light emanating from the south elevation of block T4. However, this exceedance is based on a modelled initial lighting scheme rather than a final scheme and which the lighting design

³ CD13.10 ILP GN08/18 – Bats and artificial lighting in the UK

⁴ CD1.25 – Lighting design parameter plan and modelling (Pg 14)

- and parameter plan modelling states would be a worst-case scenario with all interior and exterior lights on and no vegetation.
36. The initial lighting scheme is based on recommended lux levels specified by the appellant's consulting engineers which in a number of instances require lux levels above ILP guidance levels. The appellant considers that the proposed lux levels could be reduced by 25% which would ensure that lighting on the boundary of the site would not exceed 0.4 lux. Concerns were raised that this proposed reduction would be inappropriate due to the potential harm to the living conditions of future occupiers due to the poor standard of living accommodation. However, as the modelled lighting levels are in excess of the ILP guidance in certain categories of internal living spaces, these levels could be reduced and still provide a lighting scheme in compliance with ILP guidelines. Furthermore, having regard to the points on the vertical plane within the initial assessment exceeding 0.4 lux, I find that the extent of exceedances to be limited even in a worst-case modelled scenario. Some parts of the site boundary would be several metres further to the south of the modelled plane, and therefore levels would further reduce towards the boundary as light levels decrease with distance.
37. The assessment of the baseline lighting levels particularly in respect of lighting at the nursery has been disputed. Evidence on behalf of the Friends of Paradise Nature Reserve (FPNR) indicated that lighting at the nursery may not be switched on and therefore baseline levels would be lower than identified by the appellant. However, even if baseline levels are at the levels the FPNR suggest, it was not disputed that the levels of lighting once operational are determinative as to whether harm would arise to protected species of bats. Even if there were an increase in light levels above the FPNR baseline, I am satisfied the proposal could be made acceptable subject to a proposed lighting condition requiring the scheme not exceeding 0.4 lux.
38. In order to ensure the proposed development would not harm ecology as a result of lighting, a condition has been suggested which would require the proposal to not exceed 0.4 lux at the boundary. Taking into account the ability to reduce lux levels whilst remaining within appropriate lighting guidance, I am satisfied a compliant lighting scheme could be achieved which would meet the proposed condition of not exceeding 0.4 lux at the boundary. Furthermore, there is additional planting proposed to the south of block T4 which would help to mitigate the extent of light at the boundary.
39. There is disagreement on submitted amendments to the draft lighting condition and whether it could be adequately monitored or enforced. This was particularly highlighted having regard to the potential for future occupiers to bring in their own lamps and lighting either in bedrooms/ study rooms or in other outdoor areas, especially that associated with block T4 which is closest to PLNR. A condition would be capable of addressing this issue albeit I consider it is necessary for the condition to include the requirement for a baseline position to be established. This is due to evidence given during the Inquiry which indicated that in some instances, the brightness of a full moon could result in readings of greater than 0.4 lux being recorded at the site boundary even if no artificial light was present.
40. No evidence was presented during the Inquiry as to how future students may adversely affect the ecological relationship with the PLNR. The proposed

development would be largely self-contained and whilst future students may use outdoor space for recreation, the proposed damp meadow along the boundary with the PLNR would be less attractive for students and would therefore minimise activity along this part of the boundary, and thereby avoiding any harm to the ecological relationship with the PLNR.

41. An additional condition was suggested during the Inquiry to include the control of lighting in the student management plan. Unlike a private market dwelling, due to the managed nature of the proposed accommodation, the potential use of portable lighting is a matter that is capable of being controlled. I find such a condition to be necessary in order ensure that there would be no harm to protected species arising from any portable additional lighting not otherwise addressed by a lighting scheme.
42. My attention was drawn to a recent appeal decision at 18 Adams Road (APP/Q0505/W/22/3299064) adjacent to the Adams Road Bird Sanctuary which is a County Wildlife Site. In that decision, the Inspector noted that there was no evaluation of the appeal site's potential role as a buffer to the nearby County Wildlife Site. Furthermore, the Inspector considered there was no demonstration of the role of the site for feeding, sheltering or breeding of amphibian, mammal and invertebrate species. The Inspector in that case had no particular evidence that proposed conditions would be capable of overcoming the specific harm. That is not the case in this appeal where there are further surveys and assessments which follow from the PEA, and agreement that controlling lighting levels would avoid harm to bats. Therefore, the circumstances in that decision are materially different to those before me.
43. I therefore conclude that, subject to the imposition of a suitably worded condition to limit lighting levels, the proposal would not result in harm to ecology and biodiversity having regard to the Paradise Local Nature Reserve. It would therefore accord with Policies 55, 69 and 70 of the CLP which seek to ensure development responds positively to features of natural importance on or close to the site, will not have an adverse effect on a site of biodiversity importance and protects priority species and habitats.
44. As I find there would be no harm to ecology, the proposal would also accord with paragraphs 174 and 180 of the Framework which seek to, amongst other things, minimise impacts on and provide net gains for biodiversity and avoid, mitigate or compensate any significant harm to biodiversity and protect priority species and habitats.

Other matters

Traffic and transport

45. The appeal proposal would be accessed via Short Lane which is an unadopted highway. Concerns were raised that there is insufficient width in the local highway network to accommodate construction traffic and larger delivery vehicles. Whilst parts of the local highway network are narrow, there would be sufficient width to allow construction vehicles to access the site. However, due to the presence of on-street parking particularly along Short Lane, if construction traffic is not managed appropriately, it could result in harm to highway safety including conflict with pedestrians. The effects of construction traffic could be controlled via planning conditions to manage delivery routes and the timing of deliveries. In respect of the movement of larger vehicles, the

use of bankspersons would provide satisfactory control over their movement to and from the site which can be secured via a traffic management condition. Therefore, I am satisfied that subject to the imposition of such conditions, any harms can be mitigated during the construction period.

46. My attention was drawn to concerns regarding the effect of traffic movements once the scheme is operational as a result of delivery vehicles, predominantly from online retailers visiting the site. Whilst there may be an increase in the number of delivery vehicles accessing the site as a result of the increase in students, no concerns have been raised by the local highway authority in respect of traffic movements from this source. Furthermore, popular online retailers are likely to group deliveries together to the same location for their own reasons of efficiency which may serve to limit the number of movements to and from the site.
47. The proposed loss of the existing nursery would remove a number of vehicle movements from the local area. This would be expected during the morning and afternoon peaks once the site is operational having regard to the existing vehicle movements associated with the drop-off and collection of children at the nursery. This reduction would offset any limited increase that might arise from delivery vehicles to the site. As such, I find there would be no harm in this regard.

Effect on Newnham Croft Primary School

48. The proposed development includes a number of alterations and extensions to Owlstone House which is sited directly to the south of Newnham Croft Primary School (NCPS). An existing tall brick wall forms the boundary between the NCPS and Owlstone House itself. Concerns were raised that the construction of the appeal proposal would adversely impact the health of the children due to dust and particulate emissions as well as cause disturbance to their learning due to noise. The land within the school immediately north of Owlstone House is used as an outdoor classroom where the youngest year group within the school are taught. However, the control of construction and demolition emissions and noise are matters which are capable of being addressed by the imposition of suitable planning conditions which I assess below.
49. NCPS have raised safeguarding concerns as a result of construction, but also in relation to future occupiers of the site utilising the proposed gathering lawn to the north of accommodation block T1. Safeguarding concerns during construction can be addressed via condition to ensure a solid fence is erected along the school boundary for its duration. This existing lawned area contains no restriction about where and when students may use the lawn and this would be no different to the 'gathering lawn' area to the north of block T1 which would be visible by children playing in the trees along the boundary in the same way as the current lawn. As such, a condition to erect permanent screening is not necessary to make the proposed development acceptable in planning terms.

Flood risk and drainage

50. Concerns have been identified that the proposal would fail to provide an appropriate approach to the use of attenuation ponds for surface water

infiltration. The Flood Risk and Drainage report⁵ identifies that the proposed attenuation ponds are not infiltration devices and do not rely on such for discharging surface water. The report states that ground conditions are unsuitable for point infiltration of surface water, identifies that water storage capacity in the proposed porous paving will minimise the flows and volume of surface water discharging into the watercourse.

51. There is disagreement as to the adequacy of groundwater monitoring data and therefore whether the drainage proposals would be effective. Proposed condition 18 requires, amongst other things, a surface water drainage scheme which would address run-off rates, details of the surface water system including attenuation and control measures and site investigation and test results to confirm infiltration rates. I also note that the Lead Local Flood Authority were content in their comments of 15th November 2022 for further groundwater testing to be undertaken at the detailed stage and recommended this be addressed via a proposed condition. As a result, I find the requirements within the proposed condition would be sufficient to address the outstanding surface water and drainage details.
52. In addition, concerns were raised that the absence of modelling of foundation design of the proposal could result in groundwater flows having adverse effects on matters such as landscape and ecology. There is no clear evidence that groundwater levels would reach ground level, and furthermore there is no indication that damp-proofing and accompanying mitigation measures would not be able to be utilised as part of the proposal's construction. This matter could be addressed by a proposed condition requiring the preparation of a detailed hydrological report which would provide an assessment of the effects of the development upon groundwater levels and the flow of groundwater locally. The proposed condition would also require the hydrological report to specifically consider and influence the foundation design of the proposal and I am satisfied that the imposition of planning conditions would therefore address these concerns.

Other considerations

53. Concerns were also raised regarding the impact of climate change on the proposed development being in a low-lying area. However, proposal has been designed to meet Passivhaus standards which would seek to minimise energy consumption and reduce the proposals' contribution to climate change. The Flood Risk Assessment has modelled the effects of climate change in respect of potential flood events including fluvial flooding. Therefore, I am satisfied that the implications of climate change have been satisfactorily addressed in this regard.
54. Concerns have been raised regarding the removal of the existing nursery on site. However, the nursery is also run by the appellant who has confirmed that this is to be relocated to a new site for which planning permission has been sought. The replacement of the nursery is to be restricted until such time that a replacement nursery has been provided and this will be secured by a planning condition which is necessary to make the development acceptable.
55. Reference was made to the need for the proposal having regard to the recent purchase by the appellant of a property referred to as 12-14 Grange Road

⁵ CD1.29A, B and C – Flood Risk and Drainage report

which has capacity of approximately 35 student bedrooms. However, it is noted the property at Grange Road is to be used as 'decant' accommodation whilst other college accommodation buildings are being refurbished. There is no disagreement that the Council can demonstrate a 5 year housing land supply as required by the Framework and the extent of accommodation required for postgraduate students would not be fully met by the appeal proposal, or Grange Road.

56. Concerns have been raised that the proposal would result in harmful overshadowing of the PLNR. The transient shadow and sunlight amenity report shows some overshadowing to the PLNR when compared with the existing buildings on site, particularly after around 17:00 pm. In winter months longer transient shadows from both the existing and proposed buildings would be unavoidable due to the angle of the sun. Overall, I concur with the assessment findings that the effects of shadowing would be limited to short amounts of time during the day, and as a result, it would not be harmful.
57. In addition to the above, there is no disagreement between the Council and appellant that there would be any conflict with any development plan policies that would otherwise restrict the extent of student accommodation in the City. The proposed development would make provision for the net gain of 45 units of additional student accommodation, and there would be an accompanying release of accommodation used by post-graduate students elsewhere in the city back into the housing market. As I find no harm on main issues as set out above, this matter is not sufficient to justify dismissing the appeal.

Planning Obligation

58. The appeal is accompanied by a planning obligation made under section 106 of the Town and Country Planning Act (1990) that would secure a number of requirements.
59. The agreement includes a contribution of £11,200 towards primary healthcare in the area in order to contribute towards improvements in the capacity of General Practitioners surgeries. This is necessary in order to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind.
60. The requirement in the obligation for a student management plan (SMP) is necessary in order to ensure that the behaviour of future occupiers, including amongst other things, noise and disturbance, anti-social behaviour and control over private vehicles on site can be appropriately managed. This is also necessary to make the development acceptable in planning terms.
61. The obligation includes a requirement to prepare an open space and ecological management and maintenance scheme. This is necessary in order to ensure that the open space and ecological improvements are managed appropriately for the lifetime of the development and is therefore necessary to make the development acceptable in planning terms.
62. The agreement includes a contribution of £3,200 towards the monitoring of obligations contained within the agreement. These have been calculated in accordance with the Council's latest standards. The planning obligations monitoring fee is therefore necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind.

63. Having regard to the evidence before me, including the Council's Community Infrastructure Levy (CIL) compliance statement, I am satisfied that the submitted planning obligations are necessary to make the development acceptable, are directly related to the proposal and fairly and reasonably related in scale and kind to the development. As such, they would accord with the requirements of paragraph 57 of the Framework and Regulation 122 of the CIL Regulations (2010).

Conditions

64. I have considered the conditions included in the schedule which were discussed and updated following a round table session during the Inquiry against the tests set out at paragraph 56 of the Framework, only including those which meet those tests subject to any minor amendments for clarity, consistency and enforceability. There are a number of pre-commencement conditions necessary which the appellant has agreed as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
65. In addition to the standard time limit for the commencement of the development, and the specification of the plans on which this decision is made, a condition is necessary to provide a phasing strategy if there is to be more than one phase of development which is necessary due to the way the site may come forward. A further condition is necessary to specify the details of the materials to be used in order to exercise suitable control over the final appearance of the proposal.
66. In the interests of the living conditions of neighbouring residents and teaching conditions at NCPS, a condition is required to undertake a noise assessment of the proposal and identification of any mitigation as a result. For the same reasons, a condition is required to specify the hours of operation of powered machinery during construction or demolition, and a further condition to provide a noise and vibration impact assessment which will identify appropriate monitoring and mitigation measures.
67. In the interests of the living conditions of nearby residents, a condition is necessary in order to control the collection and timing of deliveries to the site. For the same reason, a condition is also required to provide details of any plant, equipment or machinery to control extraction, filtration and mitigation of potential odours.
68. Condition 8 requires the preparation and submission of an Air Quality and Dust Management Plan which is necessary in the interests of the living conditions of nearby occupiers including sensitive receptors such as NCPS. Further, in the interests of the health, wellbeing and education of children, due to the proximity of the proposed development with NCPS, to make the development acceptable it is necessary to limit all demolition on the site to be carried out during school holidays. Draft condition 8 limb (c) included a requirement for a solid fence to be erected having regard to sensitive receptors. However, the condition was not sufficiently precise and would not be effective, and as such, I have amended the requirement for a non-translucent solid fence to be a standalone condition (condition 35) with clearer requirements which is also necessary in the interests of safeguarding.
69. In the interests of human health, a condition is required in order to specify the actions that will take place should any unexpected contamination be identified

- during works on site. For the same reason, a condition is required in order to ensure no unsuitable excavated material is brought to site.
70. In the interests of the living conditions of nearby occupiers and the ecology and biodiversity of the PLNR, a condition is required to control noise in relation to any PA systems serving the proposed café and gymnasium.
71. In the interests of reducing vehicle emissions, a condition is necessary to ensure appropriate charging infrastructure is installed for electric vehicles.
72. In the interests of highway safety, conditions are required for the agreement of a traffic management plan to address construction traffic. For the same reason condition 15 is necessary to control the movement and operation of larger vehicles albeit I have amended the condition to remove an unnecessary tailpiece which may have otherwise allowed subsequent alterations if agreed in writing with the Council.
73. In the interests of the safety of future occupiers, a condition is required in order to secure the location and implementation of fire hydrants.
74. A condition is required to avoid harm to any features of archaeological interest to secure a programme of works and accompanying assessments of the investigation.
75. In order to ensure that surface water drainage is adequately controlled and to prevent flood risk and harm to the PLNR, a condition is required to secure a surface water drainage scheme and accompanying measures to be implemented. A separate condition is required in the interests of avoiding flood risk to provide details of how surface water run-off will be avoided during construction. A further condition is also required in the interests of on and off-site flood risk to prepare a hydrological assessment in respect of groundwater levels and flow of groundwater. This will also be required to assess the implications of the proposed development's foundation design and its potential impact on groundwater and groundwater flows.
76. A condition is required to ensure the proposed development is designed in accordance with the energy and carbon reduction strategy in order to reduce carbon dioxide emissions in the interests of reducing contributors to climate change. In the interests of water efficiency, a further condition is required to specify the water efficiency of the new accommodation blocks.
77. In order to ensure the proposed development is satisfactorily assimilated into the area and enhances biodiversity, a condition is required to provide the details of a hard and soft landscaping scheme.
78. In the interests of biodiversity, a condition is required to provide the details of the biodiverse roofs.
79. In order to protect trees that are to be retained as part of the development, a condition is required to provide an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). An amended condition was suggested to provide details of a site meeting between a site manager and arboricultural consultant. However, this part of the proposed draft condition was not sufficiently precise and is not necessary to make the development acceptable as the required information would be contained in the AMS and TPP respectively. Therefore, I have amended condition 26 accordingly to remove reference to the meeting.

- For the same reason a condition requiring the implementation of identified tree protection measures is also necessary.
80. In order to minimise vehicle movements to and from the site by future occupiers, a condition requiring the preparation and subsequent implementation of a travel plan is necessary.
81. In order to ensure that nursery places are suitably retained, a condition requiring the retention of the nursery until a subsequent replacement has been provided is necessary.
82. A condition is required to prepare a Construction Ecological Management Plan (CEcMP) which shall also set out a lighting scheme in order to conserve and enhance ecological interests. Whilst FNPR suggest a number of amendments to the draft condition, these are overly prescriptive. Furthermore, the FPNR suggested amendments do not make suitable allowance for lighting for security purposes during construction and are therefore not imposed. For the same reason, condition 32 is necessary to secure a site wide Ecological Design Strategy including Biodiversity Net Gain provision.
83. A Landscape and Ecological Management Plan is necessary in the interests of ecology. For the same reason a condition requiring the provision of bat and bird boxes is also necessary. Whilst there was discussion during the Inquiry regarding the potential for bat boxes to place a competitive disadvantage to Barbastelle bats as a result of Pipistrelle bats being more inclined to utilise boxes, the condition would nonetheless allow the location of these to be places to be agreed in parts of the site where they would be most appropriate. The condition therefore remains necessary.
84. In order to ensure there would be no harm to ecology and in the interests of the control of light pollution, condition 32 is necessary in order to ensure that light levels at the site boundary with the PLNR do not exceed 0.4 lux on the vertical plane. The condition also requires the submission of an approved baseline position which was the subject of considerable discussion during the Inquiry. In order to ensure the condition can be appropriately enforced without unnecessary judgements being relied on for expediency, a baseline position should be included in the condition to take into account circumstances where 0.4 lux could be exceeded as a result of moonlight and the use of baseline is supported by ILP GN08/18. The Council suggested further amendments to this draft condition requiring a monitoring report to address exceedances and any remediation, however these amendments are not necessary as the condition already specified that the scheme should set out the monitoring regime. Further amendments to the condition are also necessary to specify the need for an artificial lighting assessment to predict lighting levels at the site boundary.
85. An additional condition is also necessary in the interests of ecology and the control of lighting to require the student management plan (as set out in the legal agreement) to include controls relating to lighting in addition to those measures specified in the schedule to the legal agreement. This is a matter necessary to be controlled by condition as an amendment to the legal agreement could be secured during the Inquiry and is necessary to control the use of external lighting which may otherwise be brought on to the proposed development by future occupiers.

Conclusion

86. As set out in the main issue above, taking matters of character and appearance of the area in the round, I do not find harm on this issue. The removal of the trees would not alter the overall character of the POS and there would be no conflict with policy in this regard. Although the proposed development pulls at odds with Policy 59 of the CLP regarding the removal of trees, the policy overall seeks to ensure external spaces and landscaping are designed as an integral part of development proposals and supports high quality developments. The proposed native planting would be in accordance with other criteria of the policy, and the design overall relates well to the character of the area.
87. I find that the proposal would accord with other placemaking policies of the plan and would enhance the character or appearance of the CA. Furthermore, subject to the imposition of suitably worded conditions, I find no conflict with policies relating to ecology, protected species and sites of biodiversity importance. Development Plan policies can pull at odds, however, when considered in the round, in this case I find the proposal would accord with the Local Plan when read as a whole.
88. The proposal would also have economic, social and environmental benefits. Economic benefits would arise through jobs created as a result of the proposals' construction and within the accompanying supply chains which is of moderate weight. Social benefits would arise due to future occupiers utilising local shops and services, albeit the proposed units would replace the use of other accommodation elsewhere in the city.
89. There would also be environmental benefits through the construction of the blocks to Passivhaus standard and there would also be a benefit as a result of a 51% increase in Biodiversity Net Gain (BNG).
90. The proposal would result in the reuse of previously developed land which is supported by paragraph 120(c) of the Framework, to which I afford substantial weight.
91. Paragraph 11(c) of the Framework indicates that proposals that accord with an up-to-date development plan should be approved without delay. I therefore conclude that the proposal would accord with the development plan and that there are other considerations set out above which also weigh in its favour.
92. For the reasons given above I conclude that the appeal should be allowed.

Philip Mileham

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Emyr Jones
He called

Mr Gary Young BA (Hons) Dip Arch ARB RIBA - Design
Mr Jonathan Durward BSc (Hons) CEnv MCIEEM - Ecology
Mr Mike Spurgeon BSc (Hons) MSc MRTPI - Planning

FOR THE APPELLANT:

Mr Rupert Warren KC
He called

Mr James Turner BSc M. Arch PG Cert – Design
Mr Jack Marshall BA (Hons) DipLA CMLI –Landscape
Mr Will O'Connor MSc BSc CEcol MCIEEM – Ecology
Dr Jon Burgess PhD MA (Arch Con) BPI BA (Hons) Dip Con MRTPI
IHBC – Planning
Mr Dominic Meyrick MSc - Lighting

FOR THE FRIENDS OF PARADISE NATURE RESERVE (RULE 6 PARTY):

Ms Noemi Byrd
She called

Mr Andrew Bryce
Dr Cosmin Ticleanu BSc PhD MSLL

FOR NEWNHAM CROFT PRIMARY SCHOOL (RULE 6 PARTY):

Mr Nicholas Whitehead – Health and Safety Governor
Dr Dani Redhead – Chair of Governors and Parent Governor
Emma Smith – Parent Governor

INTERESTED PERSONS:

Mrs Jean Bevan – South Newnham Neighbourhood Forum
Dr Olwen Williams
Mrs Janine Peterson – Resident
Wendy Blythe – Chair, Federation of Cambridge Residents Associations (FeCRA)
Professor Dr Robert Turner – Resident
Dr Alan James – Chairman, CPRE Cambridgeshire and Peterborough
Ian Rolls – Cambridge Friends of the Earth
Dr Jason Palmer
Mr David Carmona
Professor Tony Booth – Friends of the River Cam

Mrs Vyvyen Brendon
Mr Terry MacAlister - Resident
Mrs Janine Peterson
Ms Sarah Nicholas – Cambridge Past, Present and Future
Mr Bob Jarman

DOCUMENTS

- 1 CD14.12 Appellants opening statement
- 2 CD14.13 LPA opening statement
- 3 CD14.14 Opening Statement Newnham Croft Primary School
- 4 CD14.15 Opening Statement FPNR
- 5 CD14.16A FPNR Andrew Bryce Rebuttal
- 6 CD14.16B Appendix 1 FPNR Andrew Bryce Rebuttal
- 7 CD14.16C Appendix 2 FPNR Andrew Bryce Rebuttal
- 8 CD14.17 PNR Letter From Prof Sir Partha Dasgupta 150923
- 9 CD14.18 Response To GWP Consultants
- 10 CD14.19 Statement Of Common Ground Between Appellant And FPNR 27 September 2023
- 11 CD14.20 Bat Surveys For Professional Ecologists Good Practice Guidelines 4Th Edition
- 12 CD14.21 OCC Open Space Boundary 27092023
- 13 CD14.22 OCC LNR Boundary 27092023
- 14 CD14.23 (00) 002 Proposed Roof Plan Terrace 4
- 15 CD14.24 Statement Of Common Ground Redacted
- 16 CD14.25 Letter Of Support For The Development Redacted
- 17 CD14.26 LPA Draft Condition 34
- 18 CD14.27 LPA Draft Condition 26 28
- 19 CD14.28 FPNR Draft Lighting Condition
- 20 CD14.29 Draft Owlstone Planning Conditions 05.09 With Appellant Amends Following Initial Conditions Session
- 21 CD14.30 Appellant Updated Draft Condition 36
- 22 CD14.31 Owlstone Croft Appellant Closing Submissions 6.10.23
- 23 CD14.32 Owlstone Croft LPA Closing Submissions 6.10.23
- 24 Further written submission Mr David Carmona
- 25 Signed S106 legal agreement

Annex A – Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - Proposed Site Plan (Drawing no. (00) 001)
 - Demolition Site Plan (Drawing no. (00) 020)
 - Proposed Roof Plan (Drawing no. (00) 002)
 - T01 – Ground Floor Plan (Drawing no. (00) 100)
 - T01 – First Floor Plan (Drawing no. (00) 101)
 - T01 – Second Floor Plan (Drawing no. (00) 102)
 - T01 – Roof Plan (Drawing no. (00) 103)
 - T02 – Ground Floor Plan (Drawing no. (00) 110)
 - T02 – First Floor Plan (Drawing no. (00) 111)
 - T02 – Second Floor Plan (Drawing no. (00) 112)
 - T02 – Roof Plan (Drawing no. (00) 113)
 - T03 – Ground Floor Plan (Drawing no. (00) 120)
 - T03 – First Floor Plan (Drawing no. (00) 121)
 - T03 – Second Floor Plan (Drawing no. (00) 122)
 - T03 – Roof Plan (Drawing no. (00) 123)
 - T04 – Ground Floor Plan (Drawing no. (00) 130)
 - T04 – First Floor Plan (Drawing no. (00) 131)
 - T04 – Second Floor Plan (Drawing no. (00) 132)
 - T04 – Roof Plan (Drawing no. (00) 133)
 - Block A Proposed Ground Floor Plan (Drawing no. (00) 150)
 - Block B Proposed Ground Floor Plan (Drawing no. (00) 151)
 - Block A Proposed First Floor Plan (Drawing no. (00) 160)
 - Block B Proposed First Floor Plan (Drawing no. (00) 161)
 - Block A Proposed Second Floor Plan (Drawing no. (00) 170)
 - Block B Proposed Second Floor Plan (Drawing no. (00) 171)
 - Block A Proposed Roof Plan (Drawing no. (00) 190)
 - Block B Proposed Roof Plan (Drawing no. (00) 191)
 - Terrace 01 Elevations (Drawing no. (00) 210)
 - Terrace 02 Elevations (Drawing no. (00) 220)
 - Terrace 03 Elevations (Drawing no. (00) 230)
 - Terrace 04 Elevations (Drawing no. (00) 240)
 - Proposed Elevations Block A (Drawing no. (00) 250)
 - Proposed Elevations Block B (Drawing no. (00) 251)
 - Proposed Elevations – Outbuildings (Drawing no. (00) 252)
 - Proposed Sections – Block A (Drawing no. (00) 350)
 - Proposed Sections – Block B (Drawing no. (00) 351)
 - Location Plan (Drawing no. (EX) 001)
 - Existing Block Plan (Drawing no. (EX) 002)
 - Block A Existing GF Plan (Drawing no. (EX) 150)
 - Block B Existing GF Plan (Drawing no. (EX) 151)
 - Block A Demolition GF Plan (Drawing no. (EX) 152)
 - Block B Demolition GF Plan (Drawing no. (EX) 153)
 - Block A Existing FF Plan (Drawing no. (EX) 160)
 - Block B Existing FF Plan (Drawing no. (EX) 161)
 - Block A Demolition FF Plan (Drawing no. (EX) 162)

- Block B Demolition FF Plan (Drawing no. (EX) 163)
 - Block A Existing SF Plan (Drawing no. (EX) 170)
 - Block B Existing SF Plan (Drawing no. (EX) 171)
 - Block A Demolition SF Plan (Drawing no. (EX) 172)
 - Block B Demolition SF Plan (Drawing no. (EX) 173)
 - Block B Existing TF Plan (Drawing no. (EX) 181)
 - Block B Demolition TF Plan (Drawing no. (EX) 183)
 - Block A Existing Roof Plan (Drawing no. (EX) 190)
 - Block B Existing Roof Plan (Drawing no. (EX) 191)
 - Block A Demolition Roof Plan (Drawing no. (EX) 192)
 - Block B Demolition Roof Plan (Drawing no. (EX) 193)
 - Existing Elevations – Block A (Drawing no. (EX) 250)
 - Existing Elevations – Block B (Drawing no. (EX) 251)
 - Existing Elevations – Outbuildings & Block D (Drawing no. (EX) 252)
 - Demolition Elevations – Block A (Drawing no. (EX) 260)
 - Demolition Elevations – Block B (Drawing no. (EX) 261)
 - Demolition Elevations – Outbuildings & Block D (Drawing no. (EX) 262)
 - Hard Landscape Layout (OCC 003 Rev A)
 - Soft Landscape Layout (OCC 004 Rev A)
 - Verified Views (OCC 006)
 - Green Roof Plan (OCC 008 Rev A)
 - Site Sections (OCC 300)
 - Wetland Sections (OCC 301)
- 3) No development shall commence until a Phasing Strategy has been submitted to and approved in writing by the local planning authority setting out the phases and sub phases of development, and a mechanism for its update as required. Development shall be carried out in accordance with the agreed details.
- 4) No operational plant, machinery or equipment shall be installed for any phase until a noise assessment and any noise insulation/mitigation as required for that phase has been submitted to and approved in writing by the local planning authority following consultation with Newnham Croft Primary School. Any required noise insulation/mitigation shall be carried out as approved and retained as such.
- 5) No construction or demolition work shall be carried out and no plant or power operated machinery operated in connection with construction or demolition shall be carried out 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.
- 6) 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.
- 7) No development (or phase of) (including demolition or piling) shall commence until a demolition/construction noise and vibration impact assessment for that phase of development, has been submitted to and approved in writing by the local planning authority following consultation with Newnham Croft Primary School. The assessment shall be in accordance with the provisions of BS 5228:2009 + A1 2014 Code of Practice for noise and vibration on construction

and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents / Newnham Croft Primary School from noise or vibration. The development shall be carried out in accordance with the approved measures.

- 8) No development (or phase of) shall commence until an Air Quality and Dust Management Plan (AQDMP) has been submitted to and approved in writing by the local planning authority. The AQDMP should include:
- a) Details of consultations with key receptors, particularly Newnham Croft Primary School, held prior to the discharge of the condition;
 - b) site specific mitigation measures to be implemented to minimise dust and emissions upon residential properties and other sensitive receptors including Newnham Croft Primary School during demolition and construction. This should take account of the findings of the construction dust risk assessment presented in the Air Quality Assessment and a baseline assessment of air quality on site. These measures should be in line with current Institute of Air Quality Management (IAQM) best practice;
 - c) site and equipment layout plan, identifying the proximity of sensitive receptors, the location of site entrance / exit, wheel washing facilities, hard standing, and stockpiles;
 - d) details of phasing of demolition and construction works, including timetable. The timetable should restrict all demolition works to school holidays;
 - e) roles and responsibilities in the event of dust episodes or complaints arising;
 - f) the dust monitoring strategy, including type, number and location of monitors and the appropriate exceedance level;
 - g) the approach to be taken should the exceedance level be exceeded.

The AQDMP shall be implemented and monitors retained and maintained on site for the duration of the demolition and construction works.

- 9) If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination. The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.
- 10) No excavated material for the development (or phase of) shall be imported or reused until a Materials Management Plan (MMP) has been 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) 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 during the materials movement, including material importation, reuse placement and removal from and to the development. The local planning authority shall be provided from time to time with copies of such particulars within five working days upon request.

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

- 11) Prior to the use of any PA system serving the Café and Gym of the development, full details of noise control / mitigation measures in order to minimise the level of noise emanating from the said uses shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and retained as such.
- 12) Prior to installation of plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours for the development (or phase of) details of the proposed installations must be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use (in that phase) is commenced and shall be retained as such.
- 13) Prior to the installation of electrical services for the four new accommodation blocks hereby approved, an electric vehicle charge point scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:
 - 1. Five slow electric vehicle charge points with a minimum power rating output of 7kW
 - 2. Additional passive electric vehicle charge provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for four car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required
 - 3. The electric vehicle charge points shall be designed and installed in accordance with BS EN 61851 or as superseded. The electric vehicle charge point scheme as approved shall be fully installed prior to the first occupation of the four new accommodation blocks and maintained and retained thereafter.
- 14) No demolition or construction works shall commence on site until a traffic management plan for that phase has been submitted to and agreed in writing by the Local Planning Authority. The principal areas of concern that should be addressed are:
 - i) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway, Short Lane and the access road)
 - ii) Contractor parking, with all such parking to be within the curtilage of the site where possible
 - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway, Short Lane and the access road where possible.)

- iv) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway, Short Lane and the access road.
- v) The requirements for a banksperson(s)

Details shall also include tracking/swept path analysis of the type of vehicles to be used during construction/demolition and how potential conflict with pedestrian and cyclists using Short Lane/access road can be avoided.

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

- 15) Within the school term times, demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 0930-1430 hours Monday to Friday (as proposed by the outline TMP submitted with the planning application). At all other times (including Saturdays in term times), the restrictions in conditions in 5 and 6 will apply.
- 16) No development (or phase of) above slab level shall commence until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
- 17) No demolition/development (or phase of) shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work for that phase which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a) the statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

- 18) No laying of services, creation of hard surfaces or erection of a building for any phase shall commence until a surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles within the Flood Risk and Drainage Strategy Report prepared by Smith and Wallwork Engineers (ref: 000292-SAW-ZZ-ZZRP C-0001 rev. P04) dated 20/04/2022 and shall include where appropriate:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) 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;
- i) Details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of that phase of development.

- 19) No development (or phase of), including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works for that phase to create buildings or hard surfaces commence.
- 20) Prior to the commencement of the four new accommodation blocks, a detailed hydrological report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide an assessment as to the effects of the development upon groundwater levels and the flow of groundwater locally including its impact on neighbouring properties and land. The hydrological report shall specifically consider and influence the foundation design of the proposal. Should the report demonstrate any significant detrimental impact on groundwater or groundwater flows, it shall propose mitigation to be carried out in accordance with a proposed phased programme of implementation to ensure that there is no exacerbation of flood risk to nearby properties. Any mitigation shall be carried out in accordance with approved report and details of timing.
- 21) The development hereby permitted shall be designed in accordance with the energy and carbon reduction strategy and overall sustainability strategy as set out in the Owlstone Croft, Cambridge, Sustainability Statement and Matrix, Issue 4 (Max Fordham, April 2022). Prior to occupation of the new accommodation blocks, evidence of Passivhaus certification for these blocks shall be submitted to and approved in writing by the local planning authority.

- 22) Prior to occupation of any of the four new accommodation blocks, a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that all new accommodation blocks are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.
- 23) No development (or phase of) shall take place above slab level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of that phase of the development have been submitted to and approved in writing by the local planning authority. The details shall include brick details (including bond and mortar mix and pointing technique); stonework; pre-cast concrete; non-masonry walling systems; render; windows, sills and surrounds; doors and entrances; porches and canopies; roof cladding; external metal work (including new entrance gates), balustrades, rainwater goods, edge junctions and coping details; colours and surface finishes.

Sample panels of the brickwork, stonework, render and roofing materials will be provided and retained on site for the duration of that phase of work.

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

- 24) Prior to works above slab level, details of a hard and soft landscaping scheme for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials including for access roads; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
 - b) details of tree pits, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme; If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
 - c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected (including gaps for hedgehogs)
 - d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

- e) a scheme of advanced planting along the eastern boundary of the application site which shall be completed prior to commencement of works above slab level of the four accommodation blocks.

All proposed underground services will be coordinated with the proposed tree planting.

Unless otherwise stated, the landscaping works shall be completed prior to occupation of the new accommodation blocks, in accordance with the approved details and retained thereafter.

- 25) Prior to construction of the roofs of the four new accommodation blocks, details of the biodiverse green roofs shall be submitted to and approved in writing by the Local Planning Authority. Details of the green biodiverse roofs shall include means of access for maintenance, plans and sections showing the make-up of the sub-base to be used and include the following:

- a) Roofs can/will be biodiverse based with extensive substrate varying in depth from between 80-150mm,
- b) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum (green roofs only),
- c) The biodiverse (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency,
- d) Where solar panels are proposed, biosolar roofs should be incorporated under and in between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation,
- e) A management/maintenance plan approved in writing by the Local Planning Authority.

All works shall be carried out and maintained thereafter in accordance with the approved details.

- 26) Prior to commencement for each phase and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval.

The AMS and TPP will set out measures to apply to consider all phases of construction in relation to the potential impact on trees, and set out the details of tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including site clearance, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

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.

- 27) No occupation of the accommodation blocks shall commence until a Travel Plan, following the principles contained within the Outline Travel Plan April 2022 (PJA), has been 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 sustainable travel arrangements such as public transport, car sharing, cycling and walking how the provisions of the Plan will be monitored for compliance and confirmed with the local planning authority. The Travel Plan shall be implemented and monitored as approved upon the occupation of the development.
- 28) Other than any development/demolition of Blocks A, B and partial demolition of the outbuilding, hereby approved, no other development (including demolition of the existing nursery) shall take place until details of replacement nursery provision with at least equivalent facilities, capacity and accessibility for existing users has been provided and approved in writing by the local planning authority. Details shall also include evidence of the leasing and management arrangements for this replacement facility. No demolition of the nursery facilities and no development of the new accommodation blocks shall take place until the approved replacement facility is operational.
- 29) No development (or phase of) shall commence (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) for that phase has been submitted to and approved in writing by the local planning authority following consultation with Newnham Croft Primary School. The CEcMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices including a lighting scheme) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timings of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be implemented throughout the construction period strictly in accordance with the approved details.

- 30) No development of the four new accommodation blocks shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and

approved in writing by, the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan for a minimum of 30 years with review every five years).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives and BNG percentage of the originally approved scheme. The approved plan will be implemented and delivered in accordance with the approved details.

- 31) Prior to occupation of the four accommodation blocks, a scheme for the provision of integrated bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box numbers, specification, and their location. No accommodation block unit shall be occupied until nest boxes have been provided for that property in accordance with the approved scheme. The scheme shall be retained as such thereafter.
- 32) Prior to the installation of any artificial lighting in any phase, an ecologically sensitive artificial lighting scheme for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the baseline condition of lighting, any existing and proposed internal and external artificial lighting of the site in that phase and an artificial lighting impact assessment with predicted lighting levels. The scheme shall:
 - a) include details (including luminaires, fittings and any shrouds) of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at the site boundaries shall be undertaken.
 - b) not exceed 0.4 lux level (against the submitted and approved baseline) on the vertical plane at agreed locations at the boundary of the LNR and NCPS,
 - c) use top-guided windows to the first and second-floor windows in the southern elevation of Block 4 to minimise light spill when opened.
 - d) set out the monitoring and reporting regime for the lighting scheme.

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details. The scheme shall be retained as such thereafter.

33) No development of the four new accommodation blocks shall commence until a site wide Ecological Design Strategy (EDS), including Biodiversity Net Gain provision, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following where appropriate:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated Objectives
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate, e.g. low nutrient soils, native species of local provenance
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Persons responsible for implementing the works
- h) Details of initial aftercare and long-term maintenance
- i) Details of monitoring and remedial measures
- j) Details for disposal of any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained as such.

34) Notwithstanding the details of the section 106 agreement attached to the development hereby consented, the Student Accommodation Management Plan (as defined in that agreement) shall contain:

- a) the control of the categories of person who may be permitted to Occupy the Student Accommodation (as defined in that agreement) which shall be restricted to Postgraduate Students and any Associated Carers (as defined in that agreement) only;
- b) the management arrangements and controls relating to the logistics and co-ordination of students on first arrival and final departure from the Student Accommodation;
- c) the management arrangements and controls relating to the lighting, noise, disturbance and anti-social behaviour at the Student Accommodation;
- d) the management arrangements and controls relating to the control on any keeping of pets at the Student Accommodation;
- e) the management arrangements and controls of students bringing private vehicles to the Site, and the management arrangements to discourage students (other than disabled users) from bringing private vehicles into the administrative city boundaries of the Council in accordance with the objectives of local plan policy 46e of the Cambridge Local Plan 2018; and
- f) in the event of any breach of the controls the subject matter of (c) to (e) inclusive, the framework for resolution of such breaches.

35) Prior to the commencement of the development full details of a non-translucent fence of not less than 1.8 metres in height above ground to be erected along the full length of northern boundary of the development site with adjoining Newnham Croft Primary School shall be submitted to and approved in writing by the Local Planning Authority. Full details shall include the details of the fence

panels, posts and foundations, including the materials (nature and type) used in their construction and erection, together with any method of fixation. The fence, as approved, shall be erected prior to the commencement of development and shall thereafter be retained for the duration of the construction.

End of Schedule

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**24/04582/FUL – Innisfree 1B South Green Road,
Cambridge, Cambridgeshire, CB3 9JP**

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Newnham

Proposal: Demolition of existing building and erection of a replacement two storey dwelling with a basement and single storey rear wing (Self-Build) at 1B South Green Road.

Applicant: Prof and Mrs Robert and Kate McCorquodale

Presenting officer: Beth Clark

Reason presented to committee: Called in by Cllr Clough and Third-party representations – Recommended by Delegation Panel on the 10th June to be brought to Planning Committee

Member site visit date: TBC

Key issues: 1. Principle of development

2. Impact on Context and Conservation Area

3. Impact on Residential Amenity

4. Heritage Impact

5. Other matters

Recommendation: Approve, subject to conditions

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
6	Consultations
7	Third party representations
8	Member representations
9	Assessment
10	Principle of development
11	Design, layout, scale and landscaping
12	Amenity
13	Heritage assets
14	Trees
15	Biodiversity
16	Water Management and flood risk
17	Highway safety and transport impacts, Car and cycle provision
18	Third party representations
19	Planning balance
20	Recommendation

1. Executive summary

- 1.1 The application seeks the demolition of the existing dwelling and erection of a replacement two-storey dwelling with a basement and single storey rear wing (Self-Build).
- 1.2 The replacement dwelling is of contemporary design with high quality materials, which presents a modern and honest design of its time. The repositioning of the proposal dwelling further from the historic terrace, a ridge height that does not exceed neighbouring dwellings and landscaping proposals mean the scheme would not harm the character and context of the area and identified heritage assets.
- 1.3 The proposal introduces an increase in height and massing compared to the existing dwelling. It is not considered that this would result in unacceptable amenity impacts towards surrounding neighbours and would provide an acceptable level of amenity for future occupiers.

- 1.4 There would be no significant adverse impacts upon the public highway and the proposal would result in a more sustainable development with enhanced landscaping and ecological features.
- 1.5 The proposal would make a positive contribution towards the recognised deficit of self-build housing within the Local Authority.
- 1.6 Officers recommend that the Planning Committee approve the proposed development.

Table 2 Consultee summary

Consultee	Object / No objection / No comment
South Newnham Neighbourhood Forum	Object
Conservation Officer	No Objection
County Highways Development Management	No Objection
Drainage	No Comment
Environmental Health	No Objection
Tree Officer	No Objection
Cadent Gas	No Objection
Third Party Representations (26)	12 – Support 13 - Objection 1 – Neutral
Member Representations (1)	Objection

2. Site description and context

- 2.1 The site comprises a two-storey detached dwelling built around the mid-20th century located towards the front of the plot on South Green Road, Newnham, Cambridge. The surrounding character comprises a row of terraced dwellings built from Gault brick with red brick strong courses, located north of the development site. To the south is the rear gardens and dwellings of Grantchester Meadows. Opposite the principal elevation, west of the side, sit a controlled parked area and beyond that sports ground of St Catherines College.
- 2.2 The application property is within the Newnham Croft conservation area and close by is an Early 20th century Grade II listed gas streetlight (outside Nos. 4/5 South Green Road). The sports ground opposite is a Protected Open Space. The site overall is located in flood zone 1 with parts of the rear garden of the site suffer from low and medium surface water flood risk.

3. The proposal

- 3.1 The application is for the demolition of existing building and erection of a replacement two storey dwelling with a basement and single storey rear wing (Self-Build) at 1B South Green Road.
- 3.2 The application has been amended to address concerns raised by the officer and consultees and further consultations have been carried out as appropriate. The Location Plan was revised to remove the inclusion of South Green Road, Proposed drawings and the Design and Assess statement were updated in January 2025 to ensure level access to the property and identify the boundary treatment, plus bin and bike storage. Further details including a shadow study and daylight/sunlight assessment were requested and supplied in February and March 2025 to demonstrate there would be no adverse impacts to neighbouring dwellings.

4. Relevant site history

Reference	Description	Outcome
C/76/0263	Erection of two storey extension to existing dwelling house - Cambridge	Permitted
C/65/0563	Private dwelling house.	Permitted
C/63/0468	Erection of dwellinghouse.	Permitted
<i>Relevant Neighbour History</i>		
18/0827/FUL	108 Grantchester Meadows - Demolition of a two storey house and construction of a new dwelling	Committee Approval

C/63/0377	1A South Green Road/ 113 Grantchester Meadows - Erection of single storey detached building to provide domestic staff accommodation	Permitted
C/66/0101	1A South Green Road/ 113 Grantchester Meadows - Psychiatric consulting room	Permitted

Table 1 Relevant site history

5. Policy

5.1 National policy

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2019
Circular 11/95 (Conditions, Annex A)
Technical Housing Standards – Nationally Described Space Standard (2015)
Conservation of Habitats and Species Regulations 2017
Environment Act 2021
Equalities Act 2010

5.2 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
Policy 29: Renewable and low carbon energy generation
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 34: Light pollution control
Policy 35: Protection of human health from noise and vibration
Policy 36: Air quality, odour and dust
Policy 50: Residential space standards
Policy 51: Accessible Homes
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Sustainable access
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood plan

South Newnham Neighbourhood Plan (Adopted 2025)

5.4 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

5.5 Other guidance

Greater Cambridge Housing Strategy 2024 to 2029

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste

Cambridgeshire Design Guide For Streets and Public Realm (2007)

Cycle Parking Guide for New Residential Developments (2010)

5.6 Area Guidelines

Newnham Croft Conservation Area Appraisal (2013)

6. Consultations

Conservation Officer - No Objection

6.1 No objection to the demolition of the existing building. From a heritage perspective, the proposed replacement dwelling is modern, presenting an honest design that is of its time. The contrast between the proposed and the existing row of terraces allows for the street scene to be understood as significantly different phases of development. It is considered that the proposal complies with Local and National Policy.

6.2 Conditions: Materials Sample Panel

County Highways Development Management - No Objection

6.3 No significant adverse effect upon the Public Highway should result from this proposal.

Environmental Health (Quality and Growth) - No Objection

6.4 In the interests of amenity, I recommend the standard construction/demolition hours and dust condition. In the event the groundworks require piling, I recommend the piling condition. The design and access statement advises that a ground source heat pump will be installed with the plant located in the basement. This is a sufficiently shielded location to avoid a noise impact assessment.

6.5 Conditions: Construction Hours, Piling, Dust

Sustainable Drainage Officer - No Comment

6.6 No Comments given

Tree Officer - No Objection

6.7 With consideration of the above there are no formal objections to the proposed subject to agreement of more sympathetic management of T5 and a single, suitably located replacement tree to help mitigate the required removals.

6.8 Conditions: AMS and TPP

South Newnham Neighbourhood Forum - Object

6.9 Contrary to policies 55 and 57 of the Cambridge Local Plan (2018) due to the height, size and siting on the plot, representing an overdevelopment. Loss of biodiversity due to increase in built form and impact on available views from neighbouring houses.

6.10 Contrary to South Newnham Neighbourhood Plan (2025) policies SNNP11, SNNP12, SNNP14 and SNNP15. The size, scale, and massing of this development, together with the contrasting nature of the materials, does not protect and enhance the character and setting of the locality, and would (i) negatively affect South Green Road's street scene and (ii) visually dominate 1 South Green Road and 111 Grantchester Meadows to reduce the residential amenity of the occupiers.

6.11 Further objections noted towards the submitted Light analysis report and Carter Jonas supporting statement.

Cadent Gas – No Objection

6.12 Informative recommended.

7. Third party representations

7.1 26 separate representations have been received, with 12 addresses in support, 13 addresses in objection and 1 neutral. To break this down further, a total of 16 comments are in support, 37 comments are in objection, with 1 neutral comment. The reason for the disparity in numbers is due receiving multiple comments from single addresses.

- 7.2 Those in objection have raised the following issues:
- Character, appearance and scale
 - Density and overdevelopment
 - Heritage impacts
 - Residential amenity impact (impacts on daylight, sunlight, privacy, noise and disturbance)
 - Construction impacts
 - Increase traffic
 - Loss of biodiversity
 - Impact on and loss of trees
 - Drainage and structural issues
 - Consultation process
- 7.3 Those in support have given the following reasons:
- Well-designed using high quality materials
 - Appropriate scale and massing
 - Sustainable dwelling
 - Improvement to street scene and wider area
 - Preserving trees and biodiversity improvements
- 7.4 Those raising neutral comments have given the following reasons:
- More weight should be given to comment from those who live closer to the site.
- 7.5 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.
- 8. Member Representations**
- 8.1 Cllr Hugh Clough has made a representation objecting to the application on the following grounds and requests the item be determined at planning committee:
- 8.2 Contrary to Cambridge Local Plan (2018) policies 55, 56, 57, 58, 61 and 71 and South Newnham Neighbourhood Plan (2025) policies SNNP3, SNNP11, SNNP12, SNNP14, SNNP15.
- 8.3 Concerns regarding the source of the overshadowing study and highlighted the extend of objections and local concern as material planning considerations. Further comments relate scale and setting of proposal within the street scene, amenity of residential neighbours, unacceptable levels of

overbearing and overlooking and adverse impacts upon the Conservation Area. Concerns over the accuracy of the submitted Daylight/Sunlight assessment and failure to comply with BRE guidelines.

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

9. Assessment

- 9.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:

- Principle of development
- Design, layout, scale, landscaping
- Amenity
- Heritage assets
- Other

10. Principle of Development

- 10.1 Policy 3 of the Cambridge Local Plan (2018) supports the provision of residential development within the city. The overall development strategy is to focus the majority of new development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.
- 10.2 The proposed development will encompass a replacement dwelling within the Newnham ward of Cambridge. The dwelling meets the definition of a self/custom build house as outlined in the Self-build and Custom Housebuilding Act 2015. There is identified shortfall of self-build housing within the Local Authority, this proposal would make a positive contribution towards to this recognised deficit. A condition will be attached to any planning permission granted which ensures the development complies with the self-build and custom house building definition and help to meet the City's self-build requirements.
- 10.3 In light of the above, the principle of development is acceptable in line with Policy 3 of the Local Plan. It is however necessary to assess the proposals impact on the character and appearance of the area, impact on neighbouring amenity and any other relevant material considerations.

11. Design, layout, scale and landscaping

- 11.1 The proposal comprises a replacement dwelling of contemporary design with dual pitched roof and a ridge height of approximately 8.2m, eaves at approximately 5.5m. The north elevation proposes a two-storey, flat roof, outrigger of a height of 5.5m, matching the eaves of the main body of the dwelling. A stepped-down, single storey outrigger extends to the rear of the dwelling and along southern boundary and features a flat green-roof. A basement is proposed under the main living areas of the dwelling. It is worth noting that the current dwelling already standouts out as an anomaly within the street-scene and does not contribute positively to the setting and character of South Newnham and is identified in the Newnham Croft Conservation Area Appraisal as a detached modern house. A number of third-party representations have been received in both objection and support of the design, scale and materials of the proposed dwelling.
- 11.2 The proposed dwelling is located approximately 1m further away from the northern boundary in the plot and would be 2m taller than the ridge height of the existing dwelling. The overall height has been sensitively designed to be lower than the neighbouring row of terraced dwellings. The development features a street-facing, first-floor 'overhang' gable end, which is in line with the bay windows of the adjacent terrace dwellings and prevailing building line. Examples of front facing gables in the wider context of the site can be seen on dwellings down Millington Lane and Grantchester Meadows, plus the annexe known as 1a South Green Road. Whilst there are not many examples within South Green Road of this, the existing plot is not experienced as an extension of the Edwardian terraced dwellings that it is adjacent to and no harm arises from a design that emphasises this distinction. Furthermore, the existing dwelling does not contribute positively to the street-scene and this proposal results in an improvement upon this.
- 11.3 The footprint and massing of the proposed dwelling is larger than existing, however the majority of the two-storey bulk is contained at the front of the plot and does not extend further than the building line of neighbouring dwellings. The exception to this is the single storey outrigger which extends into the rear garden. This is not considered to result in an unacceptable scale or bulk, does not overwhelm the wider context and is proportionate to the size of the development site, retaining sufficient external amenity space for future occupiers. This complies with Cambridge Local Plan (2018) policies 55, 56 and 57 and South Newnham Neighbourhood Plan (2015) policy SNNP11.
- 11.4 Policy SNNP11 highlights that building materials should complement existing materials on the same building or adjoining properties and draw on

the prevailing materials palette. Materials proposed include a mixture of high-quality Petersen bricks for the ground floor and the two-storey outrigger element of the dwelling, Petersen hung tiles for the first-floor gable walls and roof, with the rear single-storey outrigger clad in zinc. Although contemporary in their appearance, the colour palette of the materials reflects what can be seen in the surrounding dwellings. Whilst Zinc would introduce a new material, views would be very limited from the public realm as it would only be applied to the internal face of the single-storey rear outrigger and would preserve the character of the area. The proposal is considered to comply with policy and to ensure the proposal does not detract from the character and context of the area a materials condition will be added to any permission granted.

- 11.5 Windows in the development will be triple-glazed and most have been designed to echo the placement seen at the neighbouring terraced properties. One of the first-floor windows to the front of the dwelling is of a larger scale, however the proportions of this window are considered to be in keeping with the proposed contemporary design and of a scale that is appropriate for the modern dwelling. The proposal would therefore not conflict with Cambridge Local Plan (2018) policies 55 and 57 and South Newnham Neighbourhood Plan (2015) policy SNNP11.
- 11.6 Landscape proposals demonstrate green roofs atop the two-story flat roof on the north elevation and the single-storey rear outrigger. Replacement tree planting and areas of hardstanding are proposed to the rear of the site. Soft and hard landscaping is planned for the front of the site. The proposed single-storey outrigger sits along the rear garden boundary of no.111 Grantchester Meadows. Details of boundary treatments, green roofs and all landscaping for the site will be requested through suitably worded conditions, which will ensure the provision, establishment and maintenance of a reasonable standard of landscaping and ensure appropriate boundary treatments and green roofs are implemented in the interests of biodiversity, visual amenity and privacy. This complies with Cambridge Local Plan (2018) policies 55, 57 and 59 and South Newnham Neighbourhood Plan (2015) policies SNNP11, SNNP14 and SNNP15.
- 11.7 The building proposes an array of photovoltaic panels on the south facing roof and a ground-source heat pump. Environmental health consultees have raised no objection to the siting of the ground source heat pump plant within the basement, which is a sufficiently shielded location to avoid any noise implications. A Condition will be attached to any permission granted requesting a Carbon Reduction and Water Efficiency Statement, in the interest of reducing carbon dioxide emissions and to ensure the development does not give rise to unacceptable pollution and to make

efficient use of water. The applicants have suitably addressed the issue of sustainability and renewable energy and subject to conditions the proposal is compliant with policies 28 and 29 of the Local Plan, South Newnham Neighbourhood Plan (2015) policy SNNP9 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

11.8 The proposed development has been found acceptable in terms of its impact on the character of the area and residential amenity, as set out above. However, given the small-scale nature of the site, officers consider it reasonable and necessary to remove permitted development rights under Schedule 2, Part 1, Classes A, B and E of the General Permitted Development Order. Without such restrictions extensions, dormer windows and outbuildings could be added to the plot without formal planning consent, which may give rise to greater impacts on the character of the area and amenity of neighbouring properties, beyond what has been considered under this present application.

11.9 Overall, the proposed development is a high-quality and sustainable design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant the Local Plan policies 28, 55, 56, 57 and 59 of the Local Plan and the NPPF 135 and the South Newnham Neighbourhood Plan (2025).

12. Amenity

12.1 Officers recognise there would an increase in built form experienced by surrounding neighbouring properties. The impact upon individual properties that are closest to the development site will be assessed below. Site visits were conducted to the development site and relevant surrounding neighbours.

12.2 Given the suburban location, properties are in relative proximity to each other. Two of the three windows in the south elevation are obscurely glazed, a condition will be added to ensure these remain as such. The window situated towards the front of the south elevation overlooks a garage associated with no. 111 Grantchester Meadows, and an outbuilding associated with no. 113 Grantchester Meadows. Windows in the side-facing north elevation serve a stairwell or are at single-storey height. In the projecting gable frontage, there is a wraparound window which only affords views north along South Green Road but would not look upon any neighbouring sites. Overall, the proposed dwelling would not result in any overlooking impacts from the side elevations due to the position of windows and separation distance between the south elevation and neighbouring properties along Grantchester Meadows (approximately 30m). Windows to the front and rear of the dwelling would not afford any additional views that are not already in existence.

- 12.3 The Council's Environmental Health Team have assessed the application and recommended conditions relating to construction/demolition hours and the control of dust. In the event the groundworks require piling, a piling condition has been recommended. This will be applied to any planning permission granted to mitigate against residential amenity impacts that may rise from the construction phase of development.
- 12.4 Concerns have been raised regarding the authenticity and accuracy of the Daylight/Sunlight assessment. No conclusive evidence has been put to the Council to demonstrate that the information contained within this document is incorrect. The council are therefore dutybound to determine the application in line with the assessment and BRE guidance contained within this document. The document is going to be discussed further in this report.

Neighbouring properties

- 12.5 Impact on No. 1 South Green Road.
- 12.6 Concerns have been raised regarding loss of light, overlooking and overbearing impacts towards the neighbouring property to the north of the site, No. 1 South Green Road. A Daylight/Sunlight assessment has been conducted and submitted which demonstrates that all windows, except one, pass the BRE criteria. The window which does not pass the criteria is a ground-floor, side-facing window, which looks out upon the development site and is identified as window no.5 within the report. This window serves a kitchen area and is recessed, featuring the brick wall of the dwelling and a conservatory side extension on either side. Following a site visit, officers confirmed that the present outlook of this window is upon the boundary fence and blank side elevation of the existing rear extension of the development site and as such there is already an element of enclosure and lack of light to this window and external amenity area. Furthermore, the window which is predicted to receive a reduction of Vertical Sky Component and Winter Probable Sunlight Hours is an additional window serving the kitchen. The room primarily receives light through the large windows/doors to the rear of the property and additionally from the conservatory extension, which features glazed walls and a polycarbonate roof. A sufficient amount of light and daylight is able to enter the kitchen through the identified existing windows (no.6 and no.7 in the report) and therefore would not be detrimentally impacted by the proposed development. This is confirmed within the Daylight and Sunlight assessment, which additionally concludes that the Annual Probably Sunlight Hours received is sufficient to pass the BRE criteria. In terms of the amenity area immediately adjacent to window no. 5, the Daylight/Sunlight study indicates this would be improved through development of the proposal. This is primarily as a result of the proposed development being located 1m further south from the shared boundary with

no. 1 South Green Road, allowing for sunlight to reach areas along the boundary for longer periods of time than is currently available.

- 12.7 Officers conclude that given the current outlook and feeling of enclosure already experienced at window no.5, the reduction in daylight to this window as a result of the proposed development, would not cause a significant level of harm to the amenity of occupiers at no.1 South Green Road. When coupled with the assessment that there is an overall improvement to sunlight across the site and all other windows at no. 1 South Green Lane meet BRE guidance criteria, this would not result in a refusal of the proposed scheme.
- 12.8 Impacts on No's 111 and 109 Grantchester Meadows.
- 12.9 Objections have been received regarding the impacts upon these aforementioned dwellings which lie south and perpendicular of the development site. Officers site visit identified that the gardens serving these properties are located at a lower level than the development site.
- 12.10 The garden of no. 111 Grantchester Meadows is L-shaped and shares its whole rear boundary, appropriately 28m, with the development site. Officers acknowledge that there would be an increase in built form along this boundary, however the majority of this will be single-storey in height and officers seek to minimise the impact of this development by conditioning soft landscaping and boundary treatment details. It is worth noting that the garden is due south of the development site and therefore no impacts upon daylight and sunlight would be experienced by neighbouring occupiers, which is confirmed within the submitted survey.
- 12.11 The garden is approximately 26m in length between the rear of the dwelling and shared boundary. There is an incidental building in the garden, located approximately halfway between the dwelling and rear boundary. Given the separation distance between the rear boundary (26m) and the incidental outbuilding (approximately 10m) and the main dwelling, Officers conclude that the proposed development would not result in harmful amenity impacts towards no. 111 Grantchester Meadows.
- 12.12 The proposed development would primarily affect approximately half the rear boundary of property no. 109 Grantchester Meadows. As above, the development along this boundary will be single-storey in height and whilst the garden appears to be slightly lower than the development site, the experienced impact of this proposal along the boundary would be minimal. Therefore, the proposal is considered to not result in overbearing impacts and there would be no loss of light towards the neighbouring occupiers of no. 109 Grantchester Meadows.

- 12.13 In conclusion, given the adjacent context, location, size, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts. The proposal is therefore compliant with policies 35, 50 and 57 of the Local Plan and South Newnham Neighbourhood Plan (2015) policy SNNP12 (subject to condition(s) as appropriate).

Future occupants

- 12.14 The gross internal floor space measurements for units in this application well exceed the policy requirement for internal space standards.
- 12.15 Officers requested an amendment to the proposals to ensure it would comply Building Regulations requirement part M4(2). Notwithstanding the revised plans submitted which demonstrate level access, officers consider it pertinent to condition the building to be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations.
- 12.16 The development would comply with the requirements of Part M4(2) of the Building Regulations and would therefore comply with policy 51 of the Local Plan (2018). A condition shall be added to ensure that the proposal is built to the Part M4(2) requirements.

13. Heritage assets

- 13.1 The application falls with the Newnham Croft Conservation Area.
- 13.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 13.3 Para. 212 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'

- 13.4 Policy 61 of the Cambridge Local Plan (2018) aligns with the statutory provisions and NPPF advice.
- 13.5 The council's conservation officer has been consulted upon the application and explains that there is minimal historic or architectural interest to the existing building itself, and therefore there is no objection to the demolition of the existing dwelling as part of this application.
- 13.6 The Conservation Officer goes on to say that the proposed replacement dwelling is modern, presenting an honest design that is of its time. The contrast between the proposed and the existing row of terraces allows for the street scene to be understood as significantly different phases of development whilst having subtle reflections in the material selection. As noted in paragraph 11.4, the proposed materials will be subject to condition.
- 13.7 The Conservation Officer has advised that regarding the scale and height of the proposed, it has been considered and reduced to ensure the ridge height does not exceed that of the row of terraces along South Green Road, allowing for the historic terracing to remain as the more prominent feature along the street. Although the footprint of the building has largely increased, visibility of the rear of the proposed (from the public realm in the conservation area) will be minimal due to screening from mature trees and vegetation, as well as intervening development from Grantchester Meadows. In addition, the footprint has moved further south than the existing building, allowing a more prominent spacing between the proposed development and the historic terracing.
- 13.8 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 (2024), policy 61 of the Local Plan (2018) and policy SNNP11 of the South Newnham Neighbourhood Plan (2015).

14. Trees

- 14.1 The application is accompanied by an Arboricultural Impact Assessment outline the management and removal of a selection of trees within the rear garden. The council's trees officer has commented on the application and explains that considering the information submitted, there are no formal objections to the proposed development, subject to an agreement of more sympathetic management of T5 and a single, suitably located replacement tree to help mitigate the required removals. An AMS and TTP will be requested via condition to ensure suitable management of existing and proposed trees on site.

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

15. Biodiversity

- 15.1 A The application has been discussed with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species. These include a compliance condition for the submitted PEA, scheme of ecological enhancement and baseline BNG metric, plus an ecologically sensitive lighting scheme to minimise the effects of light pollution on the surrounding area. The dwelling is noted as self-build and therefore mandatory 10% biodiversity net gain is not required. The applicants will be required to deliver an ecological enhancement to comply with local plan policy 70.
- 15.2 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development complies with policies 34 and 70 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021.

16. Water management and flood risk

- 16.1 The site is in Flood Zone 1 and is at low risk of flooding from surface water. The applicants have submitted a Flood Risk Assessment which advises flood mitigation measures for the basement. The Design and Access statement explains that surface water run-off from roofs will be piped to soakaways and the use of rainwater harvesting and permeable paving is proposed. Foul water is to be utilised via the existing connection in South Green Road.
- 16.2 The Council's Drainage officer has been consulted upon the application, but did not comment. Further details on the provision and implementation of surface and foul water systems shall be acquired via condition to ensure appropriate surface water drainage, prevent the increased risk of flooding, reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage.
- 16.3 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with policies 31 and 32 of the Local Plan and NPPF advice.

17. Highway safety and transport impacts, Car and cycle provision

- 17.1 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority who raise no objection to the proposal and conclude that there would be no significant adverse effect upon the Public Highway. Due to the nature of the access road, known as South Green Road, although there is no significant impact upon the public highway there is potential conflict between users of this private road during the construction phase. Due to the nature of the site, with no parking easily available, it is considered appropriate to request a Traffic Management Plan to ensure highway safety will be maintained during the course of development. The proposal accords with the objectives of Policy 80 and 81 of the Local Plan and is compliant with NPPF advice.
- 17.2 Cycle parking is proposed within a secure recess located in the north elevation, perpendicular to the front of the dwelling. This storage area will be shared with bins. It is considered the location of these responds positively to the street scene, is readily accessible and appropriately located for refuse collection. The proposed cycle parking and refuse arrangements are complaint with policy 57 of the Local Plan (2018) and South Newnham Neighbourhood Plan (2015) policy SNNP15.
- 17.3 There are no proposed changes to the existing car parking arrangement on South Green Road, which operates a privately managed permit scheme for residents. Car parking spaces are located opposite dwellings, across the road and adjacent to Cambridge University college sports ground. The proposal is considered to accord with policy 82 of the Local Plan.
- 17.4 The car parking spaces are not designated to specific addresses and is privately managed. It would not be reasonable or proportionate to require an EV charging point for this development, given the minor scale of development and that it would be located outside of land controlled by the applicant.

Summary

18. Third party representations

- 18.1 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
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Consultation Process	Concerns were raised regarding the location of the site notice and the consultation period being at an inconvenient time for residents. The site notice was erected in a conveniently public place along Grantchester Meadows that is within close distance to the application site. The location of the site notice and timing of the application submission and subsequent consultation period complies with the Development Management Procedure Order and statutory consultation duties were fulfilled.
Third-party Responses	The location or addresses of third-party comments bears no significance on the weighting of the subject matter and material considerations raised within each representation.
Carter Jonas Planning Assessment	A supplementary planning assessment was independently sought by the applicants and requested to be uploaded. The document is noted and Third-party comments in response to the document are also noted. The document raises no additional material planning considerations and does not change the officer's assessment.
Right to light	A right to light is a civil matter between different landowners and a planning permission would not interfere with a right of light. The local planning authority has no jurisdiction in checking or enforcing a right to light. This is not a material planning consideration.
Party walls	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.
Building control	Concerns have been raised regarding the building works. A planning permission does not override the requirement for Building Regulations to be obtained which help ensure works are safe, structurally sound, water and fire protected.
Ownership	Concerns were raised regarding and incorrect red-line plan and ownership certificates. A new red line was submitted in January 2025 and full consultation was conducted. No conclusive evidence has been put to the Council to demonstrate that the applicant does not own all the land within the application site. The applicant(s) have confirmed that the correct certificate of ownership has been served.

Table 2 Officer response to third party representations

19. Planning balance

- 19.1 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).
- 19.2 Officers consider that the proposal would not cause harm to the character and appearance of the area or the identified heritage asset. There would be a minor impact to one window of a neighbouring property, however this is not considered to be significantly harmful to withhold a planning permission.

There are no other identified harmful impacts towards neighbouring or future occupiers. The proposal would not result in any highways safety implications and would provide a sustainable self-build dwelling that would make a positive contribution towards the recognised deficit within the Local Authority.

- 19.3 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, Cambridge Local Plan (2018) and South Newnham Neighbourhood Plan (2025), the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

20. Recommendation

- 20.1 **Approve** subject to:

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

21. Planning conditions

Conditions:

1. Time Limit

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

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

2. Approved Plans

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

Plans to be listed:

353-PA-01 LOCATION PLAN REVISED 15th January 2025

353-PA-08-REVA PROPOSED NORTH SOUTH ELEVATION 14th February 2025

353-PA-09-REVA PROPOSED EAST WEST ELEVATION 14th February 2025

353-PA-06 REVA SECTION 1 14th February 2025

353-PA-07-REVA SECTION 2 14th February 2025

353-PA-02 PROPOSED BLOCK PLAN 6th December 2024

353-PA-03 PROPOSED BASEMENT PLAN 6th December 2024

353-PA-05 PROPOSED FIRST FLOOR PLAN 6th December 2024

353-PA-04-REVA PROPOSED GROUND FLOOR PLAN 14th February 2025

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

3. Self-build

Each residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and shall comply with the following:

i.) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years; and

ii.) The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation

Reason: To ensure the development complies with the self-build and custom house building definition and help to meet the City's self-build requirements, in accordance with Paragraph 63 of the National Planning Policy Framework 2023.

4. Materials and Sample Panel

No development shall take place above ground level, other than demolition, until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. No brick or stonework above ground level shall commence until a sample panel has been prepared on site detailing the bond, mortar mix, design and pointing technique. 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 and to avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2018 policies 55, 57 and 61).

5. Part M4(2)

Notwithstanding the approved plans, the building 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).

6. Surface and Foul

No development, other than demolition, shall commence until a scheme for the provision and implementation of surface water drainage and the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation program agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate surface water drainage and prevent the increased risk of flooding (Cambridge Local Plan 2018 policies 31 and 32).

7. Dust

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

The development shall be implemented in accordance with the approved scheme.

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

8. Hours

No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

9. Collections

There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

10. Piling

In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

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

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

11. Traffic Management Plan

No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority.

The principal areas of concern that should be addressed are:

- i) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway)
- ii) Contractor parking, with all such parking to be within the curtilage of the site where possible
- iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.)
- iv) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

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

Reason: To ensure that before development commences, highway safety will be maintained during the course of development. (Cambridge Local Plan 2018 Policy 81).

12. Landscape

No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Cambridge Local Plan 2018 Policies 55, 57 and 59).

13. Boundary

No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of biodiversity, visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57, 59 and 70).

14. GPDO removal Class E

Notwithstanding the provisions of Schedule 2, Part 1, Class 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 provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 50, 55, 56 and 57)

15. GPDO removal Class B

Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 50, 55, 56 and 57)

16. GPDO removal Class A

Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity (Cambridge Local Plan 2018 policies 50, 55, 56 and 57).

17. Sustainability

No dwelling shall be occupied until a Carbon Reduction and Water Efficiency Statement, setting out how the proposals meet the requirement for all new dwelling units to achieve reductions as required by the 2021 edition of Part L of the Building Regulations has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate how this requirement will be met following the energy hierarchy of Be Lean, Be Clean and Be Green. Where on-site renewable, low carbon technologies and water efficiency measures are proposed, the Statement shall include:

- a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design;
- b) Details of any mitigation measures required to maintain amenity and prevent nuisance;
- c) Details of water efficiency measures to achieve a design standard of water use of no more than 110 litres/person/day.

The approved measures shall be fully implemented prior to the occupation of

any approved dwelling(s) or in accordance with a phasing plan otherwise agreed in writing by the local planning authority.

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

18. Trees

Prior to commencement of development, including demolition, and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and agreed in writing by the local planning authority before any tree works are carried out and before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition).

In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design (allowing for tree root growth and accounting for heave and subsidence), storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

The development shall be carried out fully in accordance with the approved AMS and TPP.

Reason: To ensure that trees to be retained will be protected from damage during any construction activity, including demolition (Cambridge Local Plan 2018 Policy 71 and Section 197 of the Town and Country Planning Act 1990).

19. Ecological mitigation compliance

Prior to the occupation of the development, the ecological mitigation shall be carried out in full in accordance with the details contained in the submitted Preliminary Ecological Appraisal (Iceni Ecology Ltd. July 2024) The ecological measures shall thereafter be retained for the lifetime of the development.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policies 57, 59 and 70)

20. Ecologically sensitive lighting scheme

No external lighting shall be installed unless an ecological lighting scheme has been first submitted to and approved in writing by the local planning authority. The lighting scheme shall be installed and maintained in accordance with the approved details.

Reason: To minimise the effects of light pollution on the surrounding area and conserve the nature of the city wildlife site (Cambridge Local Plan 2018 policies 34, 59 and 70).

21. Biodiversity Enhancement

Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The approved scheme shall be fully implemented within the agreed timescale following the substantial completion of the development unless, for reasons including viability or deliverability, it is otherwise agreed in writing by the local planning authority.

Reason: To conserve and enhance ecological interests in accordance with Cambridge Local Plan policies 57, 59 and 70 and the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022).

22. Green Roof

Notwithstanding the approved plans, the flat roof(s) of the development 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 mm thick.
- b) Provided 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 approved development 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

23. Obscure Glazing

As identified in drawing no. drawing 353-PA-08-REVA, two of the first floor windows in the south elevation of the development shall, apart from any top hung vent, be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3) or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55 and 57).

Informatives:

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2. To satisfy and discharge Environmental Health recommended conditions (including those related to construction / demolition, operational artificial lighting, contaminated land, noise / sound, air quality (including Electric Vehicle Charging) and odours / fumes / smoke, any impact assessment and mitigation as required, should be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, (2020). Due regard should also be given to relevant and current up to date Government / national and industry British Standards, Codes of Practice and best practice technical guidance.

3. The dust management plan should reference and have regard to various national and industry best practical technical guidance such as:

- Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)
- Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)

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25/00516/FUL – The Varsity Hotel and Spa, 24 Thompsons Lane Cambridge CB5 8AQ

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Market

Proposal: Construction of a pergola with retractable canopy and associated works.

Applicant: Mr Will Davies

Presenting officer: Charlotte Peet

Reason presented to committee: Called in by Cllr Mark Ashton - Recommended by Delegation Panel on the 10th June to be brought to Planning Committee

Member site visit date: N/A

Key issues:

1. Principle of Development
2. Heritage Impacts
3. Character and Appearance
4. Residential Amenity
5. Highway Safety
6. Other Matters

Recommendation: **REFUSE** the application.

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
6	Consultations
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8	Member Representations
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14	Heritage assets
15	Biodiversity
16	Highway safety and transport
17	Amenity
18	Other matters
19	Planning balance
20	Recommendation

Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks planning permission for the construction of a pergola with retractable canopy and associated works.
- 1.2 This application has been amended from previous attempts by stepping the structure in from the edges of the building and replacing the glass sides with vinyl to reduce the vertical supports in the structure. Officers suggest that these amendments do not overcome the reasons for refusal, the proposal would continue to result in an incongruous extension to an already prominent building and would therefore fail to positively respond to its surroundings, and would be harmful to the skyline and surrounding heritage assets.
- 1.3 The application follows four previous applications for a similar canopy structure on the rooftop which have been refused both by Members of the Planning Committee (ref. 22/00778/FUL; 23/01137/FUL; 24/01408/FUL) and by Officers under delegated powers (ref. 24/00488/FUL). This application was considered at an hearing and was dismissed the reasons for refusal relating to harm to the skyline and heritage assets were upheld by the Planning Inspector.
- 1.4 This application does not overcome the reasons for the refusal, the report details that the proposal would continue to be an incongruous, dominating

extension to the rooftop that would detrimentally impact the historic skyline of Cambridge from several key views (including Jesus Green and Magdalene Bridge) due to its appearance, form, mass, bulk, scale and illumination.

- 1.5 In addition, it would result in less-than-substantial harm to several heritage assets including the Central Conservation Area, Grade I and Grade II listed buildings and buildings of local interest as it would result in modern, alien intervention towering above the special, historic landscape with this part of the historic core. The special attention and significant weight that should be paid to any harm is specified within the NPPF (2024) and Planning (LBCA) Act (1990) as detailed in the body of the report. Similar to the findings of the Planning Inspector from the recent planning appeal, officers are of the view that the proposal is considered to be void of significant public benefits that would overcome the harm outlined.
- 1.6 Officers recommend that the Planning Committee **REFUSE** the application.

Consultee	Object / No objection / No comment	Paragraph Reference
Cambridge City Airport	No objection. Recommend crane informative.	18.1
Ministry of Defence	No objection.	18.1
Historic England	The proposed canopy structure would add height and bulk to the existing building by way of a roof structure that is alien to its immediate context in terms of its architectural form, profile and materials. We consider that this would make an already over-scaled building appear even more unduly prominent within the conservation area and setting of other nearby heritage assets.	14.15

Conservation Officer	<p>Objection.</p> <p>The proposal results in a stark skeletal metal structure at high level which would by virtue of its height, form and materiality be intrusive and negatively impact the settings of listed buildings, Conservation Area especially when viewed from Magdalene College, Jesus Green and the River setting.</p> <p>The building would dominate BLI terrace streets.</p> <p>The structure would be incongruous with the towers and spires of the central core area.</p>	14.12-14.19
County Highways Development Management	No objection.	16.3-16.4
Urban Design Officer	<p>Objection.</p> <p>Support for the previous proposal was based on its ability to create a more visually cohesive structure and mitigate the horizontal emphasis on the upper floors.</p> <p>The pergola appears as a bolt-on addition to the roofscape that either aligns with the building's architectural rhythm nor introduces a more vertical, articulated form.</p> <p>Furthermore, the existing roof terrace balustrade—previously considered a weak termination to the building—has been retained, further undermining the overall design.</p>	13.35

Third Party Representations (6)	Comments have been submitted in both support and objection, these will be outlined below and covered within the relevant sections of the report.	(see report)
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Table 2 Consultee summary

2. Site description and context

- 2.1 The Varsity Hotel is a seven-storey building used as a hotel and restaurant within the city centre. The Glassworks gym occupy the converted warehouse which adjoins the application site to the north.
- 2.2 To the north west of the site, are two-storey residential dwellings that sit in terrace rows between the site and the edge of Jesus Green. These buildings are generally either buildings of local interest or grade II listed are have a low scale, finely detailed and uniform appearance.
- 2.3 To the southwest, the quayside and River Cam is located. The quayside comprises modern buildings, however the brick frontages and uniform grid windows help to integrate these with the historic surroundings. It is noted in the Conservation Area appraisal that the Varsity Hotel already rises above the roofscape of this buildings, having a negative impact on the city skyline. It is also visible from the River Cam itself, and therefore any changes have the potential to impact on the setting of this.
- 2.4 The proposal is located with the historic core of the city, it is a highly visible site from several key routes and views into this area such as along Magdalene Street and Jesus Green. Within this part of the Conservation Area, there are several highly significant listed buildings, such as those at Magdalene College (Grade I and Grade II). Due to the height of the proposal, it would also be visible in the context of buildings across the Conservation Area such as listed buildings at St Johns. The full context of the heritage assets will be given in more detail in the heritage section of the report.

3. The proposal

- 3.1 The proposal seeks permission for the construction of a pergola with retractable canopy and associated works.
- 3.2 The proposal seeks to install a metal framed pergola structure above the existing rooftop. The structure would be framed in PPC aluminium posts, and would contain retractable fabric within the roof and retractable vinyl

within the sides. The proposal is stepped away from the edges of the roof by approx. 1.5-2 metres around the east, south and west sides of the building, and so the balustrade would remain in place to define this boundary. The existing hotel has a height of approximately 21 metres, with the balustrade an additional 1 metre above this. The proposal would increase the height of the hotel, the metal structure would have a height of 2.97 metres.

- 3.3 This application follows four previous applications for a similar proposal, the majority of these were heard and refused by Members of the Planning Committee. The site history will be outlined in full below.

4. Relevant site history

Reference	Description	Committee Date	Outcome
22/00778/FUL	Installation of a new all weather lightweight retractable roof canopy and associated works	02.11.2022	REFSUED (appeal dismissed)
23/01137/FUL	Installation of a new all weather lightweight retractable roof canopy and associated works	05.07.2023	REFUSED
24/01408/FUL	All Weather Retractable Roof Canopy with Living Meadow Walls and Associated Works	07.08.2024	REFUSED
24/00488/FUL	Installation of a new all-weather lightweight retractable roof canopy and associated works.	Delegated	REFUSED (appeal dismissed)

Table 2 Relevant site history

- 4.1 The proposal to create an extension to the rooftop in the form of exoskeletal structure has been well-considered through four separate applications, three of these were considered and refused at Planning Committee and two were dismissed at an appeal.
- 4.2 The most recent appeal decision was given following a hearing which was dismissed only last month (appeal decision date: 20th May 2025). The appeal decision can be found at appendix 2 of the report.
- 4.3 The proposal has been altered slightly throughout these applications, however they have largely remained the same in principle, which include the proposal to enclose the rooftop through a metal frame structure. The first application had a pitched roof form, the second and fourth applications were largely the same and the third had an amended design to attempt to better connect the frame to the existing hotel. The third application remained the shape of the frame, however added living walls.

- 4.4 All applications were considered to have a harmful impact on heritage assets and the skyline of Cambridge, and the public benefits proposed were not considered to outweigh this. As members will be reminded of in the report, previous decisions can form material considerations in a planning decision and therefore Officers advise that these should be given significant weight in the decision-making process.

5. Policy

5.1 National policy

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2019
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)
Technical Housing Standards – Nationally Described Space Standard (2015)
EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020
Conservation of Habitats and Species Regulations 2017
Environment Act 2021
ODPM Circular 06/2005 – Protected Species
Equalities Act 2010

5.2 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development
Policy 2: Spatial strategy for the location of employment development
Policy 7: The River Cam
Policy 10: The City Centre
Policy 34: Light pollution control
Policy 35: Protection of human health from noise and vibration
Policy 37: Airport Safeguarding
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 60: Tall buildings and the skyline in Cambridge
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 62: Local heritage assets
Policy 70: Protection of priority species and habitats
Policy 77: Development and expansion of visitor accommodation
Policy 79: Visitor attractions
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

5.4 Area Guidelines

Cambridge Historic Core Conservation Area Appraisal (2015)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

Conservation Officer - Object

- 6.1 The proposal results in a stark skeletal metal structure at high level which would by virtue of its height, form and materiality be intrusive and negatively impact the settings of listed buildings, Conservation Area especially when viewed from Magdalene College, Jesus Green and the River setting.
- 6.2 The building would dominate BLI terrace streets. The structure would be incongruous with the towers and spires of the central core area.
- 6.3 There would be significant harm to the setting of the LB Listed buildings and the character and appearance of the central Conservation Area. This would be “less than substantial harm” in NPPF terms.

Historic England - Object

- 6.4 The proposed canopy structure would add height and bulk to the existing building by way of a roof structure that is alien to its immediate context in terms of its architectural form, profile and materials. We consider that this would make an already over-scaled building appear even more unduly prominent within the conservation area and setting of other nearby heritage assets.

Ministry of Defence - No Objection

6.5 No objection.

Cambridge Airport - No Objection

6.6 No objection.

6.7 Recommend crane informative.

Urban Design Officer - Objection

6.8 Support for the previous proposal was based on its ability to create a more visually cohesive structure and mitigate the horizontal emphasis on the upper floors.

6.9 The pergola appears as a bolt-on addition to the roofscape that either aligns with the building's architectural rhythm nor introduces a more vertical, articulated form.

6.10 Furthermore, the existing roof terrace balustrade—previously considered a weak termination to the building—has been retained, further undermining the overall design.

County Highways Development Management - No Objection

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

7. Third party representations

7.1 Seven representations have been received, 2 in support, 5 in objection.

7.2 Those in objection have raised the following issues:

- Does not overcome previous objections
- Step in does not reduce height, scale, bulk, appearance and lighting
- Conflict with policies 60, 61 and 62 of Cambridge Local Plan (2018)
- Height harmful to views of historic centre
- Harm to historic environment including Magdelene College
- Appeal Inspector gives detailed analysis of impact to heritage, this assessment is a strong material consideration
- Impact to the skyline

7.3 Those in support have given the following reasons:

- Pergola compliments existing design of building, materials are appropriate
- Pergola discrete and would not look out of place
- Setting back and tapering helps ameliorate views
- Roof covering will provide shade
- Result in permanent jobs
- Make Varsity unique differentiator to improve business and leisure offering

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

8. Member Representations

8.1 Cllr Ashton requests the applications be heard at Planning Committee as previous applications have generated public support and should be given opportunity to speak.

9. Local Groups / Petition

9.1 Cambridge Past, Present and Future has objected to the application on the following matters:

- The proposal would compete with the historic spires I the skyline due to height and uncharacteristic form
- The proposal would result in harm to heritage assets including Conservation Area, listed buildings and buildings of local interest as detailed in the appeal statement of case, Conservation comments and case reports.
- The visualisations highlight harm, particularly from Jesus Gren and Magdalene Bridge, especially given illumination
- The amendment to step the proposal in does not reduce height, scale, bulk, appearance and lighting
- The listed buildings are of the highest significance and should be given great weight in the decision making process. The harm is not outweighed.

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

10. Planning background

- 10.1 The planning history is set out above, to summarise the proposal to create an extension to the hotel rooftop has come forward in various forms since 2022. The four previous applications have been refused for impact to the skyline, heritage assets and the character of the area, these decisions have been made both by Planning Committee (ref. 22/00778/FUL; 23/01137/FUL; 24/01408/FUL) and under delegated powers (ref. 24/00488/FUL). With each decision, the specialist consultees and members of the public had the opportunity to provide comments on the application and these were taken into account in the decision making process.
- 10.2 Most recently, the application refused under delegated powers was appealed and heard by the Planning Inspector at an Appeal Hearing held on 11th March 2025 (ref. 24/00488/FUL). This appeal was dismissed by the Planning Inspectorate 20th May 2025 and the reasons for refusal were upheld. The Inspector was taken on an extensive, accompanied site visit around the city where key views were offered. A full copy of the appeal decision can be found at appendix 2. Officers will refer to the appeal decision where appropriate, however to provide an overview, the Inspector outlines the harm that would result from the proposal to Grade I and Grade II listed building, the character and Appearance of the Central Conservation Area, and buildings of local interest. This is weighed against the public benefits of the proposal, however the Inspector outlines that there would not be significant public benefits to outweigh this harm.
- 10.3 The first proposal was previously tested at appeal prior to this, this was also dismissed and the reasons for the refusal upheld (ref. 22/00778/FUL). This appeal decision can be found at appendix 3 of the report.
- 10.4 It is important that members consider the application upon its own merits, however the appeal decisions and previous decisions made by the council are material considerations in the determination of this planning application.

11. Assessment

12. Principle of Development

- 12.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 guided that decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 12.2 Policy 10 of the Cambridge Local Plan (2018) seeks to support Cambridge as a thriving regional centre, through supporting a mix of retail, leisure and cultural development in order to add to the viability and vitality

of the city centre. It outlines that development in the city centre should (a) add to the vitality and viability; (b) achieve a suitable mix of uses; (c) preserve or enhance heritage assets and their setting, open spaces and the River Cam; (d) be of the highest design quality and (e) promote sustainable transport. Policy 77 supports proposals for high quality visitor accommodation, based on the 'Cambridge Hotel Futures' (2012) study which at the time showed a market demand for hotel development.

- 12.3 NPPF (2024) seeks to support the vitality of town centres, and support businesses giving significant weight on supporting economic growth within paragraph 85.
- 12.4 The 'Jobs Topic Paper (2021) which forms part of the evidence base for the new local plan, outlines that between 2012-2020 there was an increase of 400 hotel bedrooms within the area with forecasting showing that growth could increase moving forward. It outlines that Covid-19 created uncertainty with less visitors staying overnight, however that in the future the policy position will be to continue to support visitor accommodation within sustainable locations.
- 12.5 Regarding material considerations, it is well established in Case Law that consistency in decision making is important and that previous decisions can be material considerations in the decision-making process. In this case, Officers suggest that Members of the Committee are mindful of the previous planning decisions regarding proposals to extend the rooftop, particularly with regard to the recent Appeal Hearing decision which came out only last month.
- 12.6 The Design and Access Statement sets out that the roof terrace is used as existing for visitors when the weather allows, the proposal seeks to enable the roof terrace to be used year round by covering the roof terrace with a pergola structure. It is understood that the use of the rooftop is limited to the warmer months and the proposal would support year-round use of the rooftop.
- 12.7 Officers continue to understand the logic behind the proposal and understand the desire of the hotel to operate the rooftop in a year-round manner. It is clear that the hotel operator's aim to improve occupancy and attraction to the hotel in order to support their business and Officers have no objections to this, in line with the policies within the Local Plan and NPPF, however in this case, this proposal would have unacceptable impacts to the surroundings, including heritage assets, the skyline and River Cam, and therefore cannot be considered acceptable in principle as it would not comply with Policy 10.

13. Design, layout, scale and landscaping

- 13.1 Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high

quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

- 13.2 Cambridge Local Plan (2018) policy 60 seeks to ensure that the overall character and qualities of its skyline is maintained and, where appropriate, enhanced as the city continues to grow and develop. The proposal states that any proposal for a structure to break the existing skyline and/or is significantly taller than the surrounding built form should be assessed against the criteria listed in parts (a) – (e) of the policy.
- 13.3 Cambridge Local Plan (2018) policy 7 outlines that development within the River Cam corridor should preserve and enhance the unique physical, natural, historically and culturally distinctive landscape of the River Cam.
- 13.4 Appendix F (Tall Buildings and the Skyline) of the Cambridge Local Plan 2018, states that Cambridge has a distinctive skyline that combines towers, turrets, chimneys and spires with large trees with notable buildings including St John's College Chapel and others forming some of the important view to Cambridge.
- 13.5 It defines a tall building as any structure that breaks the existing skyline and/or is significantly taller than the surrounding built form, and states that within the historic core any proposal with six storeys or more and a height above 19 metres would need to address the criteria set out the guidance. The application meets this criteria in heights of height and storeys and therefore should outline how it would maintain or enhance the character and qualities of its skyline.
- 13.6 The proposal seeks to install a metal framed pergola structure above the existing rooftop. The structure would be framed in PPC aluminium posts, and would contain retractable fabric within the roof and retractable vinyl sides. The proposal is stepped away from the edges of the roof, by approx. 1.5-2 metres around the east, south and west of the building and so the balustrade would remain in place to define this boundary. The existing hotel has a height of approximately 21 metres, with the balustrade an additional 1 metre above this. The proposal would increase the height of the hotel, the metal structure would have a height of 2.97 metres.
- 13.7 It should be noted that the previous applications were refused based on impacts to the skyline and heritage assets, as follows:
1. Policy 60 of the Cambridge Local Plan 2018 requires that any proposals for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form must demonstrate

that the proposal would result in a high-quality addition to the Cambridge Skyline, that complements the character of the surrounding area. The proposed development is considered to result in a permanent incongruous addition to the Cambridge skyline that would fail to positively respond to the existing delicate and historic features through its height, scale, bulk, appearance and lighting. As such, the proposed development fails to contribute positively to its surroundings and the Cambridge Skyline and is therefore contrary to the National Planning Policy Framework (2023) and Cambridge Local Plan (2018) policies 55, 56, 58, 60.

2. The National Planning Policy Framework and policies 61 and 62 of the Cambridge Local Plan 2018 aim to ensure that heritage assets of the City are conserved in a manner appropriate to their significance, including their setting. By virtue of the proposed height, scale, bulk, appearance and lighting, the proposal would result in less than substantial harm to character and appearance of the Central Conservation Area and the setting of listed buildings and would adversely impact the unique, historic landscape of the River Cam. Furthermore, it would also harm the setting of buildings of local interest, which make a positive contribution to the character of the Central Conservation Area. The harm to heritage assets is not outweighed by the public benefits. As such, the proposal fails to preserve or enhance the character and appearance of the Central Conservation Area and the setting of listed and buildings of local interest, contrary to the provisions of the Planning (LBCA) Act 1990, the National Planning Policy Framework (2023) and Cambridge Local Plan (2018) policies 7, 10, 61 and 62.

13.8 As above, reason 1 outlined that the previous proposal would adversely impact the character of the area and the skyline by virtue of the height, scale, bulk, appearance and lighting. In the Appeal Hearing decision ((paragraph 71 – Appendix 2), the Inspector has been highly critical of the height, form and appearance of the previous framed structure. The Inspector outlines that the proposal would fail to successfully contrast or be consistent with its environment and instead the exoskeletal form is described as alien and incongruous within the context of the skyline. The Inspector outlines that in addition to this, the increase in height and bulk resulted in the proposal competing with and dominating important heritage features within the skyline.

13.9 Officers do not consider that the proposal has overcome the reasons for the refusal, nor the Inspectors concerns as will be outlined. The third party representations which share this view are noted, the comments outline

that the proposal has not overcome the previous concerns and continue to be contrary to policy.

- 13.10 As previously, the application has been submitted with visualisations from various viewpoints around the city in order to satisfy criteria (a) of Policy 60. The viewpoints help Officers to understand the impact of the proposal.
- 13.11 The existing hotel is an unfortunate, prominent feature within the Cambridge Skyline and within the surrounding locality. It appears as such, not only due to its height and bulk, but also due to its design and the contrasting materiality. The Inspector specifies that its existing stepped design, and the extent of the zinc at the top of the building draws the eye in the streetscape (paragraph 9 and 10 – Appendix 2). Officers agree, that the proposal building currently sits in contrast to its surroundings. It is viewed at odds with the existing two-storey, residential character to the north east of the and the quayside to the south west given its modern appearance, form and materiality.
- 13.12 The proposal has been altered from the previous applications, to reduce the extent of the framework and reduce the footprint of the Officers are of the view, that this has a largely negligible impact to the harm from the views described and would not overcome the reasons for refusal.
- 13.13 The proposed form and appearance of the structure is largely the same, it would still result in a tall, exoskeletal form above an already prominent building. It continues the incongruous form and appearance from the unsuccessful floors below and would further draw the eye of those in the street scape and within wider views due to the increase in activity combined with the additional height, bulk and uncharacteristic appearance.
- 13.14 The step back is acknowledged as an attempt to reduce the bulk of the building, and it is noted that one of the representations supports this approach as it follows the floors below. In this case, however, it reiterates the weak termination by the balustrade which currently exists and simply adds further height and horizontal emphasis to the building. From Magdalene Bridge, which is one of the more sensitive viewpoints, the step back does little to reduce the harmful impact of the proposal, it would remain similarly visible as a tall, out of place structure with activity above the ridgelines of the existing quayside building. A large extent of the frame would remain visible and although the footprint is stepped back, the width, size and bulk of the structure would remain very similar to previous offerings. Its appearance is still of an alien, exoskeletal feature which

would punch into the skyline above the quayside development in contrast to the undulating roof form that exists in this location.

- 13.15 From Central Jesus Green, there is some reduction in bulk to the removal of the chamfered sections, however the proposal would continue to be visible as a detrimental, overly tall, excessively bulky framework that would sit in contrast to the existing historic features visible from this view. It is noted that one of the representations describes the structure as discrete, however it is extremely prominent from this location. The historic features at St John's College Chapel and New Court are finely, historically detailed slender punctuations into the skyline. The proposed development would fail to preserve or enhance these high-quality parts of the skyline and instead would increase the impact of the existing hotel to over dominate these features and the skyline.
- 13.16 From Jesus Green Café, the chamfered approach has been removed and the rectilinear form returned. The rectangular edge of the pergola structure would be visible from this view, emphasising its contrast with the historic features. By virtue of the height, bulk and scale as well as evening lighting the proposal would appear entirely incongruous within the skyline.
- 13.17 The Inspector picks out that the previous proposal, when viewed from St Mary's Church, would breach the ridge of St John's Chapel, so would result in a relationship with the chapel that is incongruous and anachronistic (Paragraph 25 – Appendix 2). The proposed frame would be of a very similar height so would continue to be visible in this regard, and would result in an unfortunate, horizontal frame structure puncturing above this heritage asset.
- 13.18 The proposal also continues to be visible from the Scholars Garden within Magdalene College, it has not been stepped away from this edge and remains visible as a box-shaped frame which is discordant with the existing roof scape and building form within this setting.
- 13.19 In regard to Castle Mound, is noted in the Local Plan (2018) that views from Castle Mound reveal a city of spires and towers emerging above an established tree line as to create a number of 'incidents', where important buildings rise above those of a prevailing lower scale. It is noted that the building is not part of the high-quality historic fabric within the city core as many of the other features within the skyline area, mostly relating to educational or religious buildings. Instead it is already visible and a modern intervention from this location, although the treeline does offer some relief from this view. It is noted that the proposal would be visible

from here in context with other modern buildings, however this does not justify the poor design.

- 13.20 The applicant has attempted to overcome concerns over lighting by retaining the existing lighting on the rooftop, rather than proposing to add additional lights within the structure or elsewhere on the rooftop. Whilst, this may reduce the illumination levels from the previous proposal, the development would still increase the level of lighting throughout the year. As explained by the applicant, the proposal is currently used 100 out of 365 days of the year, however with the proposal the structure and rooftop could be used all year around including the darker months when artificial illumination would have to be utilised into the afternoon and evening due to the reduction in natural light. The introduction of this additional lighting year round would draw further attention to the hotel year round, and would further exert dominance over the historic features which are not lit and do not host activity at this level.
- 13.21 Criteria (b) aims to preserve and enhance heritage assets and requires the applicant to demonstrate and quantify the potential harm of proposals to the significance of heritage assets or other sensitive receptors. The applicant has submitted a Heritage Impact Assessment, which describes the significance of relevant heritage assets and the potential impact that the proposal may have on these features. The information submitted provides an assessment of surrounding heritage assets and the views detailed within this section. The impact will be fully assessed in the following section of the report.
- 13.22 Criteria (c) requires that the applicant to demonstrate through the use of scaled drawings, sections, accurate visual representations and models how the proposals will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact.
- 13.23 Appendix F (paragraph F.36) states that the appropriate scale and massing of buildings is an important consideration in achieving the good integration of new buildings within established urban areas and the wider landscape. An understanding of the surrounding context, as required in Policy 55 of the Cambridge Local Plan, is an important step in achieving appropriately scaled buildings.
- 13.24 The applicant has outlined that the proposal has been stepped away from the edge of the building, to take the pelmet of the metal structure away from the roof edge and follow the stepped character of the 5th and 6th floors below. Officers recognise this attempt, however find that there is no significant, meaningful reduction in the overall scale, mass and bulk of the

building from the key views. The proposal remains bulky and dominant in terms of scale and incongruous form and appearance, in contrast to the small-scaled architectural features of the surroundings. It fails to achieve an appropriate scale and massing, and would not appear well integrated into the surroundings.

- 13.25 It is considered that the move away from the chamfered approach which gave some relation to the floors below would water down the attempts to properly terminate the top of the building. The Urban Design Officer outlines that the pergola would not appear as a bolt-on which is not well articulated as to properly terminate the building.
- 13.26 In regard to part (d), the applicant has not submitted information regarding any consideration of the amenity and microclimate of neighbouring buildings and open spaces. The amenity impacts of the proposal will be considered more fully in the amenity section of this proposal to understand if any further information would be required.
- 13.27 Finally, in reference to criteria (e), the visualisations provide an indication of how the building would be viewed from various local viewpoints around the city and would inform the public realm. The building does not alter the street level directly, however would draw the eye of those within the street scene at the detriment of the existing built form within the surroundings.
- 13.28 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places.
- 13.29 Policy 58 supports alteration or extension to existing buildings where the addition is carefully designed as to preserve the character and appearance of the area and not adversely impact the character of the area. The policy text states that any proposals should reflect or successfully contrast with existing built form, use of materials and architectural detailing whilst ensuring that the proposals are sympathetic to the existing building and surrounding area.
- 13.30 As existing, the building contains a brick facade with openings to serve the hotel from ground floor to the fourth, above this the building finish is a more contemporary grey zinc. The fifth floor contains balconies to serve the hotel rooms, the sixth comprises the restaurant with a covered balcony. Above this, is the roof top level which comprises a glass balustrade which wraps around the edge of the building. The existing

glass balustrade projects 1 metre above the existing roof top with metal railings surrounding the glazing.

- 13.31 The proposal is not considered to relate well to the surrounding character, whilst amendments have been made to the roof structure, this has not overcome the harm that would result from the proposal. The attempt to reduce in metal struts around the form, through introducing vinyl rather than glazing is recognised. However, this does little to alter the visually prominent nature of the proposal due to its height, cage-like form, increased activity and year-round lighting at this level. The metal structure is not substantially altered and the appearance and materials would remain out of place in this location. It is noted that one representation describes the proposal as discrete, however Officers disagree, the visualisations show the prominence of the structure towering above the surrounding development.
- 13.32 The Urban Design Officer, who has previously supported the application, has removed their support. They have outlined that whilst the appearance of the structure would now be less heavy, it has lost the design integrity seen in earlier applications resulting in a bolt-on appearance. The Officer advises that the balustrade would now remain the edge of the roof, creating a weak termination that does little to reduce the horizontal nature or create articulation for the building. Officers agree, the proposal would now do less to mitigate the strong horizontal emphasis of the upper floors, the pergola instead emphasises this and therefore appears at odds with the structures in the skyline.
- 13.33 The proposal is not considered to overcome the previous reasons for the refusal, as has been outlined the proposal is vastly out of keeping with the surrounding character and would be a prominent, detrimental addition the Cambridge skyline.
- 13.34 Overall, the proposed development is considered to be of a poor-quality design that would fail to successfully reflect or contrast the surrounding character and it would result in an over dominant, incongruous feature within the historic skyline. The proposal is contrary with Cambridge Local Plan (2018) policies 55, 56, 58, 60 and paragraph 131 and 135 of the NPPF (2024).

14. Heritage assets

- 14.1 The application falls within the Central Conservation Area, and within the setting of several grade I and grade II listed building and buildings of local interest.

- 14.2 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.
- 14.3 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 14.4 The application site is with the Historic Core of the city (Central Conservation Area) and within the setting of several listed building which are set out below.
- 14.5 Paragraph 212 of the NPPF (2024) outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. As such any harm would be given significant weight in the decision-making process.
- 14.6 To start, in making the following assessment, Officers are minded to consider the recent appeal decision, in which the Inspector gives a detailed overview of the relevant heritage assets in this location and the harm that would result each one from the proposal.
- 14.7 The Inspector summarises the heritage harm that would result from the proposal (paragraph 47), and provides a detailed assessment of each heritage assets including designated assets (paragraphs 21-50) and buildings of local interest (paragraphs 51-55). The Inspector outlines that the previous proposal would have resulted in less-than-substantial harm at the higher end of the scale would result in harm to the following Grade I listed building (New Court and Buildings Surrounding the First, Second and Third Courts, both at St John's College; the Pepys Building, and the Buildings Surrounding First Court, at Magdalene College) and Grade II listed buildings (Magdalene Bridge, the Great Bridge).
- 14.8 In addition, there would be less-than-substantial harm at the lower end of the scale that would result to the following Grade II listed buildings (Walls lining the second court on north- east and south- west sides and Bright's Building, Magdalene College) and the buildings of local interest (Lower Park Street).

- 14.9 The Inspector outlines that there would be less-than-substantial harm to the Central Conservation Area.
- 14.10 Paragraph 212 of the NPPF (2024) is clear that great weight should be given to an assets conservation, and paragraph 213 sets out that any harm or loss should require clear and convincing justification.
- 14.11 Officers agree with the Inspector's assessment; there would be widespread heritage harm within the historic core of the city as demonstrated by the assets impacted. The historic core is of historic and architectural interest within the city and the buildings impacted hold some of the highest heritage significance in this part of the historic core.
- 14.12 The Inspector has also upheld that the proposal would adversely impact the River Cam, and be in conflict with Policy 7. The River Cam is a key part of Cambridge's definition character and any harm to its unique landscape should be strongly resisted.
- 14.13 The Conservation Officer has remained consistent through all of the planning applications and has objected to the application on the grounds that the proposal would result in a stark skeletal metal structure at high level, with the proposed height, form and materiality causing in a harmful intrusion within the settings of listed buildings and a harmful impact to the character and appearance of the Conservation Area especially as experienced from Jesus Green and the River Cam.
- 14.14 Historic England outline that the proposal would add height and bulk through the additional of a roof structure that is alien to its immediate context in terms of its architectural form, profile and materials. We consider that this would make an already over-scaled building appear even more unduly prominent within the conservation area and setting of other nearby heritage assets and how they are experienced.
- 14.15 Officers agree with this assessment. From the west of the site, the proposal would be visible above the quayside rooftops. The Conservation Area Appraisal (2017) outlines that the hotel is already visible above the roofscape as a negative intervention in the Conservation Area. The proposal would sit as a prominent, incongruous structure, that would not relate well to the existing roof scape and instead would produce a harmful modern intervention that would be visible from the River Cam and the grounds of Magdalene College and within the setting of several listed buildings within Magdalene College including Grade I and Grade II buildings and walls and Magdalene Bridge on Bridge Street which is also grade II listed. Magdalene College also houses the Fellows and Scholars Garden which provide a tranquil setting for these assets. As existing, the quayside provides a bustle of activity at street level, with the hotel/ restaurant providing some existing activity at a much higher level. The increase in this and the siting of additional height and an alien exoskeletal appearance would draw the eye up and dominate the finely detailed historic buildings to become excessively prominent within the setting of

these buildings as to result in less-than-substantial harm to the setting of these assets.

- 14.16 The proposal would be substantially visible from the River Cam, and along Magdalene Street and Bridge Street, and from the views would tower over the quayside activity and detract from the setting of the river and the relationship between the Quayside buildings and the listed buildings within Magdalene College. The Conservation Area appraisal (2017) outlines that the views along the River Cam to and from Magdalene Bridge are notably high quality and therefore Officers have significant concerns about the harm that would result to these views. The proposal is considered to diminish the special landscape of the River Cam which is in clear conflict with the guidance in the appraisal and Policy 7 of the Local Plan (2018).
- 14.17 It is noted that a number of third parties and Cambridge Past Present and Future share concerns about the impact on Magdalene College, and the listed buildings within these grounds. Officers are sympathetic to these concerns and concur that the proposal would be entirely at odds with the historic buildings in this location.
- 14.18 The Conservation Officer also raised the experience from Jesus Green. Jesus Green is a high-quality open space in the city, it is framed by mature trees and built form which is generally two-storey in height and modest in scale. There are punctuations above the treeline but these are the historic skyline features that have been previously discussed in regard to skyline. This relationship is visible within the visualisation from Jesus Green, which demonstrates that the existing hotel already extends well above the height of surrounding development and sits in contrast with the existing grain in this area. The frame would be out of keeping with the historic, slender skyline features and overdominance these structures due to overly horizontal, boxy, frame design.
- 14.19 The Conservation Officer also outlines that the building would become even more dominating of the BLI terraced house streets. The additional impact compared to the existing hotel would be harmful. The domestic buildings that frame the edge of Jesus Green are generally in the form of two-storey, uniform terraced buildings. Park Parade, St John's Road and Thompsons Lane are Buildings of Local Interest within the Conservation Area. The proposal site is highly visible down these roads in the setting of these buildings and is already disruptive to the aesthetic and architectural detailing of these building due to the height, bulk and horizontal emphasis. The proposal would only further emphasise and increase this harmful relationship. Lower Park Street which is a grade II terrace row of properties has a similar relationship, with its significance resulting from the historic and architectural interest. These buildings would similarly be adversely impacted through the resulting incongruous height, appearance, form and massing from the proposed extension. The proposal would result in less-than-substantial harm.

- 14.20 The proposal is within the Central Conservation Area. The Conservation Area is characterised by many of the aspects already discussed in this report such as public open space, mature trees, low height buildings and a district and historic skyline. There are key vistas from around the city into and around the Conservation Area, including from within the narrow streets in the surroundings and from the River Cam. As has been discussed, the Varsity Hotel is already noted in the appraisal as a negative feature that detracts from the Conservation Area. It is considered that to introduce the proposed structure would increase the detrimental impacts that result from the height, bulk, mass, appearance and illumination of the building. The proposed exoskeletal design would be completely out of place within this part of the Conservation and would become a detrimentally dominant feature and result in less-than-substantial harm to the Central Conservation Area.
- 14.21 This is only exacerbated by the illumination. The existing restaurant already exists as somewhat of an illuminated beacon above the tree line and surrounding development, however the rooftop would exaggerate this harmful impact and dominating relationship. Whilst the lighting will remain as existing, rather than have new features installed, the use of the building will increase year round to include the darker months. As such the lighting, at that height and level, will increase the harmful impact to the surroundings. Having considered the evening views, the lighting while reduced is still visible and appears to reflect off the frame.
- 14.22 Officers do not consider that the proposal has meaningfully addressed the harm outlined by Officers and the Inspector, and it remains the case that the proposal would result in a high level of less-than-substantial harm to grade I, grade II listed building and to the Conservation Area. The proposal would adversely impact the significance of the Buildings of Local Interest and detrimentally impact the setting of the River Cam.
- 14.23 The NPPF (2024) outlines that conservation of a heritage asset should be given great weight in the planning balance, and the more important the asset, the greater the weight should be. Members should carefully consider this in light of the level of harm identified to highly significant heritage assets across this part of the city.
- 14.24 Notwithstanding this, the NPPF (2024) outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 14.25 As part of the appeal decision the Inspector weighed the public benefits in their decision against the heritage harm (paragraphs 67-70) , and concludes that the proposal would result in largely private benefits to the commercial business and an absence of any defined significant public benefits. It is noted that third party representations have been received to outline that their view is that the benefits would not outweigh the

significant weight given to the harm to heritage assets of the highest significance.

- 14.26 The public benefits presented have not substantially changes from the planning appeal (Appendix 2). The additional staffing numbers include 12 part time and 12 full time staff and additional ancillary employment that would result both within the hotel and on the rooftop and potentially further along the supply chain. This increase will be felt within the hotel but is reasonably limited in the wider impact in terms of employment across the city and therefore Officers would give this low weight in the planning balance.
- 14.27 The Inspector outlined that they do not consider that the proposal would have a tourism benefits, as the tourism economy in Cambridge is driven by the Universities, heritage assets and other factors that the hotel would therefore not be a factor in encouraging tourism. Officers have previously recognised the tourism stance of the hotel, however understand that this is limited and therefore this is given little weight.
- 14.28 The applicant has presented various arguments about the site being able to be accessed and used by different groups and by different functions. They also outline that the proposal would offer access for visitors and residents to view heritage assets. The proposal site is ultimately a private site, that would certainly read as such for any visitors and therefore this cannot be given any weight in the planning balance.
- 14.29 It is noted that the potential for additional solar shading has been raised both by the applicant and by one third party. Officers share the view of the Inspector, it does not appear that shading would be substantially greater than the existing umbrellas on the rooftop, therefore this is given no weight.
- 14.30 Taking into account the significant weight to be given to the conservation of heritage assets, and taking into account the largely limited public benefits, the heritage harm is not considered to be outweighed by the public benefits.
- 14.31 It is considered that the proposal, by virtue of its height, scale, massing, bulk, appearance and illumination would result in a high level of less-than-substantial harm the character and appearance of the Conservation Area and the setting of several highly significant grade I and grade II listed buildings and buildings of the local interest.
- 14.32 There is a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and; section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 14.33 In addition, paragraph 212 of the NPPF (2024) sets out that great weight should be given to the asset's conservation.
- 14.34 The public benefits are limited, and the proposal instead provides primarily private benefits to the business. As such, the proposal is not compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF (2024) and Local Plan policies 60 and 61.

15. Biodiversity

- 15.1 The application is submitted with a BNG exception statement. As the proposal would impact less than 25 sqm of habitat, this is accepted, and the proposal would not be required to deliver biodiversity net gain nor any other enhancement. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

16. Highway safety and transport impacts

- 16.1 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 16.2 Para. 116 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 16.3 The Local Highways Authority have raised no objection to the application.
- 16.4 Officers note this and have had regard for the proposal and the potential for increased use from seasonal to potential year-round use and acknowledge that the proposal may lead to an increase in users and therefore movements to and from the site. Noting that the hotel and restaurant is already used year-round and taking into account that the building is sited in the centre of the city where sustainable transport methods are highly available and likely to be used, it is not considered that the proposal would be likely to lead to a significant increase in traffic as to adversely impact highway safety or the surrounding highway users.

17. Amenity

- 17.1 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

- 17.2 Policy 60 requires the applicant to demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals.
- 17.3 The applicant has not made an assessment regarding the impact of neighbouring buildings in terms of the surrounding urban microclimate and impacts in regard to wind, overlooking, overshadowing and sunlight and daylight as is required by Policy 60. However, in this case, given that the proposal would be sited on the roof of an existing building it is unlikely to result in significant adverse impacts in terms of microclimate and amenity.
- 17.4 It is noted that concerns have been raised about noise and light pollution, given the existing circumstances and use of the building, it is not considered that the potential additional noise and light would adversely impact any surrounding occupiers substantially.

18. Other Matters

Airport Safeguarding

- 18.1 The proposal site is located within the Cambridge Airport Safety Zone. It would extend above the surrounding buildings up to approx. 26 metres in height. Cambridge Airport and Ministry of Defence have been consulted and raise no objection subject to an informative regarding crane use. As such, the proposal is not considered to adversely impact aircraft safety.

Accessible Design

- 18.2 The proposal seeks to enable the existing rooftop to be used year round rather than on a seasonal basis, however it is noted that the rooftop does not have level access and relies on a staircase to get to this level and as such it is not accessible. The lack of accessible design is disappointing to officers, and was noted by the Planning Inspector when considering opening up the space for public use. This has not been resolved under this application.

19. Planning balance

- 19.1 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).
- 19.2 It is important that Members have regard for the previous decisions made both by Members of the Planning Committee and by Officers, including those dismissed at appeal. Officers suggest that the most recent planning

appeal (Appendix 2 dated 20 May 2025) should be given significant weight in the planning balance given its similar nature and taking into account that the decision was made only last month using up to date policies with the Local Plan (2018), NPPF (2024) and Planning LBCA Act (1990).

19.3 Summary of harm

19.4 The proposal does not overcome the previous reasons for refusal, and remains detrimental to the historic skyline and heritages assets within the historic core of the city including listed buildings, the Central Conservation Area and buildings of local interest. Historic England, the Conservation Officer and third-party groups (Cambridge Past, Present and Future and Magdalene College) have raised significant concerns about the impact of the proposal on the surroundings and from key views with the area.

19.5 The proposal would result in conflict to policies 7, 10, 55, 56, 58, 59, 60, 61 and 62, which seek to support high quality development, and protect the significance of heritage assets, the character of the skyline and the landscape of the River Cam.

19.6 In addition to this, Officers must have regard to Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and which set out that planning decisions must have special regard for the desirability of preserving listed buildings or their setting and must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

19.7 The NPPF (2024) also outlines 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). The NPPF (2024) outlines that any harm should require clear and convincing justification.

19.8 As such, Officers give significant weight to the preservation of heritage assets. The harm to heritage assets is widespread and ranges between low and high levels of less-than-substantial harm to Grade I and Grade II listed buildings and the Central Conservation Area. There is also less-than-substantial harm to buildings of local interest and this should be considered as part of a balanced judgement. It is clear that in heritage terms, the proposal would result in harm to the setting of several buildings and the historic core of the city which are notable for their significance and historic and architectural value. The proposal would over dominate and

detrimentally impact important parts of the historic fabric of Cambridge which Officers suggest is entirely unacceptable.

19.9 Summary of benefits

19.10 The proposal has been presented with public benefits, including increase to jobs both at the hotel and ancillary to this and creating a social attraction. The Planning Inspector outlined that the proposal did not result in public benefits of a significant nature that would outweigh the harm outlined. Instead, the Planning Inspector outlines that the proposal resulted in largely private benefits. Officers agree that the public benefits do not outweigh the harm detailed above and therefore cannot be supported.

19.11 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 **refusal**.

20. Recommendation

Refuse for the following reasons:

1. Policy 60 of the Cambridge Local Plan 2018 requires that any proposals for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form must demonstrate that the proposal would result in a high-quality addition to the Cambridge Skyline, that complements the character of the surrounding area. The proposed development is considered to result in a permanent incongruous addition to the Cambridge skyline that would fail to positively respond to the existing delicate and historic features through its height, scale, bulk, appearance and lighting. As such, the proposed development fails to contribute positively to its surroundings and the Cambridge Skyline and is therefore contrary to the National Planning Policy Framework (2024) and Cambridge Local Plan (2018) policies 55, 56, 58, 60.
2. The National Planning Policy Framework and policies 61 and 62 of the Cambridge Local Plan 2018 aim to ensure that heritage assets of the City are conserved in a manner appropriate to their significance, including their setting. By virtue of the proposed height, scale, bulk, appearance and lighting, the proposal would result in less than

substantial harm to character and appearance of the Central Conservation Area and the setting of listed buildings and would adversely impact the unique, historic landscape of the River Cam. Furthermore, it would also harm the setting of buildings of local interest, which make a positive contribution to the character of the Central Conservation Area. The harm to heritage assets is not outweighed by the public benefits. As such, the proposal fails to preserve or enhance the character and appearance of the Central Conservation Area and the setting of listed and buildings of local interest, contrary to the provisions of the Planning (LBCA) Act 1990, the National Planning Policy Framework (2024) and Cambridge Local Plan (2018) policies 7, 10, 61 and 62.

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Appeal Decision

Hearing held on 11 March 2025

Site visit made on 12 March 2025

by Louise Nurser BA (Hons) MA Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/Q0505/W/24/3354817

The Varsity Hotel & Spa, Thompsons Lane, Cambridge, Cambridgeshire, CB5 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Varsity Hotel & Spa against the decision of Cambridge City Council.
 - The application Ref is 24/00488/FUL.
 - The development proposed is Installation of a new all-weather lightweight retractable roof canopy and associated works.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. In determining this application I have borne in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and; section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
3. During my preparation for the hearing, given the significance of the heritage assets involved, it became apparent that the Gardens Trust and Historic England should have been consulted during the consideration of the planning application. Therefore, prior to the hearing taking place both organisations were given the opportunity to submit representations. The Gardens Trust did not respond. However, Historic England made a representation which both main parties were made aware of, and which I have taken into account in making my decision.
4. Several people spoke in favour of the appeal proposal, and a statement was read out on behalf of a couple who could not attend in person. I asked that hard copies of these statements be provided. Although, these were received after the hearing had closed, no one would be prejudiced in my accepting them as they reflect what was said at the hearing.

Preliminary matters

5. I am aware that the use of the rooftop as a bar has planning permission, and there is an extensive planning history, including an earlier appeal, to provide a structure to enclose the rooftop. In addition, during the site visit I became aware of some

unauthorised glazed dome pods on the rooftop. Nonetheless, in the interests of clarity, my decision solely relates to the merits of the specifics of the appeal before me and the impact thereof.

Background and Main Issues

6. The Varsity Hotel and Spa is located in the heart of Cambridge's historic core. It is a building of modern appearance which is around 21 metres high and was converted from existing apartments. The restaurant on the top floor allows diners extensive, but not completely unimpeded views over central Cambridge. In contrast, the existing open roof top bar provides unrestricted panoramic views over central Cambridge and beyond. However, its operation is weather dependent. The proposed structure to house a retractable canopy would enable the rooftop bar to trade all year round.
7. From what I have read, heard and seen: I consider the main issues are the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby listed buildings, the registered park and garden at St John's College, and the Castle Mound scheduled monument, and the extent to which it would preserve or enhance the character or appearance of the Central Conservation Area (CA), and the effect on the skyline of Cambridge.

Reasons

8. The Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
9. The hotel, including the existing glass balustrade on the roof, is already a prominent building within central Cambridge, constructed of gault brick, with zinc cladding at the fifth and sixth floors, and a glass balustrade surrounding the existing roof top bar. At the fifth floor, there is an open balcony for the guest rooms facing Thompson Lane. The sixth floor, which is further set back, includes a covered terrace with a retractable awning system, which again faces east. There is another balcony to the restaurant which faces onto the service yard. Consequently, not only is the hotel prominent due to its height and bulk which contrasts with the neighbouring buildings, but the stepped design and the extent of zinc at the top of the building draws the eye within the wider streetscape.
10. The exoskeletal cage would link the sixth floor to the roof top bar, and matching zinc cladding would be used where appropriate. The proposal would increase the height of the hotel by around 2 m over and above the existing balustrade, or more significantly, over 3 m above the existing roofline of what is already a prominent building.
11. The existing stepped profile would be altered with the restaurant and extended roof top bar following a similar profile which would provide a link between the top floors.
12. My understanding is that the telescopic glazing would be designed not to be reflective so as to reduce its visibility and glare.

13. In providing a retractable roof there would no longer be any requirement for ephemeral parasols and other paraphernalia associated with the roof bar. However, from the plans provided there would be planting and seating, and of course the canopies when extended would be visible. Consequently, I do not see this to be an advantage particularly in the context of the harms I identify below. I note that the elements of the structure are described as slender. However, it is clear from the detailed plans that the steel structure would appear as a robust design.
14. I have been referred to several other hotel rooftop bars which have successfully integrated a similar design solution in sensitive locations. Nonetheless, in this case, the proposal would neither contrast successfully with the wider built environment, nor would it be consistent with its immediate context. Irrespective of the finish of the exoskeletal structure, due to the prominence of the hotel, the proposal would be highly visible and would appear as a metal cage which does not relate to the wider historic environment either through its design, or materiality, and would appear as having been imposed upon the roof of the hotel, which, for the avoidance of doubt, I consider to be more harmful than the existing situation where there have been a number of incremental permissions.
15. The appeal proposal would enable the rooftop bar to operate throughout the year to provide views over Cambridge irrespective of weather conditions. It would sit above the existing restaurant which for the most part has large floor to ceiling glazing. Consequently, when the restaurant is lit the hotel's visibility is accentuated which I was able to see when I viewed the site in the evening. This effect would be compounded by introducing an additional storey immediately above it which would be likely to be lit from dusk into the evening.
16. I note that the appellant considers that the effect of the lighting on the additional enclosed space could be ameliorated using a condition. Nonetheless, whilst this would reduce the potential effect of the lighting, it would remain discernible after dark, and thereby emphasise, extend and further draw attention to the hotel which, even when viewed in the context of the modern Quayside development, due to its height and bulk already appears prominent.
17. Central Cambridge includes numerous heritage assets. I consider that the proposed development would take place within the setting of the following Grade I buildings considered to be of exceptional national interest: *St John's College the Buildings Surrounding the First, Second and Third Courts*, and *New Court*, both at St John's College; the *Pepys Building*, and the *Buildings Surrounding First Court*, at Magdalene College.
18. It would also sit within the setting of the Grade II*, Registered Park and Garden of St John's College, as well as within the setting of the following grade II buildings which have been listed as being of special interest: *Walls lining the second court on north- east and south- west sides* and *Bright's Building*, Magdalene College; *Magdalene Bridge, the Great Bridge* and houses along *Lower Park Street*.
19. I have also been referred to listed buildings along Thompson Lane (Grade II) and buildings of local interest within St John's Road, Thompson's Lane and Park Parade. All these designated and non- designated heritage assets lie within the CA.
20. It would also lie within the setting of the Cambridge Castle Mound which is a scheduled monument.

The effect of the proposed development on the setting of nearby listed buildings and registered park and garden:

St John's College, New Court and St John's College, Buildings Surrounding the First, Second and Third Courts: Grade I.

21. I am aware that a previous Inspector's decision found no harm in respect of the settings of the highly graded listed buildings within St John's College. Nevertheless, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty on me to consider the desirability of preserving a listed building or its setting for myself.
22. Both sets of buildings were first listed in 1950. The First, Second and Third courts date from the sixteenth to the nineteenth centuries, and New Court was constructed in the mid nineteenth century. Whilst I would concur that the proposal would not impact on how the heritage assets are experienced from within the college grounds itself, or indeed, its direct surroundings, the extent within which the setting of a listed building can be experienced need not be restricted to the immediate locality. The glossary of the Framework defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
23. Specifically, the nineteenth century chapel of St John's College, and the nineteenth century clock tower within the New Court derive a historic significance due to their pre-eminence within Cambridge's skyline, which illustrates the influence and importance of both the church and academia within Cambridge. This illustrative historical value is also accompanied by the high aesthetic and communal value derived from the quality of the Gothic Revival architecture produced by Sir Gilbert Scott (St John's College Chapel) and by T Rickman and Hutchinson (New Court). All of this is designed to be viewed and experienced both within and outside the immediate environs of the College.
24. The appellant has argued that the impact on the longer views towards the heritage assets fall to be assessed as part of the impact on the skyline, and that the ability to experience the setting of these assets is not impacted due to their retained dominance.
25. However, it is clear when experienced from various viewpoints, most notably from the tower of Great St Mary's Church, where the existing domes appear to sit on the ridge line of the nave and apse of Sir Gilbert Scott's Chapel, that the exoskeletal frame, irrespective of its colour would be seen, above the easternmost element of the ridge line, due to its relationship with the roofline of the Chapel as an alien, incongruous, anachronistic and incidental intervention within the setting of the Chapel. This would appear visually jarring and adversely impact on the way the Chapel would be experienced. Similarly, when viewed from Jesus Green, the increase in height and the introduction of a permanent cage-like metal superstructure, on top of the roof would further exacerbate the impact of the hotel on the setting of these two heritage assets and further dilute their dominance within the skyline and thereby adversely affect their significance. This is notwithstanding, that due to the bulk and height of the existing hotel, it already is

highly visible and competes with the two landmarks within the skyline, and that both assets are not always viewed together.

26. In coming to this conclusion, I am aware of the mature trees within Jesus Green, which in places may shield views of the proposed development. Nonetheless, this effect would be limited to specific viewpoints. Moreover, during the winter months when the trees were not in leaf, this mitigation would be further reduced.
27. As such, I conclude that there would be harm to the setting of St John's College, *New Court*; and St John's College, *Buildings Surrounding the First, Second and Third Courts*. However, whilst the harm to the setting of both heritage assets would be significant, it should be considered as less than substantial harm, in the context of paragraph 202 of the Framework given the scope of the proposal. Moreover, were the extent of harm to be calibrated within the category of less than substantial harm, in my judgment this would be at the higher end of the scale. This harm carries considerable importance and weight in my decision making.

Registered Park and Garden at St John's College

28. Given my conclusion above that there would be no adverse impact on the heritage assets of St John's when experienced from within the grounds, I consider that there would be no impact on the Registered Park and Garden of St John's College.

Pepys Building and the Buildings Surrounding First Court, Magdalene College: Grade I.

29. Again, both these assets were listed in 1950. The Pepys Building was constructed in the late seventeenth and completed in the early eighteenth century. It has great historic, and architectural significance due to its classical form and its history as one of the first private libraries. Its principal ashlar elevation has been designed to be addressed from within the College whilst its southern brick and stone dressed elevation faces the River Cam and the busy commercial activity on the other side of the bank. Whilst the Pepys Building is accessed through the courtyard of the College, it is a detached building which sits within the extensive verdant College grounds, and as such there are clear expansive views across the river and to the hotel beyond. Therefore, the setting of the building, whilst primarily experienced as part of the academic closed college, is also experienced in the context of the life of the town.
30. At the time of my site visit, which took place around lunchtime, I noted that the busy hotel restaurant which lies behind and rises above the riverside buildings opposite, was clearly visible and formed part of the setting of the Pepys building. In contrast to much of the activity and character of the area on the other side of the river which involves the hustle and bustle of people walking or tourists punting, all of which takes place at around street level, the activity within the existing restaurant which towers over the smaller scale quayside development and the College buildings draws the eye upwards. Were the rooftop structure to be constructed this effect would be exacerbated, not only as a result of its incongruous design but as a result of the increased activity throughout the year, over and above that from the existing restaurant and roof bar, associated with customers enjoying the panoramic views afforded by the proposal. This would further disrupt the setting of the Library and adversely impact on its significance.
31. The Buildings Surrounding the First Court, which include the frontage to Magdalene Street, were commenced in the fifteenth century and are constructed of red brick

and have great historic, and architectural significance. They address both the River Cam and Magdalene Street. Due to their location on the banks of the River Cam, and adjacent to Magdalene Bridge, the setting in which they are experienced is extensive. Notwithstanding that the extended hotel and College buildings would not always lie within the same viewpoints, the proposal would negatively impact on the setting of the historic College buildings by exacerbating and adding to the existing harm to their setting from the existing hotel, which appears as a discordant and overbearing feature within the immediate environs of the College and riverbank.

32. Moreover, when viewed when travelling along Magdalene Street, where the College buildings and the hotel would be viewed together, the juxtaposition of the medieval College buildings and the proposed extension would further compound and add to the already adverse impact on the experience of the setting of the historic college buildings, This would be because of the incongruity of the design, its added height which would appear to loom over the immediate area, and the further and sustained activity on the roof.
33. As such, this would result in less than substantial harm to the setting of both assets, which are of exceptional national interest. Given the proximity and incongruous nature of the design, it would again be at the higher end of the scale. This harm carries importance and weight.

Walls lining the second court on north- east and south- west sides and Bright's Building, Magdalene College: Grade II.

34. The walls lining the second court on the north-east and south- west sides at Magdalene College were listed at the same time as the Grade 1 listed buildings referenced above. They are formed of reused ashlar and rubble and date from the late sixteenth and early seventeenth centuries. They are intrinsic to the sense of enclosure typical of the Cambridge colleges and have both historic and evidential significance and also contribute to the setting of the different constituent parts of the heritage assets of the College. Whilst the proposed development would be viewed as part of the setting of the walls, and its effect would be to result in harm to their setting for the reasons set out above, I consider that this harm whilst significant, and less than substantial would be at the lower end of the scale.
35. Bright's Building was listed in 1967. It is an early twentieth century Neo Tudor red brick build building. It faces the River Cam, and its gable addresses Magdalene Street and was designed to be consistent with the immediate architectural context of the buildings and grounds of Magdalene College, and its primarily red brick buildings. Its setting overlaps that of the Pepys Library and is of historic and architectural value, and the significance of its setting is similarly affected by the proposed development. As such, I consider this would result in less than substantial harm, but at the higher end of the spectrum.
36. The Fellows' and Scholars' Gardens sit within the grounds of Magdalene College and provide a peaceful open area of greenspace which abuts the River Cam, and form part of the setting of the designated heritage assets of the College. The proposed development for the reasons set out would similarly adversely impact on the quiet contemplative nature of the gardens, notwithstanding that on the opposite side of the Cam is the busy Quayside development.

Magdalene Bridge

37. Magdalene Bridge was built in 1823 and is of architectural and historic significance sitting at an ancient crossing over the Cam. It was listed in 1969. It also provides expansive views along the River Cam in both directions for those both crossing the river and using it as a convenient viewpoint to appreciate the various heritage assets nearby. The setting of Magdalene Bridge is extensive, including the modern Quayside development which sits on the opposite side of the Cam from Magdalene College.
38. I note that the Quayside development lies on the site of a former working dock and associated commercial buildings. However, due to its scale, materials and relationship with the river and nearby buildings it does not compete with or appear incongruous in the wider context, including the setting of Magdalene Bridge.
39. I have been provided with photographic evidence of historic activity at Quayside, together with a photograph of a tall slender chimney which was part of a power station which lay to the north of the appeal site on the banks of the Cam (ID:10). These demonstrate the changing nature of the historic environment within central Cambridge. Nonetheless, I must determine the appeal on the basis of the effect of the proposal on the significance of the setting today.
40. As such, when viewed from Magdalene Bridge the hotel, which appears to sit behind the Quayside development, and is highly visible, already appears incongruous due to its scale, height and modern design. As set out above, the proposal would result in the hotel being extended in height and made more conspicuous through the introduction of an exoskeletal form which would further exacerbate this impact and result in harm. This would be particularly evident in the evenings when the two top floors of the building would be lit. In my judgement, the proposal would result in less than significant harm, at the higher end of the scale, to the significance of the setting of Magdalene Bridge.

Thompson's Lane

41. I have been referred to numbers 29 and 30 Thompson's Lane. Number 30 was listed in 1950, and number 29 in 1972. Together, they form a group and are fine examples of nineteenth century merchant housing. However, from my site visit it appears that their setting is not extensive, and notwithstanding the proximity to the appeal site, their significance would not be harmed by the further extension to the hotel.

Lower Park Street

42. This is a terrace of two storey gault brick modest domestic nineteenth century dwellings which lead to Jesus Green from Park Street. These are of a uniform design the significance of which I consider derives from their historic and architectural interest. The existing hotel is visible, and appears incongruent, when viewed across the nearby primary school which falls within their setting, and when extended would be even more so. However, I consider any harm to their significance would be at the lower end of the spectrum.

Cambridge Castle Mound

43. The site of Cambridge Castle retains an overarching position which provides views over and into the historic core of Cambridge and beyond. Due to the distance from the appeal site and, given that the views across are from a raised viewpoint, the

dominance of the existing hotel is less pronounced and is seen within the context of other taller modern buildings within Cambridge's skyline. The appeal proposal would similarly appear within this wider context, and I am content that there would be no additional impact on the setting of the Castle Mound.

Cambridge Central Conservation Area

44. The appeal site sits within the Cambridge Central Conservation Area. This is characterised by contrasting elements of a vibrant commercial town centre, quiet enclosed Colleges, pockets of residential areas, as well as green space, such as at Jesus Green, punctuated with designated heritage assets of the highest significance. Whilst most of the colleges date from the medieval period, there is a mixture of architectural styles, including modern developments such as the Cripps Building at St John's College. There are other buildings within the CA consistent with its role as a sub-regional centre which are of neither historic significance nor of architectural excellence. However, for the most part, these do not dominate, with few prominent landmark buildings within the central core. Most buildings are typically of two or three stories in height, displaying an intimate architecture of quality detailing, and small-scale features. Binding it together is the River Cam, which itself, is a leisure route, and the narrow streets within the historic core.
45. Given that many of the views are foreshortened within the CA, where there are open vistas such as from along the Cam corridor or Jesus Green, the importance and sensitivity to the CA from prominent buildings is heightened. Similarly, glimpsed views make up an important element of the character and appearance of the CA, such as from the Pepys Library. Consequently, the appeal proposal which would extend an already dominant building and thereby increase its dominance and introduce an alien exoskeletal design which would also introduce activity all year round, would result in less than substantial harm, to the character and appearance of the CA as a whole.
46. In summary, I have found less than substantial harm, to the character and appearance of the Cambridge Central Conservation Area as a whole, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal which I explore below.

Conclusion relating to designated heritage assets

47. Paragraph 212 of the National Planning Policy NPPF 2024 (the NPPF) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. In summary, I have found less than substantial harm, to the setting of the following Grade I buildings considered to be of exceptional national interest: *New Court and Buildings Surrounding the First, Second and Third Courts*, both at St John's College; the *Pepys Building*, and the *Buildings Surrounding First Court*, at Magdalene College.
48. In addition, I have found less than substantial harm to the setting of the following grade II buildings which have been listed as being of special interest: *Walls lining the second court on north- east and south- west sides* and *Bright's Building*,

Magdalene College; *Magdalene Bridge, the Great Bridge* and houses along *Lower Park Street*.

49. There would also be less than substantial harm to character and appearance of the CA as a whole.
50. I have found the harms to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal which I explore below.

Buildings of Local Interest.

Park Parade

51. The substantial terrace of uniform late nineteenth century housing are individually identified as Buildings of Local Interest within the CA. They provide an extensive, attractive built edge to Jesus Green. Due to its height and bulk, the existing hotel punctures the horizontal emphasis of the houses and disrupts the unity of the historic street and its aesthetic and architectural significance. The proposal to increase the height of the hotel and to introduce an exoskeletal form, would further increase this impact, resulting in less than substantial harm to the significance of the setting of the non-designated heritage assets to which I accord moderate weight.

St John's Road

52. St John's Road links the appeal site to Park Parade and consists of modest, terraced, nineteenth century housing, which is of architectural interest and aesthetic value, and is domestic in scale. When viewed from St John's Road, the appeal site is of a significantly different scale and appears bulky and dominant, with the side elevation forming a backdrop to a number of houses on the western side of St John's Road. The proposal would increase the height of the building and introduce an additional design element which would further compete with the simplicity of the housing. As such, I consider that the proposal would result in less than substantial harm to the significance of the non-designated heritage asset to which I accord moderate weight.

Thompson's Lane (Richmond Terrace)

53. Thompson's Lane extends beyond the appeal site and dog legs up towards Jesus Green along a stretch of road which is known as Richmond Terrace. This is flanked on the western side by mid twentieth century modern flats designed by Del Pozzo. These are brick built. They have a strong horizontal emphasis, and are in keeping with the uniform, nineteenth century workers' housing on its eastern side which are again identified as Buildings of Local Interest, and like the other LBI, are of architectural and aesthetic value.
54. Notwithstanding that the former converted historic Glass Works building straddles the southern end of Thompson's Lane, it is the bulk and height of the existing hotel which sits, and looms behind it which dominates the views to the south and forms a disruptive backdrop to the setting of the uniform housing. The increase in height associated with the proposed development, together with the introduction of an additional material with the metal exoskeletal ribs would further impact on the

significance of the setting of the housing, and result in less than substantial harm to which I accord moderate weight.

Conclusion

55. In summary, I have found that the proposed development would result in less than substantial harm to the BLI identified above. Paragraph 216 of the National Planning Policy NPPF 2024 (the NPPF) states the effect of an application to the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Public Benefits

56. As set out above, given my conclusions relating to the designated heritage assets, I have found harm derived from the proposal to be less than substantial but nevertheless of considerable importance and weight.
57. Under such circumstances, paragraph 215 of the NPPF advises that this harm in relation to the designated heritage assets should be weighed against the public benefits of the proposal.
58. The Varsity Hotel and Spa is centrally located within Cambridge and appears to be a commercially successful enterprise. From what I gather the operation of the restaurant and rooftop bar are intimately related. Were the appeal proposal to be implemented this would allow both to function at full capacity, independent of the weather, and throughout the year. This in turn would give the hotel management the confidence to plan and employ the appropriate staff to maximise the commercial potential of both the restaurant and roof top bar. It would also enable the hotel to market the rooftop bar as a year-round attraction, and thereby increase the hotel's attraction further.
59. Clearly, this would be primarily a private benefit to the hotel. However, the estimated additional 12 full and 12 part time additional jobs, in addition to other ancillary employment, such as garden maintenance, would have a positive social benefit as well as make a contribution to Cambridge's wider leisure economy to which I accord moderate weight.
60. I have also been referred to the impact of the roof top bar on room occupancy during the winter months. However, I am not convinced that a roof bar operating all year round would be determinative, with other levers open to the commercial enterprise to encourage stays, and in any case the restaurant already provides similar views and operates all year round. Moreover, in the context of the Cambridge Hotel Futures report, which set out the need for additional visitor accommodation, I conclude that no weight should be accorded to this as a public benefit as the proposal would not increase the number of beds.
61. I have been referred to the synergy between the high-end retailers within the immediate area and guests staying at the hotel. However, whilst I have no doubt that there is a real link between the local businesses, such as wine merchants, and jewellers to the operation of the hotel, and therefore to the local economy, I consider that the benefit is localised, and I accord moderate weight to this as a public benefit.

62. The development of the proposal would result in related construction jobs, which, even though they would be for a finite length of time, would result in a positive impact on the local economy to which I accord moderate weight.
63. Reference has been made to the public benefit derived from the solar shading and cooling to be derived from the canopy. However, my understanding is that the appellant utilises parasols and therefore, there is no substantive advantage to be derived.
64. Lastly, I am aware that there are limited opportunities to enjoy rooftop views over Cambridge and its colleges, and thereby experience the significance of its myriad heritage assets and cityscape, one of which is the Tower at Great St Mary's. However, in contrast to the rooftop bar at the Varsity Hotel, this requires a strenuous walk up a spiral staircase and a fee. The appellant has proposed a condition to ensure that a S106 obligation be entered into, to enable free and unrestricted year-round public access to be maintained for those who wish to take advantage of the views afforded from the rooftop bar.
65. I consider this would be a public benefit, particularly, as, at the moment, the access is seasonally restricted. However, I only accord moderate weight to this, as it does not benefit from direct lift access. In any case, the enclosed restaurant on the sixth floor already provides views throughout the year. Moreover, whilst the planned condition and subsequent obligation would go some way to managing access, and welcoming visitors who are not customers to access the bar, it is likely that sightseers may feel uncomfortable accessing a viewing point within a private venue, thereby reducing the extent of the public benefit.
66. It has also been put to me that the roof top bar has a direct impact on Cambridge's relative attractiveness as a tourist location. Whilst it may be that for a certain visitor this may be a determinative factor, I am not convinced that the vast majority of visitors are not drawn to Cambridge by its combination of extensive heritage assets, renowned university and its economy. Therefore, I accord this minimal weight as a public benefit.

Heritage Balance

67. In sum, I have identified a number of public benefits to which I have attributed weight. However, these public benefits are not sufficient to outweigh the harm from the proposals before me, whether in their totality, or any individual element, to the significance of the setting of the designated heritage assets.
68. As it stands, I consider that the proposal would largely result in private benefits to the commercial business. Therefore, in the absence of any defined significant public benefit, I conclude, on balance, that the proposal would fail to preserve the setting of the Grade I St John's College, New Court and St John's College; Buildings Surrounding the First, Second and Third Courts; Pepys Building and the Buildings Surrounding First Court, Magdalene College; the Grade II buildings which have been listed as being of special interest: Walls lining the second court on north-east and south-west sides and Bright's Building, Magdalene College; Magdalene Bridge, the Great Bridge and houses along Lower Park Street and the character and appearance of the CA.

69. I also find, taking a balanced judgement required by paragraph 216 of the Framework, that the benefits of the scheme would not outweigh the harm to the buildings of local interest set out above which are non-designated assets.
70. This would therefore fail to satisfy the requirements of the Act, paragraphs 215 and 216 of the Framework and of the policies to which I have been referred, conflict with policies 10, 55, 58, 61 and 62 of the Cambridge Local Plan (2018) that cumulatively seek to ensure that development within Cambridge is controlled so heritage assets should be conserved in a manner appropriate to their significance. As a result, the proposal would not be in accordance with the development plan.

Skyline of Cambridge

71. The existing hotel is prominent within Cambridge's skyline. Whilst I am aware of other tall buildings within Cambridge such as the University Library and at Addenbrookes hospital, the appeal site lies within the central historic core of Cambridge whose delicate and historic skyline is highly sensitive to change. For the reasons set out above, the proposal would adversely impact on the skyline and would not result in a high-quality addition to the Cambridge skyline that would complement the character of the surrounding area and thereby be contrary to Policy 60 of the LP. In coming to this conclusion, I am aware of other development to which I was referred during the hearing which is taking place within Cambridge. Nonetheless, I have not been provided with details relating to these schemes, and I have determined the appeal on the basis of the specific scheme before me and the associated impacts thereof.

Other Matters

72. I have carefully taken into account the views which were eloquently set out at the hearing, of those who spoke in favour of the proposal, together with the written representations received supporting the scheme. I am also aware of the planning history of the site.
73. I note that the Council's Urban Design officer considered the scheme positively, and that the appellant is unhappy with the way in which the Council determined the application. However, it has fallen upon me as decision maker to determine the appeal before me on the merits of the case.

Conclusion

74. For the reasons given above the appeal should be dismissed.

Louise Nurser

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Dale-Harris, Barrister, Landmark Chambers

Will Nichols MTCP (Hons) MRTPI, Regional Director (Planning), Lanpro

Tristan Wilson BA (Hons) MA Principal (Historic Environment), Lanpro

Michael Vanoli BA (Hons) DipArch

FOR THE LOCAL PLANNING AUTHORITY:

Charlotte Peet BA Hons – Senior Planning Officer

Jane Rodens BA Hons MA RTPI - Area Development Manager

Christian Brady MRTPI IHBC - Historic Environment Team Leader

INTERESTED PARTIES

William Davies (Director of Varsity Hotel)

Michael Peacock (Taxi Driver and Local resident)

Yasmin Reefat (Local resident)

Cllr Delowar Hossain (Local Conservative Councillor for King's Hedges, Cambridge)

Cllr Mark Ashton (Local Labour Councillor for Cherry Hinton, Cambridge)

Vanessa Burkitt (Local business owner and local resident)

Clive Pawdsey (local business owner).

Martin Ruehl (Academic at Cambridge University and local resident)

Steven Hawkes (Local business owner and local resident)

DOCUMENTS

ID:1 Proposed public access condition

ID:2 Revised walking route

ID:3 Copy of statement by V Burkitt, Catherine Jones Jewellers, received 14/03/2025

ID:4 Copy of statement by Councillor Ashton received 14/03/2025

ID:5 Copy of statement by M Ruehl received 14/03/2025

ID:6 Copy of statement by C Pawsey received 14/03/2025

ID:7 Copy of statement by Y Reefat received 14/03/2025

ID:8 Copy of statement read by Y Reefat on behalf of Dr Neogi and M Smith received 14/03/2025

ID:9 Plan illustrating full extent of the Cambridge Historic Core Conservation Area.

PHOTOGRAPHS

ID:10 Historic photographs of area, including chimney associated with electricity power station.



Appeal Decision

Site visit made on 23 August 2023

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/Q0505/W/23/3319305

**The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge,
Cambridgeshire, CB5 8AQ**

- 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 Mr Will Davies on behalf of The Varsity Hotel & Spa against the decision of Cambridge City Council.
 - The application Ref 22/00778/FUL, dated 15 February 2022, was refused by notice dated 3 November 2022.
 - The development proposed is described as '*Installation of a new All Weather Lightweight Retractable Roof Canopy and Associated Works*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether or not the proposed development would fail to preserve the settings of nearby listed buildings, the effect of the proposal on the character and appearance of the conservation area, and the effect of the proposal on the skyline of Cambridge city.

Reasons

3. The Varsity Hotel & Spa is a seven-storey building, approximately 21 metres tall, located in Cambridge's city centre close to the Quayside area. The area immediately adjoining the Hotel & Spa is principally residential with some commercial uses forming part of the Quayside area.
4. The appeal site comprises the top floor roof terrace with garden which is used by hotel guests, tourists, and visitors. The top floor is an open roof top terrace with timber deck pathways, timber clad services penetrations, and glazed perimeter guarding. The proposed development would comprise a structure made with a steel frame and glass with a lightweight retractable awning, which would enable the rooftop terrace to be used as an outdoor space when the weather allows, and to be covered when needed. The proposed awning would be similar to that used on the balconies of the hotel on the floor below.
5. The site is located within Cambridge's Central Conservation Area, and within the setting of several listed buildings and buildings of local interest and between the Quayside development and Jesus Green. These include listed

buildings of Magdalene College including Fellow Garden, listed walls (grade II), Pepys Building (grade I), the Bright's Building (grade II), St John's College New Court and the First Court Chapel. Buildings of local interest are located on Thompson's Lane, St John's Road and Park Parade. These various heritage assets are shown in relation to the appeal site on Figure 1 *Designated and Non-Designated Heritage Assets*¹. These assets are the primary focus of the concerns of the main parties, and I see no reason to disagree.

6. The Appellant submitted a *Heritage Impact Assessment* in June 2022, and has also submitted a *Heritage Statement* as part of its Statement of Case dated February 2023. This identifies harm arising from the proposal in the form of the intervisibility between the appeal site and Magdalene College, including Fellows Garden which is partly on the opposite side of the River Cam, and to their settings. I concur with that assessment given the contribution the appeal site makes to the riverscape to which it is part of.
7. With regard to the St John's College the Appellant identifies no harm to those heritage assets. The experience of these is principally derived from the juxtaposition of the First Court Chapel against the surrounding buildings within St John's College, and from views from The Backs which would remain unaffected. I concur with the assessment that the proposal would result in no harm to the setting of these listed buildings.
8. With regard to the Central Conservation Area, I saw during my site inspection that its character and appearance in this part derives from the relatively low height of buildings – with most either two or three storey in height. The appeal building by contrast is considerably taller than this, comprising roughly seven storeys. A majority of the buildings have sloped or pitched roofs. The proposal would introduce a large and tall glazed structure on this already tall building. What this means in practical terms is that, from a number of views, the currently open lightweight glass and balustrade appearance of the building would change. Visually it would appear from ground level as an almost unfinished warehouse without side walls due to the highly glazed elements with grey coloured support struts proposed.
9. This is evident in the Verified Views dated 15 August 2022, where, for example, the proposed open and closed views from Great St Mary's Tower, Magdalene Bridge, Castle Mound, Central Jesus Green, Jesus Green Café, and Scholar's Garden are shown. It is clear that the proposal would represent a stark and highly visible further addition to the appeal building. This is especially so in the view from Magdalene Bridge, where pedestrians and others would be faced with a large, glazed box on top of a building, which typically in this area are structures with pitched roofed with brick walls.
10. This would be an addition that is at odds with the prevailing pattern of development in this area and would provide a jarring addition to the skyline of the city. This incongruity would be further exacerbated when the enclosed roof area is illuminated at night during the darker months of the year, when currently (according to the Appellant) it is not a usable space. This increase in illuminated activity throughout the year would further diminish the character of this part of the conservation area. The combination of these factors results in the proposal failing to represent a high-quality addition to the Cambridge skyline and also failing to preserve the character and appearance of the

¹ See Heritage Impact Assessment, Prepared by Lanpro Services June 22

conservation area. For similar reasons, the proposal would contrast sharply with the prevailing two storey nature of development found at the buildings of local interests.

11. Accordingly, I find that the proposal would fail to preserve the setting of the nearby listed buildings at Magdalene College. It would also fail to preserve or enhance the character or appearance of the Central Conservation Area. I consider that this harm is no greater than less than substantial harm as set out in the *National Planning Policy Framework* (the Framework). This is a position broadly shared by the main parties. Nonetheless, considerable importance and weight should be given the desirability to preserve heritage assets. Moreover, to articulate the degree of harm within less than substantial harm, given the long term nature of the proposal and its potential high degree of visibility within the city skyline at both day and night time this harm would be of a modest degree.
12. Paragraph 202 of the Framework sets out that the less than substantial harm needs to be weighed against the public benefits. In this case I acknowledge that the proposal would result in locally significant economic benefits, including the retention and creation of further jobs. The enclosure of the roof terrace area would also allow it to be used more widely throughout the year providing further economic benefits from visitors to the terrace, hotel and the wider city. However, I do not find that these benefits would outweigh the less than substantial harm to the various heritage assets identified including to their character and appearance and to their settings.
13. Accordingly, I find that the proposal would fail to preserve the settings of nearby listed buildings, would fail to preserve or enhance the character and appearance of the conservation area, and have an adverse effect of the proposal on the skyline of Cambridge city. As such, the proposal would conflict with Policy 60, Policy 61 and 62 of the *Cambridge Local Plan 2018* (CLP) which, amongst other aims, seek to ensure that to ensure the conservation and enhancement of Cambridge's historic environment, proposal should preserve or enhance the significance of the heritage assets of the city, their setting and wider townscape, including views into, within and out of conservation areas.
14. The Appellant has drawn my attention to Policy 79 of the CLP which sets out that visitor attractions will be supported where they complement the existing cultural heritage of the city. However, I have not found that to be the case here, given my findings above, and as such I do not find that this policy is in favour of the proposal.

Conclusion

15. The proposed development would not accord with the adopted development plan, and there are no material considerations that indicate a decision otherwise than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

C Parker

INSPECTOR

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25/00411/FUL – The Varsity Hotel and Spa, 24 Thompsons Lane Cambridge CB5 8AQ

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Market

Proposal: Installation of a new all-weather, stepped in, retractable roof canopy with independently supported tensile roof fabric and associated works.

Applicant: Mr Will Davies

Presenting officer: Charlotte Peet

Reason presented to committee: Called in by Cllr Mark Ashton - Recommended by Delegation Panel on the 10th June to be brought to Planning Committee

Member site visit date: N/A

Key issues:

1. Principle of Development
2. Heritage Impacts
3. Character and Appearance
4. Residential Amenity
5. Highway Safety
6. Other Matters

Recommendation: **REFUSE** the application.

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
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8	Member representations
9	Local Groups/ Petition
10	Planning background
11	Assessment
12	Principle of development
13	Design, layout, scale and landscaping
14	Heritage assets
15	Biodiversity
16	Highway safety and transport
17	Amenity
18	Other matters
19	Planning balance
20	Recommendation

Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks planning permission for installation of a new all-weather, stepped in, retractable roof canopy with independently supported tensile roof fabric and associated works.
- 1.2 This application has been amended from previous attempts by stepping the structure in from the edges of the building and creating a new tensile fabric structure above the frame. It also has replaced the glass with vinyl and will maintain the existing lighting. Officers suggest that these amendments do not overcome the reasons for refusal, the proposal would continue to result in an exoskeletal frame which is considered to be entirely out of keeping with the surroundings, and harmful to the skyline and surrounding heritage assets.
- 1.3 The application follows four previous applications for a similar canopy structure on the rooftop which have been refused both by Members of the Planning Committee (ref. 22/00778/FUL; 23/01137/FUL; 24/01408/FUL) and by Officers under delegated powers (ref. 24/00488/FUL). Most recently, an appeal was dismissed following a hearing and the reasons for

refusal relating to harm to the skyline and heritage assets were upheld by the Planning Inspector.

- 1.4 This application does not overcome the reasons for the refusal, the report details that the proposal would continue to be an incongruous, dominating extension to the rooftop that would detrimentally impact the historic skyline of Cambridge from several key views (including Jesus Green and Magdalene Bridge) due to its appearance, form, mass, bulk, scale and illumination.
- 1.5 In addition, it would result in less-than-substantial harm to several heritage assets including the Central Conservation Area, Grade I and Grade II listed buildings and buildings of local interest as it would result in a modern, alien intervention towering above the special, historic landscape with this part of the historic core. The special attention and significant weight that should be paid to any harm is specified within the NPPF (2024) and Planning (LBCA) Act (1990) as detailed in the body of the report. Similar to the findings of the Planning Inspector from the recent planning appeal, officers are of the view that the proposal is considered to be void of significant public benefits that would overcome the harm outlined.
- 1.6 Officers recommend that the Planning Committee **REFUSE** the application.

Consultee	Object / No objection / No comment	Paragraph Reference
Cambridge City Airport	No objection. Recommend crane informative.	18.1
Ministry of Defence	No objection.	18.1
Historic England	The roof form is alien to its immediate context in terms of its architectural form, profile and materials.	14.13

	<p>Unsympathetic to character and appearance of the conservation area and the setting of the other nearby listed building, and that this would result in less than substantial harm to the significance of these heritage assets.</p>	
<p>Conservation Officer</p>	<p>Objection.</p> <p>The proposal results in a stark skeletal metal structure at high level which would by virtue of its height, form and materiality be intrusive and negatively impact the settings of listed buildings, Conservation Area especially when viewed from Magdalene College, Jesus Green and the River setting.</p> <p>The building would dominate BLI terrace streets.</p> <p>The tensile structure would be incongruous with the towers and spires of the central core area.</p>	<p>14.12-14.19</p>
<p>County Highways Development Management</p>	<p>No objection.</p>	<p>16.3-16.4</p>
<p>Urban Design Officer</p>	<p>Objection.</p> <p>While this proposal has reduced the heaviness of the previous frame somewhat, it has lost the design integrity seen in previous iterations.</p> <p>The pergola now appears as a bolt-on addition that neither aligns with the building's architectural rhythm nor introduces a more articulated form.</p>	<p>13.33</p>

	The tensile fabric canopy seems a superfluous appendage. It extends significantly higher than the pergola roof, making it highly prominent on the skyline. This protrusion lacks elegance, does not integrate well with the pergola design, and appears incongruous.	
Third Party Representations (7)	Comments have been submitted in both support and objection, these will be outlined below and covered within the relevant sections of the report.	(see report)

Table 2 Consultee summary

2. Site description and context

- 2.1 The Varsity Hotel is a seven-storey building used as a hotel and restaurant within the city centre. The Glassworks gym occupy the converted warehouse which adjoins the application site to the north.
- 2.2 To the north west of the site, are two-storey residential dwellings that sit in terrace rows between the site and the edge of Jesus Green. These buildings are generally either buildings of local interest or grade II listed are have a low scale, finely detailed and uniform appearance.
- 2.3 To the southwest, the quayside and River Cam is located. The quayside comprises modern buildings, however the brick frontages and uniform grid windows help to integrate these with the historic surroundings. It is noted in the Conservation Area appraisal that the Varsity Hotel already rises above the roofscape of this buildings, having a negative impact on the city skyline. It is also visible from the River Cam itself, and therefore any changes have the potential to impact on the setting of this.
- 2.4 The proposal is located with the historic core of the city, it is a highly visible site from several key routes and views into this area such as along Magdalene Street and Jesus Green. Within this part of the Conservation Area, there are several highly significant listed buildings, such as those at Magdalene College (Grade I and Grade II). Due to the height of the proposal, it would also be visible in the context of buildings across the Conservation Area such as listed buildings at St Johns. The full context of the heritage assets will be given in more detail in the heritage section of the report.

3. The proposal

- 3.1 The proposal seeks permission for the installation of a new all-weather, stepped in, retractable roof canopy with independently supported tensile roof fabric and associated works.
- 3.2 The proposal seeks to install a metal framed pergola structure above the existing rooftop. The structure would be framed in PPC aluminium posts and would contain retractable fabric within the roof and retractable vinyl within the sides. This proposal would also include a permanent tensile fabric element to sit above the frame. The proposal is stepped away from the edges of the roof by approx. 1.5-2 metres around the east, south and west sides of the building, and so the balustrade would remain in place to define this boundary. The existing hotel has a height of approximately 21 metres, with the balustrade an additional 1 metre above this. The proposal would increase the height of the hotel, the metal structure would have a height of 2.97 metres and the tensile element would have an additional height above this of 2.49 metres. The hotel would have a total increase from 22 metres to approx. 26.46 metres, which is substantially taller than the previous proposals.
- 3.3 This application follows four previous applications for a similar proposal, the majority of these were heard and refused by Members of the Planning Committee. The site history will be outlined in full below.

4. Relevant site history

Reference	Description	Committee Date	Outcome
22/00778/FUL	Installation of a new all-weather lightweight retractable roof canopy and associated works	02.11.2022	REFSUED (appeal dismissed)
23/01137/FUL	Installation of a new all-weather lightweight retractable roof canopy and associated works	05.07.2023	REFUSED
24/01408/FUL	All Weather Retractable Roof Canopy with Living Meadow Walls and Associated Works	07.08.2024	REFUSED
24/00488/FUL	Installation of a new all-weather lightweight retractable roof canopy and associated works.	Delegated	REFUSED (appeal dismissed)

Table 2 Relevant site history

- 4.1 The proposal to create an extension to the rooftop in the form of exoskeletal structure has been well-considered through four separate

applications, three of these were considered and refused at Planning Committee and two were dismissed at an appeal.

- 4.2 The most recent appeal decision was given following a hearing which was dismissed only last month (appeal decision date: 20th May 2025). The appeal decision can be found at appendix 2 of the report.
- 4.3 The proposal has been altered slightly throughout the applications, however they have largely remained the same in principle, which include the proposal to enclose the rooftop through a metal frame structure. The first application had a pitched roof form, the second and fourth applications were largely the same and had an amended design to attempt to better connect the frame to the existing hotel. The third application remained the shape of the frame, however added living walls.
- 4.4 All applications were considered to have a harmful impact on heritage assets and the skyline of Cambridge, and the public benefits proposed were not considered to outweigh this. As members will be reminded of in the report, previous decisions can form material considerations in a planning decision and therefore Officers advise that these should be given significant weight in the decision-making process.

5. Policy

5.1 National policy

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2019
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)
Technical Housing Standards – Nationally Described Space Standard (2015)
EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020
Conservation of Habitats and Species Regulations 2017
Environment Act 2021
ODPM Circular 06/2005 – Protected Species
Equalities Act 2010

5.2 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development
Policy 2: Spatial strategy for the location of employment development
Policy 7: The River Cam
Policy 10: The City Centre
Policy 34: Light pollution control
Policy 35: Protection of human health from noise and vibration

Policy 37: Airport Safeguarding
 Policy 55: Responding to context
 Policy 56: Creating successful places
 Policy 58: Altering and extending existing buildings
 Policy 59: Designing landscape and the public realm
 Policy 60: Tall buildings and the skyline in Cambridge
 Policy 61: Conservation and enhancement of Cambridge's historic environment
 Policy 62: Local heritage assets
 Policy 70: Protection of priority species and habitats
 Policy 77: Development and expansion of visitor accommodation
 Policy 79: Visitor attractions
 Policy 80: Supporting sustainable access to development
 Policy 81: Mitigating the transport impact of development
 Policy 82: Parking management

5.3 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022
 Sustainable Design and Construction SPD – Adopted January 2020

5.4 Area Guidelines

Cambridge Historic Core Conservation Area Appraisal (2015)

6. Consultations

Publicity

Neighbour letters – Y
 Site Notice – Y
 Press Notice – Y

Conservation Officer - Object

- 6.1 The proposal results in a stark skeletal metal structure at high level which would by virtue of its height, form and materiality be intrusive and negatively impact the settings of listed buildings, Conservation Area especially when viewed from Magdalene College, Jesus Green and the River setting.
- 6.2 The building would dominate BLI terrace streets. The tensile structure would be incongruous with the towers and spires of the central core area.
- 6.3 There would be significant harm to the setting of the LB Listed buildings and the character and appearance of the central Conservation Area. This would be “less than substantial harm” in NPPF terms.

Historic England - Object

- 6.4 Unsympathetic to character and appearance of the conservation area and the setting of the other nearby listed building, and that this would result in less than substantial harm to the significance of these heritage assets.

Ministry of Defence - No Objection

- 6.5 No objection.

Cambridge Airport - No Objection

- 6.6 No objection.
- 6.7 Recommend crane informative.

Urban Design Officer - Objection

- 6.8 While this proposal has reduced the heaviness of the previous frame somewhat, it has lost the design integrity seen in previous iterations.
- 6.9 The pergola now appears as a bolt-on addition that neither aligns with the building's architectural rhythm nor introduces a more articulated form.
- 6.10 The tensile fabric canopy seems a superfluous appendage. It extends significantly higher than the pergola roof, making it highly prominent on the skyline. This protrusion lacks elegance, does not integrate well with the pergola design, and appears incongruous.

County Highways Development Management - No Objection

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

7. Third party representations

- 7.1 Seven representations have been received, 2 in support, 5 in objection.
- 7.2 Those in objection have raised the following issues:
- Does not overcome previous objections
 - Step in does not reduce height, scale, bulk, appearance and lighting
 - Conflict with policies 60, 61 and 62 of Cambridge Local Plan (2018)
 - Height harmful to views of historic centre
 - Harm to historic environment including Magdelene College

- Appeal Inspector gives detailed analysis of impact to heritage, this assessment is a strong material consideration
- Impact to the skyline
- Economic argument does not outweigh harm to major heritage asset
- Harm not outweighed by visitor attraction argument

7.3 Those in support have given the following reasons:

- Pergola discrete and would not look out of place
- Roof covering will provide shade
- Result in permanent jobs
- Make Varsity unique differentiator to improve business and leisure offering

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

8. Member Representations

8.1 Cllr Ashton requests the applications be heard at Planning Committee as previous applications have generated public support and should be given opportunity to speak.

9. Local Groups / Petition

9.1 Cambridge Past, Present and Future has objected to the application on the following matters:

- The proposal would compete with the historic spires in the skyline due to height and uncharacteristic form, the tensile roof would be particularly incongruous
- The proposal would result in harm to heritage assets including Conservation Area, listed buildings and buildings of local interest as detailed in the appeal statement of case, Conservation comments and case reports.
- The visualisations highlight harm, particularly from Jesus Green and Magdalene Bridge, especially given illumination
- The amendment to step the proposal in does not reduce height, scale, bulk, appearance and lighting
- The listed buildings are of the highest significance and should be given great weight in the decision making process. The harm is not outweighed.

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

10. Planning background

- 10.1 The planning history is set out above, to summarise the proposal to create an extension to the hotel rooftop has come forward in various forms since 2022. The four previous applications have been refused for impact to the skyline, heritage assets and the character of the area, these decisions have been made both by Planning Committee (ref. 22/00778/FUL; 23/01137/FUL; 24/01408/FUL) and under delegated powers (ref. 24/00488/FUL). With each decision, the specialist consultees and members of the public had the opportunity to provide comments on the application and these were taken into account in the decision making process.
- 10.2 Most recently, the application refused under delegated powers was appealed and heard by the Planning Inspector at an Appeal Hearing held on 11th March 2025 (ref. 24/00488/FUL). This appeal was dismissed by the Planning Inspectorate 20th May 2025 and the reasons for refusal were upheld. The Inspector was taken on an extensive, accompanied site visit around the city where key views were offered. A full copy of the appeal decision can be found at appendix 2. Officers will refer to the appeal decision where appropriate, however to provide an overview, the Inspector outlines the harm that would result from the proposal to Grade I and Grade II listed building, the character and Appearance of the Central Conservation Area, and buildings of local interest. This is weighed against the public benefits of the proposal, however the Inspector outlines that there would not be significant public benefits to outweigh this harm.
- 10.3 The first proposal was previously tested at appeal prior to this, this was also dismissed and the reasons for the refusal upheld (ref. 22/00778/FUL). This appeal decision can be found at appendix 3 of the report.
- 10.4 It is important that members consider the application upon its own merits, however the appeal decisions and previous decisions made by the council are material considerations in the determination of this planning application.

11. Assessment

12. Principle of Development

- 12.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 guided that

decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

- 12.2 Policy 10 of the Cambridge Local Plan (2018) seeks to support Cambridge as a thriving regional centre, through supporting a mix of retail, leisure and cultural development in order to add to the viability and vitality of the city centre. It outlines that development in the city centre should (a) add to the vitality and viability; (b) achieve a suitable mix of uses; (c) preserve or enhance heritage assets and their setting, open spaces and the River Cam; (d) be of the highest design quality and (e) promote sustainable transport. Policy 77 supports proposals for high quality visitor accommodation, based on the 'Cambridge Hotel Futures' (2012) study which at the time showed a market demand for hotel development.
- 12.3 NPPF (2024) seeks to support the vitality of town centres, and support businesses giving significant weight on supporting economic growth within paragraph 85.
- 12.4 The 'Jobs Topic Paper (2021) which forms part of the evidence base for the new local plan, outlines that between 2012-2020 there was an increase of 400 hotel bedrooms within the area with forecasting showing that growth could increase moving forward. It outlines that Covid-19 created uncertainty with less visitors staying overnight, however that in the future the policy position will be to continue to support visitor accommodation within sustainable locations.
- 12.5 Regarding material considerations, it is well established in Case Law that consistency in decision making is important and that previous decisions can be material considerations in the decision-making process. In this case, Officers suggest that Members of the Committee are mindful of the previous planning decisions regarding proposals to extend the rooftop, particularly with regard to the recent Appeal Hearing decision which came out only last month.
- 12.6 The Design and Access Statement sets out that the roof terrace is used as existing for visitors when the weather allows, the proposal seeks to enable the roof terrace to be used year round by covering the roof terrace with a pergola structure. The tensile roof has been added to provide a permanent covering over the access point to the roof and has been designed to create distinction within the skyline. It is understood that the use of the rooftop is limited to the warmer months and the proposal would support year-round use of the rooftop.
- 12.7 Officers continue to understand the logic behind the proposal and understand the desire of the hotel to operate the rooftop in a year-round manner. It is clear that the hotel operator's aim to improve occupancy and attraction to the hotel in order to support their business and Officers have no objections to this, in line with the policies within the Local Plan and NPPF, however in this case, this proposal would have unacceptable impacts to the surroundings, including heritage assets, the skyline and

River Cam, and therefore cannot be considered acceptable in principle as it would not comply with Policy 10.

13. Design, layout, scale and landscaping

- 13.1 Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 13.2 Cambridge Local Plan (2018) policy 60 seeks to ensure that the overall character and qualities of its skyline is maintained and, where appropriate, enhanced as the city continues to grow and develop. The proposal states that any proposal for a structure to break the existing skyline and/or is significantly taller than the surrounding built form should be assessed against the criteria listed in parts (a) – (e) of the policy.
- 13.3 Cambridge Local Plan (2018) policy 7 outlines that development within the River Cam corridor should preserve and enhance the unique physical, natural, historically and culturally distinctive landscape of the River Cam.
- 13.4 Appendix F (Tall Buildings and the Skyline) of the Cambridge Local Plan 2018, states that Cambridge has a distinctive skyline that combines towers, turrets, chimneys and spires with large trees with notable buildings including St John's College Chapel and others forming some of the important view to Cambridge.
- 13.5 It defines a tall building as any structure that breaks the existing skyline and/or is significantly taller than the surrounding built form, and states that within the historic core any proposal with six storeys or more and a height above 19 metres would need to address the criteria set out the guidance. The application meets this criteria in heights of height and storeys and therefore should outline how it would maintain or enhance the character and qualities of its skyline.
- 13.6 The proposal seeks to install a metal framed pergola structure above the existing rooftop. The structure would be framed in PPC aluminium posts, and would contain retractable fabric within the roof and retractable vinyl sides. This proposal would also include a permanent tensile fabric element to sit above the frame to create a fixed articulated feature. The proposal is stepped away from the edges of the roof, and so the balustrade would remain in place to define this boundary. The existing hotel has a height of approximately 21 metres, with the balustrade an additional 1 metre above this. The proposal would increase the height of

the hotel, the metal structure would have a height of 2.97 metres and the tensile element would have an additional height above this of 2.49 metres. The hotel would have a total increase from 22 metres to approx. 26.46 metres.

13.7 This proposal would be taller than the previous proposals for a roof extension on the site, these created an additional 3.1 metres in height to extend the building to approx. 24 metres. The proposal, however is stepped in from the edges of the building so that rather than connect to the balconies on the floor below it would sit on top of the roof, set in from the edge. The footprint has been pulled back from the edge of the roof by approx. 1.5-2 metres around the east, south and west of the building, it remains pressed up to the edge on the northern side.

13.8 It should be noted that the previous applications were refused based on impacts to the skyline and heritage assets, as follows:

1. Policy 60 of the Cambridge Local Plan 2018 requires that any proposals for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form must demonstrate that the proposal would result in a high-quality addition to the Cambridge Skyline, that complements the character of the surrounding area. The proposed development is considered to result in a permanent incongruous addition to the Cambridge skyline that would fail to positively respond to the existing delicate and historic features through its height, scale, bulk, appearance and lighting. As such, the proposed development fails to contribute positively to its surroundings and the Cambridge Skyline and is therefore contrary to the National Planning Policy Framework (2023) and Cambridge Local Plan (2018) policies 55, 56, 58, 60.
2. The National Planning Policy Framework and policies 61 and 62 of the Cambridge Local Plan 2018 aim to ensure that heritage assets of the City are conserved in a manner appropriate to their significance, including their setting. By virtue of the proposed height, scale, bulk, appearance and lighting, the proposal would result in less than substantial harm to character and appearance of the Central Conservation Area and the setting of listed buildings and would adversely impact the unique, historic landscape of the River Cam. Furthermore, it would also harm the setting of buildings of local interest, which make a positive contribution to the character of the Central Conservation Area. The harm to heritage assets is not outweighed by the public benefits. As such, the proposal fails to preserve or enhance the character and appearance of the Central

Conservation Area and the setting of listed and buildings of local interest, contrary to the provisions of the Planning (LBCA) Act 1990, the National Planning Policy Framework (2023) and Cambridge Local Plan (2018) policies 7, 10, 61 and 62.

- 13.9 As above, reason 1 outlined that the previous proposal would adversely impact the character of the area and the skyline by virtue of the height, scale, bulk, appearance and lighting. In the Appeal Hearing decision (paragraph 71 – Appendix 2) , the Inspector has been highly critical of the height, form and appearance of the previous framed structure. The Inspector outlines that the proposal would fail to successfully contrast or be consistent with its environment and instead the exoskeletal form is described as alien and incongruous within the context of the skyline. The Inspector outlines that in addition to this, the increase in height and bulk resulted in the proposal competing with and dominating important heritage features within the skyline.
- 13.10 Officers do not consider that the proposal has overcome the reasons for the refusal, nor the Inspectors concerns as will be outlined. The third party representations which share this view are noted, the comments outline that the proposal has not overcome the previous concerns and continue to be contrary to policy.
- 13.11 As previously, the application has been submitted with visualisations from various viewpoints around the city in order to satisfy criteria (a) of Policy 60. The viewpoints help Officers to understand the impact of the proposal.
- 13.12 The existing hotel is an unfortunate, prominent feature within the Cambridge Skyline and within the surrounding locality. It appears as such, not only due to its height and bulk, but also due to its design and the contrasting materiality. The Inspector specifies that its existing stepped design, and the extent of the zinc at the top of the building draws the eye in the streetscape (paragraph 9 and 10 – Appendix 2). Officers agree, that the proposal building currently sits in contrast to its surroundings. It is viewed at odds with the existing two-storey, residential character to the north east of the and the quayside to the south west given its modern appearance, form and materiality.
- 13.13 The proposal has been altered from the previous applications, to reduce the extent of the framework, reduce the footprint of the structure and to create a new tensile roof form. Officers are of the view, that this has a largely negligible impact to the harm from the views described and would not overcome the reasons for refusal.

- 13.14 The proposed form and appearance of the structure is largely the same, it would still result in a tall, exoskeletal form above an already prominent building. It continues the incongruous form and appearance from the unsuccessful floors below and would further draw the eye of those in the street scape and within wider views due to the increase in activity combined with the additional height, bulk and uncharacteristic appearance. The new tensile structure, is only visible from some view points and ultimately does little to create articulation within the structure, instead it does appear as an unfortunate addition on to the framework.
- 13.15 The step back is acknowledged as an attempt to reduce the bulk of the building, however from Magdalene Bridge which is one of the more sensitive viewpoints, this does little to reduce the harmful impact of the proposal, it would remain similarly visible as a tall, out of place structure with activity above the ridgelines of the existing quayside building. A large extent of the frame would remain visible and although the footprint is stepped back, the width, size and bulk of the structure would remain very similar to previous offerings. Its appearance is still of an alien, exoskeletal feature which would punch into the skyline above the quayside development in contrast to the undulating roof form that exists in this location.
- 13.16 From Central Jesus Green, there is some reduction in bulk to the removal of the chamfered sections, however the proposal would continue to be visible as a detrimental, overly tall, excessively bulky framework that would sit in contrast to the existing historic features visible from this view. The historic features at St John's College Chapel and New Court are finely, historically detailed slender punctuations into the skyline. The proposed development would fail to preserve or enhance these high-quality parts of the skyline and instead would increase the impact of the existing hotel to over dominate these features and the skyline.
- 13.17 From Jesus Green Café, the chamfered approach has been removed and the rectilinear form returned. The rectangular edge of the pergola structure would be visible from this view, emphasising its contrast with the historic features. By virtue of the height, bulk and scale as well as evening lighting the proposal would appear entirely incongruous within the skyline.
- 13.18 The Inspector picks out that the previous proposal, when viewed from St Mary's Church, would breach the ridge of St John's Chapel, so would result in a relationship with the chapel that is incongruous and anachronistic (Paragraph 25 – Appendix 2). The proposed frame would be of a very similar height so would continue to be visible in this regard. It also proposed the tensile roof element, which has an unfortunate

consequence in raising the height of the structure, and introducing an additional material and form which is out of keeping with these features and the historic skyline.

- 13.19 The proposal also continues to be visible from the Scholars Garden within Magdalene College, it has not been stepped away from this edge and remains visible as a box-shaped frame which is discordant with the existing roof scape and building form within this setting.
- 13.20 In regard to Castle Mound, is noted in the Local Plan (2018) that views from Castle Mound reveal a city of spires and towers emerging above an established tree line as to create a number of 'incidents', where important buildings rise above those of a prevailing lower scale. It is noted that the building is not part of the high-quality historic fabric within the city core as many of the other features within the skyline area, mostly relating to educational or religious buildings. Instead it is already visible and a modern intervention from this location, although the treeline does offer some relief from this view. It is considered that the proposal would become more apparent from Castle Mound than previous proposals due to the white tensile element above the structure which is visible in greater contrast to the treeline. It is clear from this location that the proposal would not preserve the high-quality of the skyline.
- 13.21 The applicant has attempted to overcome concerns over lighting by retaining the existing lighting on the rooftop, rather than proposing to add additional lights within the structure or elsewhere on the rooftop. Whilst, this may reduce the illumination levels from the previous proposal, the development would still increase the level of lighting throughout the year. As explained by the applicant, the proposal is currently used 100 out of 365 days of the year, however with the proposal the structure and rooftop could be used all year around including the darker months when artificial illumination would have to be utilised into the afternoon and evening due to the reduction in natural light. The introduction of this additional lighting year round would draw further attention to the hotel year round, and would further exert dominance over the historic features which are not lit and do not host activity at this level.
- 13.22 Criteria (b) aims to preserve and enhance heritage assets and requires the applicant to demonstrate and quantify the potential harm of proposals to the significance of heritage assets or other sensitive receptors. The applicant has submitted a Heritage Impact Assessment, which describes the significance of relevant heritage assets and the potential impact that the proposal may have on these features. The information submitted provides an assessment of surrounding heritage assets and the views

detailed within this section. The impact will be fully assessed in the following section of the report.

- 13.23 Criteria (c) requires that the applicant to demonstrate through the use of scaled drawings, sections, accurate visual representations and models how the proposals will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact.
- 13.24 Appendix F (paragraph F.36) states that the appropriate scale and massing of buildings is an important consideration in achieving the good integration of new buildings within established urban areas and the wider landscape. An understanding of the surrounding context, as required in Policy 55 of the Cambridge Local Plan, is an important step in achieving appropriately scaled buildings.
- 13.25 The applicant has outlined that the proposal has been stepped away from the edge of the building, to take the pelmet of the metal structure away from the roof edge and follow the stepped character of the 5th and 6th floors below. Officers recognise this attempt, however find that there is no significant, meaningful reduction in the overall scale, mass and bulk of the building from the key views. The proposal remains bulky and dominant in terms of scale and incongruous form and appearance, in contrast to the small-scaled architectural features of the surroundings. It fails to achieve an appropriate scale and massing, and would not appear well integrated into the surroundings.
- 13.26 The tensile roof does not serve to better relate to these architectural characteristics of the locality, as it does not create any real articulation from surrounding views. It fails to successfully contrast or positively reflect the existing built form.
- 13.27 In regard to part (d), the applicant has not submitted information regarding any consideration of the amenity and microclimate of neighbouring buildings and open spaces. The amenity impacts of the proposal will be considered more fully in the amenity section of this proposal to understand if any further information would be required.
- 13.28 Finally, in reference to criteria (e), the visualisations provide an indication of how the building would be viewed from various local viewpoints around the city and would inform the public realm. The building does not alter the street level directly, however would draw the eye of those within the street scene at the detriment of the existing built form within the surroundings.

- 13.29 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places.
- 13.30 Policy 58 supports alteration or extension to existing buildings where the addition is carefully designed as to preserve the character and appearance of the area and not adversely impact the character of the area. The policy text states that any proposals should reflect or successfully contrast with existing built form, use of materials and architectural detailing whilst ensuring that the proposals are sympathetic to the existing building and surrounding area.
- 13.31 As existing, the building contains a brick facade with openings to serve the hotel from ground floor to the fourth, above this the building finish is a more contemporary grey zinc. The fifth floor contains balconies to serve the hotel rooms, the sixth comprises the restaurant with a covered balcony. Above this, is the roof top level which comprises a glass balustrade which wraps around the edge of the building. The existing glass balustrade projects 1 metre above the existing roof top with metal railings surrounding the glazing.
- 13.32 The proposal is not considered to relate well to the surrounding character, whilst amendments have been made to the roof structure, this has not overcome the harm that would result from the proposal. The attempt to reduce in metal struts around the form, through introducing vinyl rather than glazing is recognised. However, this does little to alter the visually prominent nature of the proposal due to its height, cage-like form, increased activity and year-round lighting at this level. The metal structure is not substantially altered and the appearance and materials would remain out of place in this location. It is noted that one representation describes the proposal as discrete, however Officers disagree, the visualisations show the prominence of the structure towering above the surrounding development.
- 13.33 The Urban Design Officer, who has previously supported the application, has removed their support. They have outlined that whilst the appearance of the structure would now be less heavy, it has lost some of the design integrity seen in earlier applications resulting in a bolt-on appearance. They outline that the tensile roof, extends significantly higher than the pergola and does not create elegance or articulation on the building, it appears simply incongruous. Officers agree, the proposal would now do less to mitigate the strong horizontal emphasis of the upper floors, the pergola instead emphasises this and therefore appears at odds with the

structures in the skyline. The tensile fabric element has no purpose, nor would does it appear to resolve any design issues.

- 13.34 The proposal is not considered to overcome the previous reasons for the refusal, as has been outlined the proposal is vastly out of keeping with the surrounding character and would be a prominent, detrimental addition the Cambridge skyline.
- 13.35 Overall, the proposed development is considered to be of a poor-quality design that would fail to successfully reflect or contrast the surrounding character and it would result in an over dominant, incongruous feature within the historic skyline. The proposal is contrary with Cambridge Local Plan (2018) policies 55, 56, 58, 60 and paragraph 131 and 135 of the NPPF (2024).

14. Heritage assets

- 14.1 The application falls with the Central Conservation Area, and within the setting of several grade I and grade II listed building and buildings of local interest.
- 14.2 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.
- 14.3 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 14.4 The application site is with the Historic Core of the city (Central Conservation Area) and within the setting of several listed building which are set out below.
- 14.5 Paragraph 212 of the NPPF (2024) outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. As such any harm would be given significant weight in the decision-making process.

- 14.6 To start, in making the following assessment, Officers are minded to consider the recent appeal decision, in which the Inspector gives a detailed overview of the relevant heritage assets in this location and the harm that would result each one from the proposal.
- 14.7 The Inspector summarises the heritage harm that would result from the proposal (paragraph 47), and provides a detailed assessment of each heritage assets including designated assets (paragraphs 21-50) and buildings of local interest (paragraphs 51-55). The Inspector outlines that the previous proposal would have resulted in less-than-substantial harm at the higher end of the scale and outlines that harm would result to the following Grade I listed building (New Court and Buildings Surrounding the First, Second and Third Courts, both at St John's College; the Pepys Building, and the Buildings Surrounding First Court, at Magdalene College) and Grade II listed buildings (Magdalene Bridge, the Great Bridge).
- 14.8 In addition, there would be less-than-substantial harm at the lower end of the scale that would result to the following Grade II listed buildings (Walls lining the second court on north- east and south- west sides and Bright's Building, Magdalene College) and the buildings of local interest (Lower Park Street).
- 14.9 The Inspector outlines that there would be less-than-substantial harm to the Central Conservation Area.
- 14.10 Paragraph 212 of the NPPF (2024) is clear that great weight should be given to an assets conservation, and paragraph 213 sets out that any harm or loss should require clear and convincing justification.
- 14.11 Officers agree with the Inspector's assessment; there would be widespread heritage harm within the historic core of the city as demonstrated by the assets impacted. The historic core is of historic and architectural interest within the city and the buildings impacted hold some of the highest heritage significance in this part of the historic core.
- 14.12 The Inspector has also upheld that the proposal would adversely impact the River Cam, and be in conflict with Policy 7. The River Cam is a key part of Cambridge's definition character and any harm to its unique landscape should be strongly resisted.
- 14.13 The Conservation Officer has remained consistent through all of the planning applications and has objected to the application on the grounds that the proposal would result in a stark skeletal metal structure at high level, with the proposed height, form and materiality causing in a harmful intrusion within the settings of listed buildings and a harmful impact to the character and appearance of the Conservation Area especially as experienced from Jesus Green and the River Cam.

- 14.14 Historic England outline that the proposal would add height and bulk through the additional of a roof structure that is alien to its immediate context in terms of its architectural form, profile and materials. We consider that this would make an already over-scaled building appear even more unduly prominent within the conservation area and setting of other nearby heritage assets and how they are experienced.
- 14.15 Officers agree with this assessment. From the west of the site, the proposal would be visible above the quayside rooftops. The proposal would sit as a prominent, incongruous structure, that would not relate well to the existing roof scape and instead would produce a harmful modern intervention that would be visible from the River Cam and the grounds of Magdalene College and within the setting of several listed buildings within Magdalene College including Grade I and Grade II buildings and walls and Magdalene Bridge on Bridge Street which is also grade II listed. Magdalene College also houses the Fellows and Scholars Garden which provide a tranquil setting for these assets. As existing, the quayside provides a bustle of activity at street level, with the hotel/ restaurant providing some existing activity at a much higher level. The increase in this and the siting of additional height and an alien exoskeletal appearance would draw the eye up and dominate the finely detailed historic buildings to become excessively prominent within the setting of these buildings as to result in less-than-substantial harm to the setting of these assets
- 14.16 The proposal would be substantially visible from the River Cam, and along Magdalene Street and Bridge Street, and from the views would tower over the quayside activity and detract from the setting of the river and the relationship between the Quayside buildings and the listed buildings within Magdalene College. The Conservation Area appraisal (2017) outlines that the views along the River Cam to and from Magdalene Bridge are notably high quality and therefore Officers have significant concerns about the harm that would result to these views. The proposal is considered to diminish the special landscape of the River Cam which is in clear conflict with the guidance in the appraisal and Policy 7 of the Local Plan (2018).
- 14.17 It is noted that a number of third parties and Cambridge Past Present and Future share concerns about the impact on Magdalene College, and the listed buildings within these grounds. Officers are sympathetic to these concerns and concur that the proposal would be entirely at odds with the historic buildings in this location.
- 14.18 The Conservation Officer also raised the experience from Jesus Green. Jesus Green is a high-quality open space in the city, it is framed by mature trees and built form which is generally two-storey in height and modest in scale. There are punctuations above the tree line but these are the historic skyline features that have been previously discussed in regard to skyline. This relationship is visible within the visualisation from Jesus Green, which demonstrates that the existing hotel already extends well above the height of surrounding development and sits in contrast with the

existing grain in this area. The frame would be out of keeping with the historic, slender skyline features and overdominance these structures due to overly horizontal, boxy, frame design.

- 14.19 The Conservation Officer also outlines that the building would become even more dominating of the BLI terraced house streets. The additional impact compared to the existing hotel would be harmful. The domestic buildings that frame the edge of Jesus Green are generally in the form of two-storey, uniform terraced buildings. Park Parade, St John's Road and Thompsons Lane are Buildings of Local Interest within the Conservation Area. The proposal site is highly visible down these roads in the setting of these buildings and is already disruptive to the aesthetic and architectural detailing of these building due to the height, bulk and horizontal emphasis. The proposal would only further emphasise and increase this harmful relationship. Lower Park Street which is a grade II terrace row of properties has a similar relationship, with its significance resulting from the historic and architectural interest. These buildings would similarly be adversely impacted through the resulting incongruous height, appearance, form and massing from the proposed extension. The proposal would result in less-than-substantial harm.
- 14.20 The proposal is within the Central Conservation Area. The Conservation Area is characterised by many of the aspects already discussed in this report such as public open space, mature trees, low height buildings and a district and historic skyline. There are key vistas from around the city into and around the Conservation Area, including from within the narrow streets in the surroundings and from the River Cam. As has been discussed, the Varsity Hotel is already noted in the appraisal as a negative feature that detracts from the Conservation Area. It is considered that to introduce the proposed structure would increase the detrimental impacts that result from the height, bulk, mass, appearance and illumination of the building. The proposed exoskeletal design and tensile roof would be completely out of place within this part of the Conservation and would become a detrimentally dominant feature and result in less-than-substantial harm to the Central Conservation Area
- 14.21 This is only exacerbated by the illumination. The existing restaurant already exists as somewhat of an illuminated beacon above the tree line and surrounding development, however the rooftop would exaggerate this harmful impact and dominating relationship. Whilst the lighting will remain as existing, rather than have new features installed, the use of the building will increase year round to include the darker months. As such the lighting, at that height and level, will increase the harmful impact to the surroundings. Having considered the evening views, the lighting while reduced is still visible and appears to reflect off the frame
- 14.22 Officers do not consider that the proposal has meaningfully addressed the harm outlined by Officers and the Inspector, and it remains the case that the proposal would result in a high level of less-than-substantial harm to grade I, grade II listed budling and to the Conservation Area. The proposal

would adversely impact the significance of the Buildings of Local Interest and detrimentally impact the setting of the River Cam.

- 14.23 The NPPF (2024) outlines that conservation of a heritage asset should be given great weight in the planning balance, and the more important the asset, the greater the weight should be. Members should carefully consider this in light of the level of harm identified to highly significant heritage assets across this part of the city.
- 14.24 Notwithstanding this, the NPPF (2024) outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 14.25 As part of the appeal decision the Inspector weighed the public benefits in their decision against the heritage harm (paragraphs 67-70) , and concludes that the proposal would result in largely private benefits to the commercial business and an absence of any defined significant public benefits. It is noted that third party representations have been received to outline that their view is that the benefits would not outweigh the significant weight given to the harm to heritage assets of the highest significance.
- 14.26 The public benefits presented have not substantially changes from the planning appeal (Appendix 2). The additional staffing numbers include 12 part time and 12 full time staff and additional ancillary employment that would result both within the hotel and on the rooftop and potentially further along the supply chain. This increase will be felt within the hotel but is reasonably limited in the wider impact in terms of employment across the city and therefore Officers would give this low weight in the planning balance.
- 14.27 The Inspector outlined that they do not consider that the proposal would have a tourism benefits, as the tourism economy in Cambridge is driven by the Universities, heritage assets and other factors that the hotel would therefore not be a factor in encouraging tourism. Officers have previously recognised the tourism stance of the hotel, however understand that this is limited and therefore this is given little weight.
- 14.28 The applicant has presented various arguments about the site being able to be accessed and used by different groups and by different functions. They also outline that the proposal would offer access for visitors and residents to view heritage assets. The proposal site is ultimately a private site, that would certainly read as such for any visitors and therefore this cannot be given any weight in the planning balance.
- 14.29 It is noted that the potential for additional solar shading has been raised both by the applicant and by one third party. Officers share the view of the Inspector, it does not appear that shading would be substantially greater

than the existing umbrellas on the rooftop, therefore this is given no weight.

- 14.30 Taking into account the significant weight to be given to the conservation of heritage assets, and taking into account the largely limited public benefits, the heritage harm is not considered to be outweighed by the public benefits.
- 14.31 It is considered that the proposal, by virtue of its height, scale, massing, bulk, appearance and illumination would result in a high level of less-than-substantial harm the character and appearance of the Conservation Area and the setting of several highly significant grade I and grade II listed buildings and buildings of the local interest.
- 14.32 There is a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and; section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 14.33 In addition, paragraph 212 of the NPPF (2024) sets out that great weight should be given to the asset's conservation.
- 14.34 The public benefits are limited, and the proposal instead provides primarily private benefits to the business. As such, the proposal is not compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF (2024) and Local Plan policies 60 and 61.

15. Biodiversity

- 15.1 The application is submitted with a BNG exception statement. As the proposal would impact less than 25 sqm of habitat, this is accepted, and the proposal would not be required to deliver biodiversity net gain nor any other enhancement. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

16. Highway safety and transport impacts

- 16.1 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 16.2 Para. 116 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

16.3 The Local Highways Authority have raised no objection to the application.

16.4 Officers note this and have had regard for the proposal and the potential for increased use from seasonal to potential year-round use and acknowledge that the proposal may lead to an increase in users and therefore movements to and from the site. Noting that the hotel and restaurant is already used year-round and taking into account that the building is sited in the centre of the city where sustainable transport methods are highly available and likely to be used, it is not considered that the proposal would be likely to lead to a significant increase in traffic as to adversely impact highway safety or the surrounding highway users.

17. Amenity

17.1 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

17.2 Policy 60 requires the applicant to demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals.

17.3 The applicant has not made an assessment regarding the impact of neighbouring buildings in terms of the surrounding urban microclimate and impacts in regard to wind, overlooking, overshadowing and sunlight and daylight as is required by Policy 60. However, in this case, given that the proposal would be sited on the roof of an existing building it is unlikely to result in significant adverse impacts in terms of microclimate and amenity.

17.4 It is noted that concerns have been raised about noise and light pollution, given the existing circumstances and use of the building, it is not considered that the potential additional noise and light would adversely impact any surrounding occupiers substantially.

18. Other Matters

Airport Safeguarding

18.1 The proposal site is located within the Cambridge Airport Safety Zone. It would extend above the surrounding buildings up to approx. 26 metres in height. Cambridge Airport and Ministry of Defence have been consulted

and raise no objection subject to an informative regarding crane use. As such, the proposal is not considered to adversely impact aircraft safety.

Accessible Design

- 18.2 The proposal seeks to enable the existing rooftop to be used year round rather than on a seasonal basis, however it is noted that the rooftop does not have level access and relies on a staircase to get to this level and as such it is not accessible. The lack of accessible design is disappointing to officers, and was noted by the Planning Inspector when considering opening up the space for public use. This has not been resolved under this application.

19. Planning balance

- 19.1 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).
- 19.2 It is important that Members have regard for the previous decisions made both by Members of the Planning Committee and by Officers, including those dismissed at appeal. Officers suggest that the most recent planning appeal (Appendix 2 - dated 20 May 2025) should be given significant weight in the planning balance given its similar nature and taking into account that the decision was made only last month using up to date policies with the Local Plan (2018), NPPF (2024) and Planning LBCA Act (1990).
- 19.3 Summary of harm
- 19.4 The proposal does not overcome the previous reasons for refusal, and remains detrimental to the historic skyline and heritages assets within the historic core of the city including listed buildings, the Central Conservation Area and buildings of local interest. Historic England, the Conservation Officer and third-party groups (Cambridge Past, Present and Future and Magdalene College) have raised significant concerns about the impact of the proposal on the surroundings and from key views with the area.
- 19.5 The proposal would result in conflict to policies 7, 10, 55, 56, 58, 59, 60, 61 and 62, which seek to support high quality development, and protect the significance of heritage assets, the character of the skyline and the landscape of the River Cam.

- 19.6 In addition to this, Officers must have regard to Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and which set out that planning decisions must have special regard for the desirability of preserving listed buildings or their setting and must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 19.7 The NPPF (2024) also outlines 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). The NPPF (2024) outlines that any harm should require clear and convincing justification.
- 19.8 As such, Officers give significant weight to the preservation of heritage assets. The harm to heritage assets is widespread and ranges between low and high levels of less-than-substantial harm to Grade I and Grade II listed buildings and the Central Conservation Area. There is also less-than-substantial harm to buildings of local interest and this should be considered as part of a balanced judgement. It is clear that in heritage terms, the proposal would result in harm to the setting of several buildings and the historic core of the city which are notable for their significance and historic and architectural value. The proposal would over dominate and detrimentally impact important parts of the historic fabric of Cambridge which Officers suggest is entirely unacceptable.
- 19.9 Summary of benefits
- 19.10 The proposal has been presented with public benefits, including increase to jobs both at the hotel and ancillary to this and creating a social attraction. The Planning Inspector outlined that the proposal did not result in public benefits of a significant nature that would outweigh the harm outlined. Instead, the Planning Inspector outlines that the proposal resulted in largely private benefits. Officers agree that the public benefits do not outweigh the harm detailed above and therefore cannot be supported.
- 19.11 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 **refusal**.

20. Recommendation

Refuse for the following reasons:

1. Policy 60 of the Cambridge Local Plan 2018 requires that any proposals for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form must demonstrate that the proposal would result in a high-quality addition to the Cambridge Skyline, that complements the character of the surrounding area. The proposed development is considered to result in a permanent incongruous addition to the Cambridge skyline that would fail to positively respond to the existing delicate and historic features through its height, scale, bulk, appearance and lighting. As such, the proposed development fails to contribute positively to its surroundings and the Cambridge Skyline and is therefore contrary to the National Planning Policy Framework (2024) and Cambridge Local Plan (2018) policies 55, 56, 58, 60.
2. The National Planning Policy Framework and policies 61 and 62 of the Cambridge Local Plan 2018 aim to ensure that heritage assets of the City are conserved in a manner appropriate to their significance, including their setting. By virtue of the proposed height, scale, bulk, appearance and lighting, the proposal would result in less than substantial harm to character and appearance of the Central Conservation Area and the setting of listed buildings and would adversely impact the unique, historic landscape of the River Cam. Furthermore, it would also harm the setting of buildings of local interest, which make a positive contribution to the character of the Central Conservation Area. The harm to heritage assets is not outweighed by the public benefits. As such, the proposal fails to preserve or enhance the character and appearance of the Central Conservation Area and the setting of listed and buildings of local interest, contrary to the provisions of the Planning (LBCA) Act 1990, the National Planning Policy Framework (2024) and Cambridge Local Plan (2018) policies 7, 10, 61 and 62.

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Appeal Decision

Hearing held on 11 March 2025

Site visit made on 12 March 2025

by Louise Nurser BA (Hons) MA Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/Q0505/W/24/3354817

The Varsity Hotel & Spa, Thompsons Lane, Cambridge, Cambridgeshire, CB5 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Varsity Hotel & Spa against the decision of Cambridge City Council.
 - The application Ref is 24/00488/FUL.
 - The development proposed is Installation of a new all-weather lightweight retractable roof canopy and associated works.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. In determining this application I have borne in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and; section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
3. During my preparation for the hearing, given the significance of the heritage assets involved, it became apparent that the Gardens Trust and Historic England should have been consulted during the consideration of the planning application. Therefore, prior to the hearing taking place both organisations were given the opportunity to submit representations. The Gardens Trust did not respond. However, Historic England made a representation which both main parties were made aware of, and which I have taken into account in making my decision.
4. Several people spoke in favour of the appeal proposal, and a statement was read out on behalf of a couple who could not attend in person. I asked that hard copies of these statements be provided. Although, these were received after the hearing had closed, no one would be prejudiced in my accepting them as they reflect what was said at the hearing.

Preliminary matters

5. I am aware that the use of the rooftop as a bar has planning permission, and there is an extensive planning history, including an earlier appeal, to provide a structure to enclose the rooftop. In addition, during the site visit I became aware of some

unauthorised glazed dome pods on the rooftop. Nonetheless, in the interests of clarity, my decision solely relates to the merits of the specifics of the appeal before me and the impact thereof.

Background and Main Issues

6. The Varsity Hotel and Spa is located in the heart of Cambridge's historic core. It is a building of modern appearance which is around 21 metres high and was converted from existing apartments. The restaurant on the top floor allows diners extensive, but not completely unimpeded views over central Cambridge. In contrast, the existing open roof top bar provides unrestricted panoramic views over central Cambridge and beyond. However, its operation is weather dependent. The proposed structure to house a retractable canopy would enable the rooftop bar to trade all year round.
7. From what I have read, heard and seen: I consider the main issues are the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby listed buildings, the registered park and garden at St John's College, and the Castle Mound scheduled monument, and the extent to which it would preserve or enhance the character or appearance of the Central Conservation Area (CA), and the effect on the skyline of Cambridge.

Reasons

8. The Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
9. The hotel, including the existing glass balustrade on the roof, is already a prominent building within central Cambridge, constructed of gault brick, with zinc cladding at the fifth and sixth floors, and a glass balustrade surrounding the existing roof top bar. At the fifth floor, there is an open balcony for the guest rooms facing Thompson Lane. The sixth floor, which is further set back, includes a covered terrace with a retractable awning system, which again faces east. There is another balcony to the restaurant which faces onto the service yard. Consequently, not only is the hotel prominent due to its height and bulk which contrasts with the neighbouring buildings, but the stepped design and the extent of zinc at the top of the building draws the eye within the wider streetscape.
10. The exoskeletal cage would link the sixth floor to the roof top bar, and matching zinc cladding would be used where appropriate. The proposal would increase the height of the hotel by around 2 m over and above the existing balustrade, or more significantly, over 3 m above the existing roofline of what is already a prominent building.
11. The existing stepped profile would be altered with the restaurant and extended roof top bar following a similar profile which would provide a link between the top floors.
12. My understanding is that the telescopic glazing would be designed not to be reflective so as to reduce its visibility and glare.

13. In providing a retractable roof there would no longer be any requirement for ephemeral parasols and other paraphernalia associated with the roof bar. However, from the plans provided there would be planting and seating, and of course the canopies when extended would be visible. Consequently, I do not see this to be an advantage particularly in the context of the harms I identify below. I note that the elements of the structure are described as slender. However, it is clear from the detailed plans that the steel structure would appear as a robust design.
14. I have been referred to several other hotel rooftop bars which have successfully integrated a similar design solution in sensitive locations. Nonetheless, in this case, the proposal would neither contrast successfully with the wider built environment, nor would it be consistent with its immediate context. Irrespective of the finish of the exoskeletal structure, due to the prominence of the hotel, the proposal would be highly visible and would appear as a metal cage which does not relate to the wider historic environment either through its design, or materiality, and would appear as having been imposed upon the roof of the hotel, which, for the avoidance of doubt, I consider to be more harmful than the existing situation where there have been a number of incremental permissions.
15. The appeal proposal would enable the rooftop bar to operate throughout the year to provide views over Cambridge irrespective of weather conditions. It would sit above the existing restaurant which for the most part has large floor to ceiling glazing. Consequently, when the restaurant is lit the hotel's visibility is accentuated which I was able to see when I viewed the site in the evening. This effect would be compounded by introducing an additional storey immediately above it which would be likely to be lit from dusk into the evening.
16. I note that the appellant considers that the effect of the lighting on the additional enclosed space could be ameliorated using a condition. Nonetheless, whilst this would reduce the potential effect of the lighting, it would remain discernible after dark, and thereby emphasise, extend and further draw attention to the hotel which, even when viewed in the context of the modern Quayside development, due to its height and bulk already appears prominent.
17. Central Cambridge includes numerous heritage assets. I consider that the proposed development would take place within the setting of the following Grade I buildings considered to be of exceptional national interest: *St John's College the Buildings Surrounding the First, Second and Third Courts*, and *New Court*, both at St John's College; the *Pepys Building*, and the *Buildings Surrounding First Court*, at Magdalene College.
18. It would also sit within the setting of the Grade II*, Registered Park and Garden of St John's College, as well as within the setting of the following grade II buildings which have been listed as being of special interest: *Walls lining the second court on north- east and south- west sides* and *Bright's Building*, Magdalene College; *Magdalene Bridge, the Great Bridge* and houses along *Lower Park Street*.
19. I have also been referred to listed buildings along Thompson Lane (Grade II) and buildings of local interest within St John's Road, Thompson's Lane and Park Parade. All these designated and non- designated heritage assets lie within the CA.
20. It would also lie within the setting of the Cambridge Castle Mound which is a scheduled monument.

The effect of the proposed development on the setting of nearby listed buildings and registered park and garden:

St John's College, New Court and St John's College, Buildings Surrounding the First, Second and Third Courts: Grade I.

21. I am aware that a previous Inspector's decision found no harm in respect of the settings of the highly graded listed buildings within St John's College. Nevertheless, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty on me to consider the desirability of preserving a listed building or its setting for myself.
22. Both sets of buildings were first listed in 1950. The First, Second and Third courts date from the sixteenth to the nineteenth centuries, and New Court was constructed in the mid nineteenth century. Whilst I would concur that the proposal would not impact on how the heritage assets are experienced from within the college grounds itself, or indeed, its direct surroundings, the extent within which the setting of a listed building can be experienced need not be restricted to the immediate locality. The glossary of the Framework defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
23. Specifically, the nineteenth century chapel of St John's College, and the nineteenth century clock tower within the New Court derive a historic significance due to their pre-eminence within Cambridge's skyline, which illustrates the influence and importance of both the church and academia within Cambridge. This illustrative historical value is also accompanied by the high aesthetic and communal value derived from the quality of the Gothic Revival architecture produced by Sir Gilbert Scott (St John's College Chapel) and by T Rickman and Hutchinson (New Court). All of this is designed to be viewed and experienced both within and outside the immediate environs of the College.
24. The appellant has argued that the impact on the longer views towards the heritage assets fall to be assessed as part of the impact on the skyline, and that the ability to experience the setting of these assets is not impacted due to their retained dominance.
25. However, it is clear when experienced from various viewpoints, most notably from the tower of Great St Mary's Church, where the existing domes appear to sit on the ridge line of the nave and apse of Sir Gilbert Scott's Chapel, that the exoskeletal frame, irrespective of its colour would be seen, above the easternmost element of the ridge line, due to its relationship with the roofline of the Chapel as an alien, incongruous, anachronistic and incidental intervention within the setting of the Chapel. This would appear visually jarring and adversely impact on the way the Chapel would be experienced. Similarly, when viewed from Jesus Green, the increase in height and the introduction of a permanent cage-like metal superstructure, on top of the roof would further exacerbate the impact of the hotel on the setting of these two heritage assets and further dilute their dominance within the skyline and thereby adversely affect their significance. This is notwithstanding, that due to the bulk and height of the existing hotel, it already is

highly visible and competes with the two landmarks within the skyline, and that both assets are not always viewed together.

26. In coming to this conclusion, I am aware of the mature trees within Jesus Green, which in places may shield views of the proposed development. Nonetheless, this effect would be limited to specific viewpoints. Moreover, during the winter months when the trees were not in leaf, this mitigation would be further reduced.
27. As such, I conclude that there would be harm to the setting of St John's College, *New Court*; and St John's College, *Buildings Surrounding the First, Second and Third Courts*. However, whilst the harm to the setting of both heritage assets would be significant, it should be considered as less than substantial harm, in the context of paragraph 202 of the Framework given the scope of the proposal. Moreover, were the extent of harm to be calibrated within the category of less than substantial harm, in my judgment this would be at the higher end of the scale. This harm carries considerable importance and weight in my decision making.

Registered Park and Garden at St John's College

28. Given my conclusion above that there would be no adverse impact on the heritage assets of St John's when experienced from within the grounds, I consider that there would be no impact on the Registered Park and Garden of St John's College.

Pepys Building and the Buildings Surrounding First Court, Magdalene College: Grade I.

29. Again, both these assets were listed in 1950. The Pepys Building was constructed in the late seventeenth and completed in the early eighteenth century. It has great historic, and architectural significance due to its classical form and its history as one of the first private libraries. Its principal ashlar elevation has been designed to be addressed from within the College whilst its southern brick and stone dressed elevation faces the River Cam and the busy commercial activity on the other side of the bank. Whilst the Pepys Building is accessed through the courtyard of the College, it is a detached building which sits within the extensive verdant College grounds, and as such there are clear expansive views across the river and to the hotel beyond. Therefore, the setting of the building, whilst primarily experienced as part of the academic closed college, is also experienced in the context of the life of the town.
30. At the time of my site visit, which took place around lunchtime, I noted that the busy hotel restaurant which lies behind and rises above the riverside buildings opposite, was clearly visible and formed part of the setting of the Pepys building. In contrast to much of the activity and character of the area on the other side of the river which involves the hustle and bustle of people walking or tourists punting, all of which takes place at around street level, the activity within the existing restaurant which towers over the smaller scale quayside development and the College buildings draws the eye upwards. Were the rooftop structure to be constructed this effect would be exacerbated, not only as a result of its incongruous design but as a result of the increased activity throughout the year, over and above that from the existing restaurant and roof bar, associated with customers enjoying the panoramic views afforded by the proposal. This would further disrupt the setting of the Library and adversely impact on its significance.
31. The Buildings Surrounding the First Court, which include the frontage to Magdalene Street, were commenced in the fifteenth century and are constructed of red brick

and have great historic, and architectural significance. They address both the River Cam and Magdalene Street. Due to their location on the banks of the River Cam, and adjacent to Magdalene Bridge, the setting in which they are experienced is extensive. Notwithstanding that the extended hotel and College buildings would not always lie within the same viewpoints, the proposal would negatively impact on the setting of the historic College buildings by exacerbating and adding to the existing harm to their setting from the existing hotel, which appears as a discordant and overbearing feature within the immediate environs of the College and riverbank.

32. Moreover, when viewed when travelling along Magdalene Street, where the College buildings and the hotel would be viewed together, the juxtaposition of the medieval College buildings and the proposed extension would further compound and add to the already adverse impact on the experience of the setting of the historic college buildings. This would be because of the incongruity of the design, its added height which would appear to loom over the immediate area, and the further and sustained activity on the roof.
33. As such, this would result in less than substantial harm to the setting of both assets, which are of exceptional national interest. Given the proximity and incongruous nature of the design, it would again be at the higher end of the scale. This harm carries importance and weight.

Walls lining the second court on north- east and south- west sides and Bright's Building, Magdalene College: Grade II.

34. The walls lining the second court on the north-east and south- west sides at Magdalene College were listed at the same time as the Grade 1 listed buildings referenced above. They are formed of reused ashlar and rubble and date from the late sixteenth and early seventeenth centuries. They are intrinsic to the sense of enclosure typical of the Cambridge colleges and have both historic and evidential significance and also contribute to the setting of the different constituent parts of the heritage assets of the College. Whilst the proposed development would be viewed as part of the setting of the walls, and its effect would be to result in harm to their setting for the reasons set out above, I consider that this harm whilst significant, and less than substantial would be at the lower end of the scale.
35. Bright's Building was listed in 1967. It is an early twentieth century Neo Tudor red brick building. It faces the River Cam, and its gable addresses Magdalene Street and was designed to be consistent with the immediate architectural context of the buildings and grounds of Magdalene College, and its primarily red brick buildings. Its setting overlaps that of the Pepys Library and is of historic and architectural value, and the significance of its setting is similarly affected by the proposed development. As such, I consider this would result in less than substantial harm, but at the higher end of the spectrum.
36. The Fellows' and Scholars' Gardens sit within the grounds of Magdalene College and provide a peaceful open area of greenspace which abuts the River Cam, and form part of the setting of the designated heritage assets of the College. The proposed development for the reasons set out would similarly adversely impact on the quiet contemplative nature of the gardens, notwithstanding that on the opposite side of the Cam is the busy Quayside development.

Magdalene Bridge

37. Magdalene Bridge was built in 1823 and is of architectural and historic significance sitting at an ancient crossing over the Cam. It was listed in 1969. It also provides expansive views along the River Cam in both directions for those both crossing the river and using it as a convenient viewpoint to appreciate the various heritage assets nearby. The setting of Magdalene Bridge is extensive, including the modern Quayside development which sits on the opposite side of the Cam from Magdalene College.
38. I note that the Quayside development lies on the site of a former working dock and associated commercial buildings. However, due to its scale, materials and relationship with the river and nearby buildings it does not compete with or appear incongruous in the wider context, including the setting of Magdalene Bridge.
39. I have been provided with photographic evidence of historic activity at Quayside, together with a photograph of a tall slender chimney which was part of a power station which lay to the north of the appeal site on the banks of the Cam (ID:10). These demonstrate the changing nature of the historic environment within central Cambridge. Nonetheless, I must determine the appeal on the basis of the effect of the proposal on the significance of the setting today.
40. As such, when viewed from Magdalene Bridge the hotel, which appears to sit behind the Quayside development, and is highly visible, already appears incongruous due to its scale, height and modern design. As set out above, the proposal would result in the hotel being extended in height and made more conspicuous through the introduction of an exoskeletal form which would further exacerbate this impact and result in harm. This would be particularly evident in the evenings when the two top floors of the building would be lit. In my judgement, the proposal would result in less than significant harm, at the higher end of the scale, to the significance of the setting of Magdalene Bridge.

Thompson's Lane

41. I have been referred to numbers 29 and 30 Thompson's Lane. Number 30 was listed in 1950, and number 29 in 1972. Together, they form a group and are fine examples of nineteenth century merchant housing. However, from my site visit it appears that their setting is not extensive, and notwithstanding the proximity to the appeal site, their significance would not be harmed by the further extension to the hotel.

Lower Park Street

42. This is a terrace of two storey gault brick modest domestic nineteenth century dwellings which lead to Jesus Green from Park Street. These are of a uniform design the significance of which I consider derives from their historic and architectural interest. The existing hotel is visible, and appears incongruent, when viewed across the nearby primary school which falls within their setting, and when extended would be even more so. However, I consider any harm to their significance would be at the lower end of the spectrum.

Cambridge Castle Mound

43. The site of Cambridge Castle retains an overarching position which provides views over and into the historic core of Cambridge and beyond. Due to the distance from the appeal site and, given that the views across are from a raised viewpoint, the

dominance of the existing hotel is less pronounced and is seen within the context of other taller modern buildings within Cambridge's skyline. The appeal proposal would similarly appear within this wider context, and I am content that there would be no additional impact on the setting of the Castle Mound.

Cambridge Central Conservation Area

44. The appeal site sits within the Cambridge Central Conservation Area. This is characterised by contrasting elements of a vibrant commercial town centre, quiet enclosed Colleges, pockets of residential areas, as well as green space, such as at Jesus Green, punctuated with designated heritage assets of the highest significance. Whilst most of the colleges date from the medieval period, there is a mixture of architectural styles, including modern developments such as the Cripps Building at St John's College. There are other buildings within the CA consistent with its role as a sub-regional centre which are of neither historic significance nor of architectural excellence. However, for the most part, these do not dominate, with few prominent landmark buildings within the central core. Most buildings are typically of two or three stories in height, displaying an intimate architecture of quality detailing, and small-scale features. Binding it together is the River Cam, which itself, is a leisure route, and the narrow streets within the historic core.
45. Given that many of the views are foreshortened within the CA, where there are open vistas such as from along the Cam corridor or Jesus Green, the importance and sensitivity to the CA from prominent buildings is heightened. Similarly, glimpsed views make up an important element of the character and appearance of the CA, such as from the Pepys Library. Consequently, the appeal proposal which would extend an already dominant building and thereby increase its dominance and introduce an alien exoskeletal design which would also introduce activity all year round, would result in less than substantial harm, to the character and appearance of the CA as a whole.
46. In summary, I have found less than substantial harm, to the character and appearance of the Cambridge Central Conservation Area as a whole, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal which I explore below.

Conclusion relating to designated heritage assets

47. Paragraph 212 of the National Planning Policy NPPF 2024 (the NPPF) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. In summary, I have found less than substantial harm, to the setting of the following Grade I buildings considered to be of exceptional national interest: *New Court and Buildings Surrounding the First, Second and Third Courts*, both at St John's College; the *Pepys Building*, and the *Buildings Surrounding First Court*, at Magdalene College.
48. In addition, I have found less than substantial harm to the setting of the following grade II buildings which have been listed as being of special interest: *Walls lining the second court on north- east and south- west sides* and *Bright's Building*,

Magdalene College; *Magdalene Bridge, the Great Bridge* and houses along *Lower Park Street*.

49. There would also be less than substantial harm to character and appearance of the CA as a whole.
50. I have found the harms to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal which I explore below.

Buildings of Local Interest.

Park Parade

51. The substantial terrace of uniform late nineteenth century housing are individually identified as Buildings of Local Interest within the CA. They provide an extensive, attractive built edge to Jesus Green. Due to its height and bulk, the existing hotel punctures the horizontal emphasis of the houses and disrupts the unity of the historic street and its aesthetic and architectural significance. The proposal to increase the height of the hotel and to introduce an exoskeletal form, would further increase this impact, resulting in less than substantial harm to the significance of the setting of the non-designated heritage assets to which I accord moderate weight.

St John's Road

52. St John's Road links the appeal site to Park Parade and consists of modest, terraced, nineteenth century housing, which is of architectural interest and aesthetic value, and is domestic in scale. When viewed from St John's Road, the appeal site is of a significantly different scale and appears bulky and dominant, with the side elevation forming a backdrop to a number of houses on the western side of St John's Road. The proposal would increase the height of the building and introduce an additional design element which would further compete with the simplicity of the housing. As such, I consider that the proposal would result in less than substantial harm to the significance of the non-designated heritage asset to which I accord moderate weight.

Thompson's Lane (Richmond Terrace)

53. Thompson's Lane extends beyond the appeal site and dog legs up towards Jesus Green along a stretch of road which is known as Richmond Terrace. This is flanked on the western side by mid twentieth century modern flats designed by Del Pozzo. These are brick built. They have a strong horizontal emphasis, and are in keeping with the uniform, nineteenth century workers' housing on its eastern side which are again identified as Buildings of Local Interest, and like the other LBI, are of architectural and aesthetic value.
54. Notwithstanding that the former converted historic Glass Works building straddles the southern end of Thompson's Lane, it is the bulk and height of the existing hotel which sits, and looms behind it which dominates the views to the south and forms a disruptive backdrop to the setting of the uniform housing. The increase in height associated with the proposed development, together with the introduction of an additional material with the metal exoskeletal ribs would further impact on the

significance of the setting of the housing, and result in less than substantial harm to which I accord moderate weight.

Conclusion

55. In summary, I have found that the proposed development would result in less than substantial harm to the BLI identified above. Paragraph 216 of the National Planning Policy NPPF 2024 (the NPPF) states the effect of an application to the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Public Benefits

56. As set out above, given my conclusions relating to the designated heritage assets, I have found harm derived from the proposal to be less than substantial but nevertheless of considerable importance and weight.
57. Under such circumstances, paragraph 215 of the NPPF advises that this harm in relation to the designated heritage assets should be weighed against the public benefits of the proposal.
58. The Varsity Hotel and Spa is centrally located within Cambridge and appears to be a commercially successful enterprise. From what I gather the operation of the restaurant and rooftop bar are intimately related. Were the appeal proposal to be implemented this would allow both to function at full capacity, independent of the weather, and throughout the year. This in turn would give the hotel management the confidence to plan and employ the appropriate staff to maximise the commercial potential of both the restaurant and roof top bar. It would also enable the hotel to market the rooftop bar as a year-round attraction, and thereby increase the hotel's attraction further.
59. Clearly, this would be primarily a private benefit to the hotel. However, the estimated additional 12 full and 12 part time additional jobs, in addition to other ancillary employment, such as garden maintenance, would have a positive social benefit as well as make a contribution to Cambridge's wider leisure economy to which I accord moderate weight.
60. I have also been referred to the impact of the roof top bar on room occupancy during the winter months. However, I am not convinced that a roof bar operating all year round would be determinative, with other levers open to the commercial enterprise to encourage stays, and in any case the restaurant already provides similar views and operates all year round. Moreover, in the context of the Cambridge Hotel Futures report, which set out the need for additional visitor accommodation, I conclude that no weight should be accorded to this as a public benefit as the proposal would not increase the number of beds.
61. I have been referred to the synergy between the high-end retailers within the immediate area and guests staying at the hotel. However, whilst I have no doubt that there is a real link between the local businesses, such as wine merchants, and jewellers to the operation of the hotel, and therefore to the local economy, I consider that the benefit is localised, and I accord moderate weight to this as a public benefit.

62. The development of the proposal would result in related construction jobs, which, even though they would be for a finite length of time, would result in a positive impact on the local economy to which I accord moderate weight.
63. Reference has been made to the public benefit derived from the solar shading and cooling to be derived from the canopy. However, my understanding is that the appellant utilises parasols and therefore, there is no substantive advantage to be derived.
64. Lastly, I am aware that there are limited opportunities to enjoy rooftop views over Cambridge and its colleges, and thereby experience the significance of its myriad heritage assets and cityscape, one of which is the Tower at Great St Mary's. However, in contrast to the rooftop bar at the Varsity Hotel, this requires a strenuous walk up a spiral staircase and a fee. The appellant has proposed a condition to ensure that a S106 obligation be entered into, to enable free and unrestricted year-round public access to be maintained for those who wish to take advantage of the views afforded from the rooftop bar.
65. I consider this would be a public benefit, particularly, as, at the moment, the access is seasonally restricted. However, I only accord moderate weight to this, as it does not benefit from direct lift access. In any case, the enclosed restaurant on the sixth floor already provides views throughout the year. Moreover, whilst the planned condition and subsequent obligation would go some way to managing access, and welcoming visitors who are not customers to access the bar, it is likely that sightseers may feel uncomfortable accessing a viewing point within a private venue, thereby reducing the extent of the public benefit.
66. It has also been put to me that the roof top bar has a direct impact on Cambridge's relative attractiveness as a tourist location. Whilst it may be that for a certain visitor this may be a determinative factor, I am not convinced that the vast majority of visitors are not drawn to Cambridge by its combination of extensive heritage assets, renowned university and its economy. Therefore, I accord this minimal weight as a public benefit.

Heritage Balance

67. In sum, I have identified a number of public benefits to which I have attributed weight. However, these public benefits are not sufficient to outweigh the harm from the proposals before me, whether in their totality, or any individual element, to the significance of the setting of the designated heritage assets.
68. As it stands, I consider that the proposal would largely result in private benefits to the commercial business. Therefore, in the absence of any defined significant public benefit, I conclude, on balance, that the proposal would fail to preserve the setting of the Grade I St John's College, New Court and St John's College; Buildings Surrounding the First, Second and Third Courts; Pepys Building and the Buildings Surrounding First Court, Magdalene College; the Grade II buildings which have been listed as being of special interest: Walls lining the second court on north-east and south-west sides and Bright's Building, Magdalene College; Magdalene Bridge, the Great Bridge and houses along Lower Park Street and the character and appearance of the CA.

69. I also find, taking a balanced judgement required by paragraph 216 of the Framework, that the benefits of the scheme would not outweigh the harm to the buildings of local interest set out above which are non-designated assets.
70. This would therefore fail to satisfy the requirements of the Act, paragraphs 215 and 216 of the Framework and of the policies to which I have been referred, conflict with policies 10, 55, 58, 61 and 62 of the Cambridge Local Plan (2018) that cumulatively seek to ensure that development within Cambridge is controlled so heritage assets should be conserved in a manner appropriate to their significance. As a result, the proposal would not be in accordance with the development plan.

Skyline of Cambridge

71. The existing hotel is prominent within Cambridge's skyline. Whilst I am aware of other tall buildings within Cambridge such as the University Library and at Addenbrookes hospital, the appeal site lies within the central historic core of Cambridge whose delicate and historic skyline is highly sensitive to change. For the reasons set out above, the proposal would adversely impact on the skyline and would not result in a high-quality addition to the Cambridge skyline that would complement the character of the surrounding area and thereby be contrary to Policy 60 of the LP. In coming to this conclusion, I am aware of other development to which I was referred during the hearing which is taking place within Cambridge. Nonetheless, I have not been provided with details relating to these schemes, and I have determined the appeal on the basis of the specific scheme before me and the associated impacts thereof.

Other Matters

72. I have carefully taken into account the views which were eloquently set out at the hearing, of those who spoke in favour of the proposal, together with the written representations received supporting the scheme. I am also aware of the planning history of the site.
73. I note that the Council's Urban Design officer considered the scheme positively, and that the appellant is unhappy with the way in which the Council determined the application. However, it has fallen upon me as decision maker to determine the appeal before me on the merits of the case.

Conclusion

74. For the reasons given above the appeal should be dismissed.

Louise Nurser

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Dale-Harris, Barrister, Landmark Chambers

Will Nichols MTCP (Hons) MRTPI, Regional Director (Planning), Lanpro

Tristan Wilson BA (Hons) MA Principal (Historic Environment), Lanpro

Michael Vanoli BA (Hons) DipArch

FOR THE LOCAL PLANNING AUTHORITY:

Charlotte Peet BA Hons – Senior Planning Officer

Jane Rodens BA Hons MA RTPI - Area Development Manager

Christian Brady MRTPI IHBC - Historic Environment Team Leader

INTERESTED PARTIES

William Davies (Director of Varsity Hotel)

Michael Peacock (Taxi Driver and Local resident)

Yasmin Reefat (Local resident)

Cllr Delowar Hossain (Local Conservative Councillor for King's Hedges, Cambridge)

Cllr Mark Ashton (Local Labour Councillor for Cherry Hinton, Cambridge)

Vanessa Burkitt (Local business owner and local resident)

Clive Pawdsey (local business owner).

Martin Ruehl (Academic at Cambridge University and local resident)

Steven Hawkes (Local business owner and local resident)

DOCUMENTS

ID:1 Proposed public access condition

ID:2 Revised walking route

ID:3 Copy of statement by V Burkitt, Catherine Jones Jewellers, received 14/03/2025

ID:4 Copy of statement by Councillor Ashton received 14/03/2025

ID:5 Copy of statement by M Ruehl received 14/03/2025

ID:6 Copy of statement by C Pawsey received 14/03/2025

ID:7 Copy of statement by Y Reefat received 14/03/2025

ID:8 Copy of statement read by Y Reefat on behalf of Dr Neogi and M Smith received 14/03/2025

ID:9 Plan illustrating full extent of the Cambridge Historic Core Conservation Area.

PHOTOGRAPHS

ID:10 Historic photographs of area, including chimney associated with electricity power station.



Appeal Decision

Site visit made on 23 August 2023

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/Q0505/W/23/3319305

**The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge,
Cambridgeshire, CB5 8AQ**

- 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 Mr Will Davies on behalf of The Varsity Hotel & Spa against the decision of Cambridge City Council.
 - The application Ref 22/00778/FUL, dated 15 February 2022, was refused by notice dated 3 November 2022.
 - The development proposed is described as '*Installation of a new All Weather Lightweight Retractable Roof Canopy and Associated Works*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether or not the proposed development would fail to preserve the settings of nearby listed buildings, the effect of the proposal on the character and appearance of the conservation area, and the effect of the proposal on the skyline of Cambridge city.

Reasons

3. The Varsity Hotel & Spa is a seven-storey building, approximately 21 metres tall, located in Cambridge's city centre close to the Quayside area. The area immediately adjoining the Hotel & Spa is principally residential with some commercial uses forming part of the Quayside area.
4. The appeal site comprises the top floor roof terrace with garden which is used by hotel guests, tourists, and visitors. The top floor is an open roof top terrace with timber deck pathways, timber clad services penetrations, and glazed perimeter guarding. The proposed development would comprise a structure made with a steel frame and glass with a lightweight retractable awning, which would enable the rooftop terrace to be used as an outdoor space when the weather allows, and to be covered when needed. The proposed awning would be similar to that used on the balconies of the hotel on the floor below.
5. The site is located within Cambridge's Central Conservation Area, and within the setting of several listed buildings and buildings of local interest and between the Quayside development and Jesus Green. These include listed

buildings of Magdalene College including Fellow Garden, listed walls (grade II), Pepys Building (grade I), the Bright's Building (grade II), St John's College New Court and the First Court Chapel. Buildings of local interest are located on Thompson's Lane, St John's Road and Park Parade. These various heritage assets are shown in relation to the appeal site on Figure 1 *Designated and Non-Designated Heritage Assets*¹. These assets are the primary focus of the concerns of the main parties, and I see no reason to disagree.

6. The Appellant submitted a *Heritage Impact Assessment* in June 2022, and has also submitted a *Heritage Statement* as part of its Statement of Case dated February 2023. This identifies harm arising from the proposal in the form of the intervisibility between the appeal site and Magdalene College, including Fellows Garden which is partly on the opposite side of the River Cam, and to their settings. I concur with that assessment given the contribution the appeal site makes to the riverscape to which it is part of.
7. With regard to the St John's College the Appellant identifies no harm to those heritage assets. The experience of these is principally derived from the juxtaposition of the First Court Chapel against the surrounding buildings within St John's College, and from views from The Backs which would remain unaffected. I concur with the assessment that the proposal would result in no harm to the setting of these listed buildings.
8. With regard to the Central Conservation Area, I saw during my site inspection that its character and appearance in this part derives from the relatively low height of buildings – with most either two or three storey in height. The appeal building by contrast is considerably taller than this, comprising roughly seven storeys. A majority of the buildings have sloped or pitched roofs. The proposal would introduce a large and tall glazed structure on this already tall building. What this means in practical terms is that, from a number of views, the currently open lightweight glass and balustrade appearance of the building would change. Visually it would appear from ground level as an almost unfinished warehouse without side walls due to the highly glazed elements with grey coloured support struts proposed.
9. This is evident in the Verified Views dated 15 August 2022, where, for example, the proposed open and closed views from Great St Mary's Tower, Magdalene Bridge, Castle Mound, Central Jesus Green, Jesus Green Café, and Scholar's Garden are shown. It is clear that the proposal would represent a stark and highly visible further addition to the appeal building. This is especially so in the view from Magdalene Bridge, where pedestrians and others would be faced with a large, glazed box on top of a building, which typically in this area are structures with pitched roofed with brick walls.
10. This would be an addition that is at odds with the prevailing pattern of development in this area and would provide a jarring addition to the skyline of the city. This incongruity would be further exacerbated when the enclosed roof area is illuminated at night during the darker months of the year, when currently (according to the Appellant) it is not a usable space. This increase in illuminated activity throughout the year would further diminish the character of this part of the conservation area. The combination of these factors results in the proposal failing to represent a high-quality addition to the Cambridge skyline and also failing to preserve the character and appearance of the

¹ See Heritage Impact Assessment, Prepared by Lanpro Services June 22

conservation area. For similar reasons, the proposal would contrast sharply with the prevailing two storey nature of development found at the buildings of local interests.

11. Accordingly, I find that the proposal would fail to preserve the setting of the nearby listed buildings at Magdalene College. It would also fail to preserve or enhance the character or appearance of the Central Conservation Area. I consider that this harm is no greater than less than substantial harm as set out in the *National Planning Policy Framework* (the Framework). This is a position broadly shared by the main parties. Nonetheless, considerable importance and weight should be given the desirability to preserve heritage assets. Moreover, to articulate the degree of harm within less than substantial harm, given the long term nature of the proposal and its potential high degree of visibility within the city skyline at both day and night time this harm would be of a modest degree.
12. Paragraph 202 of the Framework sets out that the less than substantial harm needs to be weighed against the public benefits. In this case I acknowledge that the proposal would result in locally significant economic benefits, including the retention and creation of further jobs. The enclosure of the roof terrace area would also allow it to be used more widely throughout the year providing further economic benefits from visitors to the terrace, hotel and the wider city. However, I do not find that these benefits would outweigh the less than substantial harm to the various heritage assets identified including to their character and appearance and to their settings.
13. Accordingly, I find that the proposal would fail to preserve the settings of nearby listed buildings, would fail to preserve or enhance the character and appearance of the conservation area, and have an adverse effect of the proposal on the skyline of Cambridge city. As such, the proposal would conflict with Policy 60, Policy 61 and 62 of the *Cambridge Local Plan 2018* (CLP) which, amongst other aims, seek to ensure that to ensure the conservation and enhancement of Cambridge's historic environment, proposal should preserve or enhance the significance of the heritage assets of the city, their setting and wider townscape, including views into, within and out of conservation areas.
14. The Appellant has drawn my attention to Policy 79 of the CLP which sets out that visitor attractions will be supported where they complement the existing cultural heritage of the city. However, I have not found that to be the case here, given my findings above, and as such I do not find that this policy is in favour of the proposal.

Conclusion

15. The proposed development would not accord with the adopted development plan, and there are no material considerations that indicate a decision otherwise than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

C Parker

INSPECTOR

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25/01440/FUL – 22 Grafton Street, Cambridge

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Market Ward

Proposal: Change of use of Grafton House to a large 7bed 7 person HMO (houses in multiple occupancy) and 1no 1bed studio.

Applicant: Mr Matt White

Presenting officer: Dominic Bush

Reason presented to committee: Called in by Ward Councillor / Third party representations - Recommended by Delegation Panel on the 10th June to be brought to Planning Committee

Member site visit date: N/a

Key issues: 1.Character

2.Residential amenity

3.Car & Cycle parking

Recommendation: Approve subject to conditions

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
6	Consultations
7	Third party representations
8	Member representations
9	Assessment
10	Principle of development
11	Design, layout, scale, landscaping and Heritage
12	Biodiversity
13	Water management and flood risk
14	Highway safety and transport
15	Cycle and car parking provision
16	Amenity
17	Other matters
18	Planning balance
19	Recommendation
20	Planning conditions

Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks permission for the change of use of Grafton House to a large 7bed 7 person HMO (houses in multiple occupancy) and 1no 1bed studio.
- 1.2 Officers recommend that the Planning Committee approve the application, subject to conditions.

Consultee	Object / No objection / No comment	Page Reference
Conservation Officer	No objection	
County Highways Development Management	No objection	
Environmental Health	No objection	

Third Party Representations (23)		
Member Representations (1)		

Table 2 Consultee summary

2. Site description and context

- 2.1 The application site as existing comprises the residential dwelling of No.22 Grafton Street. The properties lies within a primarily residential area being the end of terrace property along the northern side of Grafton Street. There are a number of commercial premises located to the east of the site that front onto East Road.
- 2.2 The property has recently been extended (23/00241/HFUL) including the addition of an ancillary annex (23/04283/HFUL) to the north of the site. There is an area of public amenity space immediately to the north of the site.
- 2.3 The site lies within the Kite controlled parking zone and the Kite conservation area, the wisteria on the external elevations of the property is also stated to be positive features of the conservation area.

3. The proposal

- 3.1 This application is proposing to change of the use of the property from a single residential dwelling to a large (Sui Generis) 7 person HMO and an additional separate single bedroom studio flat
- 3.2 Amendments have been received during the process of the application to alter the proposed bin and cycle storage arrangement.

4. Relevant site history

Reference	Description	Outcome
23/00241/HFUL	Single storey extension within rear garden.	Permitted
23/04283/HFUL	First floor extension of garage to create studio annexe	Permitted
25/01230/FUL	Change of use of Grafton House to a large 8bed 8 person HMO (houses in multiple occupancy).	Withdrawn

Table 2 Relevant site history

- 4.1 Extensions approved to the property within the above householder applications are understood to be underway and nearing completion on site at the time of writing. The proposed change of use utilises the property following these extensions.
- 4.2 The previous FUL application submitted this year was withdrawn due to concerns regarding the description of development, prior to any assessment of the scheme.

5. Policy

5.1 National policy

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2019
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)
Technical Housing Standards – Nationally Described Space Standard (2015)
Environment Act 2021

5.2 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 35: Protection of human health from noise and vibration
Policy 36: Air quality, odour and dust
Policy 48: Housing in multiple occupation
Policy 50: Residential space standards
Policy 51: Accessible Homes
Policy 52: Protecting garden land and the subdivision of existing dwelling plots
Policy 53: Flat conversions
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 62: Local heritage assets
Policy 70: Protection of priority species and habitats
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

5.4 Other guidance

Greater Cambridge Housing Strategy 2024 to 2029
Kite Conservation Area Appraisal
Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).
Buildings of Local Interest (2005)
Cycle Parking Guide for New Residential Developments (2010)

5.5 Area Guidelines

Kite Area Conservation Area Appraisal (2014)

6. Consultations

Publicity

Neighbour letters – Y
Site Notice – Y
Press Notice – Y as within conservation area

Conservation Officer- No Objection

6.1 No objection to the proposed development on conservation grounds.

County Highways Development Management - No Objection

6.2 No objection to the proposal subject to conditions regarding:

- Closure of existing vehicular access
- Removal of footpath drains
- Ensuring no overhanging of public highway

Environmental Health- No Objection

6.3 No objection to the proposed development, subject to informatics

7. Third party representations

7.1 23 representations have been received, 1 in support and 2 in objection

7.2 Those in objection have raised the following issues:

- Principle of development
- Character, appearance and scale
- Density and overdevelopment
- Amenity for future occupiers
- Heritage impacts
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Car parking and parking stress
- Refuse arrangement

7.3 Those in support have given the following reasons:

- Supports the development of additional HMO accommodation

8. Member Representations

8.1 Cllr Bick and Martinelli have made a representation (objecting to) the application on the following grounds:

- Lack of monitoring for anti-social behaviour
- Potential use as short term lets
- Amenity of future occupiers
- Use of Studio flat as stand-alone accommodation

9. Assessment

9.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:

- Principle of development
- Housing provision
- Design, layout, scale, landscaping and heritage
- Car and cycle parking
- Amenity
- Third party representations

10. Principle of Development

10.1 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

- 10.2 Policy 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.
- 10.3 Policy 48 states that proposals for large houses of multiple occupation will be supported where the proposal: does not create an over-concentration of such a use in the local area, or cause harm to residential amenity or the surrounding area; the building or site (including any outbuildings) is suitable for use as housing in multiple occupation, with provision made, for example, for appropriate refuse and recycling storage, cycle and car parking and drying areas; and will be accessible to sustainable modes of transport, shops and other local services.
- 10.4 It is noted that a number of third parties comments have raised concern with a potential over-concentration of HMOs within the surrounding area. However, a review of the councils evidence and a site visit undertaken by the case officer there are not understood to be any existing HMO's along Grafton Street, a single unit on John Street to the South and two along Paradise Street to the North. As such, whilst it is noted that the proposal would result in a new HMO within upper Grafton Street, this would not be considered to result in an over-concentration within the local area.
- 10.5 The impact of the proposed development on neighbouring amenity is considered to be acceptable and this will be discussed in greater detail in paragraphs regarding amenity below.
- 10.6 Officers consider that adequate provision is made for the parking of cycles as well as refuse arrangement, these will be discussed in greater detail further into the report.
- 10.7 The application site is located in a highlight sustainable location within the city of Cambridge, within a short walking distance of local amenities with access to transport links into the city centre and surrounding area.
- 10.8 It is acknowledged that Policy 53 of the Local Plan refers to proposals that seek to convert single dwelling houses to self-contained units. Officers do not consider however that this policy is engaged by the proposed development that only seeks to convert part of the existing dwelling to a single new self-contained studio flat. The majority of the criteria of this policy do not align with the proposed development
- 10.9 The principle of development is acceptable and in accordance with policies 3 and 48.

11. Design, layout, scale, landscaping and heritage

- 11.1 Policies 55 and 58 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.
- 11.2 Para. 212 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.
- 11.3 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 11.4 The application site is located within a predominantly residential being the eastern end of a row of Victorian terraced properties. Being a corner plot, the site is larger than the majority of the surrounding neighbouring properties. Whilst the property itself is not specifically identified within the Kite Conservation Area appraisal, there is a well established wisteria that wraps around the corner of the building that is noted as having a positive contribution to the areas character.
- 11.5 This application is not proposing any extensions to the form of the existing building within the application site. However, it is noted that third parties have raised concern with the impact of the proposal on the character and appearance of the building. Extensions have been approved under previous householder applications including the addition of a large annex to the north of the site creating an internal courtyard area. The property currently fronts onto Grafton Street with a smaller pedestrian entrance onto Adam and Eve street. The proposed development includes the provision of two additional arched doorways to provide access to the studio flat within the northern portion of the site.
- 11.6 Whilst the external layout of the site is remaining largely as existing, the internal layout is being more significantly altered to provide the HMO units and self-contained flat. Included in these changes is the provision of separate bin and bike storage areas all of which are covered. The bin store proposed for the HMO units is immediately to the left of the existing Adam & Eve Street entrance, with 7 cycle parking spaces within a separated space to the right of this entrance. The studio flats proposed cycle and bin store is proposed within its separate entrance area through the two new arched doorways.

11.7 In line with comments received from the councils conservation officer, it is not considered that the development would harm the character and appearance of the conservation area. As the additional unit proposed is a flat, it would not benefit from permitted development rights and therefore restrictions of its PD rights are not necessary.

11.8 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 and 58, 61 the NPPF and Section 72 of the Planning (LBCA) Act 1990

12. Biodiversity

12.1 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.

12.2 The proposed development and the change of use of the building would not result in the loss of any biodiversity or habitats within the site. The proposal therefore is considered to be acceptable in this regard.

12.3 Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

13. Water management and flood risk

13.1 The site is in Flood Zone 1 and is not considered to be at risk of surface water flooding.

13.2 Given the low flood risk of the site and the fact that the buildings lawful use is residential, it is not considered that the proposed change of use would require any additional information in this regard.

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

14. Highway safety and transport impacts

14.1 Access to the site would be purely on-foot with no vehicular access existing or proposed. The primary entrance to the property would remain

from Grafton Street through what has historically been the front door of the property. Meanwhile there would be a side entrance for the bins and bikes of the HMO along with the two arched entrances for the studio flat also onto Adam & Eve Street.

- 14.2 Comments have been received from the Local Highways Authority raising no objection to the development subject to conditions requiring the existing vehicular access to be fully closed, no overhanging of the public highway, and for the current cross footway drainage channels to be removed. The condition regarding the closure of the access is considered to be reasonable and is recommended to be attached. The cross footway drainage falls outside of the application site and the applicants ownership however, it is not considered reasonable to require the removal of these by way of a condition.
- 14.3 Subject to conditions as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

15. Car and cycle provision

Cycle parking

- 15.1 The proposed development seeks permission for two separate areas of cycle parking, one for the HMO units and another for the studio flat. In terms of the quantity of cycle parking spaces, each is considered to be of an appropriate size, with 1 space per HMO unit and 1 space for the 1 bed studio flat.
- 15.2 The HMO cycle parking is proposed in a large covered space accessed from the Adam & Eve Street side with high & low cycle parking for each of the spaces. Whilst it is acknowledged that Sheffield stands are a preferred form of parking, it is not considered that there is sufficient space in this case, and the proposed arrangement is appropriate.
- 15.3 The studio flat seeks the parking of a single bike beneath the staircase accessing this unit. Whilst also not ideal, the provided sections show that this space has ample head height for easy access to this space with a single loop provided to lock any bicycle.
- 15.4 Whilst both arrangements are considered to be acceptable, a condition will be attached ensuring that they are provided and in place prior to occupation of the unit.

Car parking

- 15.5 The proposed development seeks for both the 7 person HMO and studio flat to be car free units. This, within the Controlled parking zone this complies with Policy 82 and Appendix L of the Local Plan. It is considered

that the application site is located within a highly sustainable location a short walking distance to the city centre and therefore a variety of services and amenities. Whilst comments from the Local Highways Authority are noted that future residents will not be able to obtain parking permits, it is not considered that this alters the officer's view.

- 15.6 Subject to conditions, the proposal is considered to accord with policies 36 and 81 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

16. Amenity

Neighbouring properties

- 16.1 The proposed development, given that all of the external works already benefit from permission, is not considered to result in any additional harm to neighbouring amenity through overbearing or loss of light.
- 16.2 It is acknowledged however that the internal alterations and layout changes proposed would impact how the building is used, and this may impact neighbouring amenity through loss of privacy. The main area of concern in this regard is from the proposed first floor terrace serving the studio flat. When visiting the site it was noted that currently there is only a very short wall between this space and the neighbouring property to the west, no.21a Grafton Street. It is considered however, that suitable screening of this balcony could be provided, that can be secured by way of a condition. It is considered that subject to this screening, the balcony would not result in any significant overlooking to the rear of No.21a.
- 16.3 Concerns have been raised by third parties regarding the noise impacts resulting from the proposed intensification of use of the site. The development itself would change what is an existing single residential dwelling to a 7 person HMO and an additional single studio flat. It is likely therefore, that the development would increase the number of people occupying the site. Given the permitted development allowance for the use of dwellings as HMOs for up to 6 residents without planning permission, it is not considered that the level of use proposed would be significantly increased from this fall back position.
- 16.4 There is a good-sized external courtyard area proposed within the center of the site for use by the HMO occupants along with a large internal kitchen dining room. This space remains entirely separate from that proposed for the studio flat. Given the size of both the internal and external amenity spaces proposed, it is considered that it is unlikely future occupiers would lead to any significant increase in noise disturbance above that expected through the use of the site for a single dwelling. A condition is recommended requiring submission of a HMO management plan to ensure that the HMO part of the site is suitably managed in order for any impact to be mitigated.

- 16.5 The proposal is compliant with policies 35, 50, 52, 53 and 58 of the Local Plan /policy HQ/1 of the Local Plan.

Future occupants

- 16.6 The gross internal floor space measurements for the HMO units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	7.5	12.4	+4.9
2	1	1	1	7.5	10.7	+3.2
3	1	1	1	7.5	9.5	+2
4	1	1	1	7.5	11.6	+4.1
5	1	1	1	7.5	13	+5.5
6	1	1	1	7.5	10.5	+3
7	1	1	1	7.5	12.6	+5.1

Table 3 Table showing size of residential units in comparison with the policy requirement

- 16.7 As set out in the above table, each of the proposed bedrooms provides notably more than the 7.5m² internal floor area required for a single bedroom. It is noted that the plans provided show double beds and comments from third parties have raised concerns that the units could be occupied by more than a single person. However, in line with previous HMO applications and permissions, a condition limiting the number of occupants is considered to be a reasonable way to overcome this concern. Therefore, such a condition will be attached to any permission granted in this instance.
- 16.8 In addition to the HMO units themselves, there is a shared kitchen/ dining room to provide communal space that measures approximately 35m² in size. This is considered to be a reasonable size for a 7 person HMO and would give future occupiers space to spend time outside of their individual units. A further external communal space is proposed within the courtyard of the property that measures approximately 21m² in area. This space in addition to the internal communal area is considered adequate in size for the number of occupants proposed. A condition is recommended to ensure that this communal space is completed and provided prior to occupation of either of the units.
- 16.9 The breakdown of the proposed Studio Flat internal area is shown within the below table.

Unit	Number of bedrooms	Number of bed	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
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		spaces (persons)				
1	1	2	1	37	37	0

Table 7 Table showing size of residential units in comparison with the policy requirement

- 16.10 As shown, the internal floor space for this unit meets the requirements of Policy 50 and the national described space standards. In addition to the internal area, there is a first-floor terrace that measures approximately 8m² in size. Given that the space is for a single future occupier, the external amenity space, in addition to the internal is considered to be of an adequate size.

Construction and environmental health impacts

- 16.11 The Council's Environmental Health team have assessed the application and have raised no objection to the proposal. Informatives have been suggested regarding health and safety rating and mandatory HMO licensing.

Summary

- 16.12 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, and 58.

17. Other matters

Bins

- 17.1 Policy 58 requires refuse and recycling to be successfully integrated into proposals. The proposal includes a separate bin storage area within the double garage doors for all of the units. Whilst concerns have been raised by third parties regarding the potential for clutter within the pavements outside of the property. This provision, with suitable internal storage areas is considered to be acceptable. A condition is recommended to secure the provision of the bin store in line with the submitted details.

18. Planning balance

- 18.1 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).
- 18.2 The proposed development is not considered to adversely affect the amenity of neighbouring occupiers whilst providing an acceptable level of amenity for future occupiers of the building.

- 18.3 The proposed development is appropriate for its location and is in keeping with the character of the immediate context while providing an acceptable living environment for future occupiers. The development would also positively contribute to the supply of residential accommodation available to the public within Cambridge
- 18.4 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

19. Recommendation

- 19.1 **Approve** subject to:
-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

20. Planning conditions

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

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

- 2) The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice, as follows:

- 125-A-00-00 REV A - Location Plan (9th April 2025)
- 125-A-11-10 REV H – Revised Proposed Plan Level 00 Ground Floor (20th May 2025)
- 125-A-11-11 REV D - Proposed Plan Level 01 (9th April 2025)
- 125-A-11-12 REV D – Proposed Roof Plan (9th April 2025)
- 125-A-17-01 REV C – Proposed Elevations (30th April 2025)

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

- 3) The development, hereby permitted, shall not be occupied, or the use commenced, until a management plan has been submitted to and

approved in writing by the Local Planning Authority. The management plan shall include provisions relating to:

- a) management of the property and how any management issues will be addressed
- b) external display of contact information for on-site management issues and emergencies for members of the public
- c) provision for refuse, cycle and car parking and drying areas etc.
- d) details of guidance for tenants re acceptable standards of behaviour/use of the premises.

The development shall thereafter be managed in accordance with the approved plan.

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan 2018 policies 35 and 47).

- 4) The proposed HMO shall have no more than Seven [7] people residing within it at any one time

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2018 policies 56 and 48).

- 5) The internal communal areas as shown on the approved drawings shall be provided prior to occupation of the building for the proposed use and retained for communal uses and used for no other purpose(s).

Reason: To ensure adequate internal communal space is provided for future occupants (Cambridge Local Plan 2018 policies 48 and 50).

- 6) The bin and bike stores associated with the proposed development, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and refuse, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82)

- 7) The existing vehicular access(dropped kerb) to 22 Grafton Street be permanently and effectively closed prior to occupation, with the kerbs raised to full height and the footway raised to suit the raised kerb height, in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason: For the safe and effective operation of the highway and in the interests of highway safety.

- 8) No part of any structure shall overhang or encroach under (footings) or upon the public highway and no doors or ground floor window shall open outwards over the public highway.

Reason: In the interests of highway safety.

- 9) Prior to occupation of the flat details of the balcony screening for the 1st floor amenity area is to be provided and agreed with the Local Planning Authority and retained for the use of the flat.

Reason: To reduce the impact on over looking from the outdoor space (Cambridge Local Plan 2018 policy 52).

Informatives

1) Housing Health & Safety Rating System

The Housing Act 2004 introduced the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors. Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed, habitable rooms without adequate lighting or floor area etc. Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

2) Licensing

The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs occupied by five or more persons forming more than one household and a person managing or controlling an HMO that should be licensed commits an offence if, without reasonable excuse, he fails to apply for a licence. It is, therefore, in your interest to apply for a licence promptly if the building requires one. Further information and how to apply for a Licence may be found here:

<https://www.cambridge.gov.uk/licensing-of-houses-in-multiple-occupation>

Greater Cambridge Shared Planning
Cambridge City Council - Appeals for Committee



Appendix 1: Decisions Notified By The Secretary of State

REFERENCE	SITE ADDRESS	DETAILS	DECISION	DECISION DATE	PLANNING DECISION
24/03531/HFUL (APP/Q0505/D/25/3359828)	11 Fanshawe Road Cambridge Cambridgeshire CB1 3QX	Demolition of existing store. Two storey front and single storey side/front extensions, and dropped kerb to Sterne Close.	Appeal Dismissed	04/06/2025	Refusal of planning permission (Delegated Decision)

Appendix 2: Appeals received

REFERENCE	SITE ADDRESS	DETAILS	DATE LODGED
24/04823/HFUL (APP/Q0505/D/25/3366501)	67 Panton Street Cambridge Cambridgeshire CB2 1HL	Loft conversion with front and rear dormers.	27/05/2025
24/04743/FUL (APP/Q0505/W/25/3367256)	1 Stansgate Avenue Cambridge Cambridgeshire CB2 0QZ	Erection of an attached building to provide 1 No. 1 bed dwelling and 1 No. 2 bed dwelling.	09/06/2025

Appendix 3a: Local Inquiry dates scheduled

REFERENCE	SITE ADDRESS	APPELLANT	EVENT DATE
23/03204/OUT (PCU/RTI/Q0505/3360365)	Beehive Centre Coldhams Lane Cambridge CB1 3ET Cambridgeshire	Railway Pension Nominees Ltd	24/06/2025

Appendix 3b: Informal Hearing dates scheduled

REFERENCE	SITE ADDRESS	APPELLANT	EVENT DATE
24/01588/FUL (APP/Q0505/W/25/3365274)	16 - 17 Sidney Street, 18 - 19 Sidney Street, And 21 Hobson Street Cambridge Cambridgeshire CB2 3HG	Mr Mark Richer	10/09/2025

Appendix 4: Appeals Awaiting Decision from Inspectorate

REFERENCE	SITE ADDRESS	DETAILS	REASON
23/00566/FUL (APP/Q0505/W/23/3324785)	Pavement Outside Y59 Grafton Centre Cambridge CB1 1PS	Installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator	Refusal of planning permission (Delegated Decision)
23/00567/ADV (APP/Q0505/Z/23/3324786)	Pavement Outside Y59 Grafton Centre Cambridge CB1 1PS	Installation of 1no 86 inch LCD screen capable of showing illuminated static displays in sequence.	Refusal of planning permission (Delegated Decision)
23/03204/OUT (PCU/RTI/Q0505/3360365)	Beehive Centre Coldhams Lane Cambridge CB1 3ET Cambridgeshire	Outline application (with all matters reserved) for the demolition of existing buildings and structures and redevelopment of the site for a new local centre (E (a-f), F1(b-f), F2(b,d)), open space and employment (office and laboratory) floorspace (E(g)(i)(ii) to the ground floor and employment floorspace (office and laboratory) (E(g)(i)(ii) to the upper floors, along with supporting infrastructure, including pedestrian and cycle routes, vehicular access, car and cycle parking, servicing areas, landscaping and utilities. (The Development is the subject of an Environmental Impact Assessment)	(Committee Decision (Area/Main))
24/01244/FUL (APP/Q0505/W/25/3361632)	Anstey Hall Maris Lane Cambridge Cambridgeshire CB2 9LG	Construction of two blocks of retirement accommodation (Class C2) comprising 87 two-bedroom apartments with associated hard and soft landscaping, bin storage, cycle and car parking. Provision of new vehicular access onto Maris Lane and reconfiguration of wall with new entrance gates. New pedestrian access onto Old Mills Road.	Refusal of planning permission (Committee Decision (Area/Main))
23/02127/FUL (APP/Q0505/W/25/3361641)	Mayflower House Manhattan Drive Cambridge Cambridgeshire CB4 1JT	Erection of (i) 8 no. flats (4 no. studios, 2 no. one bed & 2 no. two bed flats) on the eighth floor	Conditions imposed on planning

		on Mayflower House with removal of Electronic Communications Apparatus on the roof (ii) bin-store for proposed flats occupying one existing car parking bay (iii) bespoke structure to cover 20 no. existing cycle bays (iv) structures to cover 32 no. additional cycle bays.	permission (Committee Decision (Area/Main))
24/04163/FUL (3363191)	51 Cromwell Road Cambridge Cambridgeshire CB1 3EB	Change of use of detached residential outbuilding and land to a dwelling.	Refusal of planning permission (Delegated Decision)
25/00461/PIP (APP/Q0505/W/25/3363192)	Land Rear Of 226 To 250 Queen Ediths Way Cambridge Cambridgeshire	Permission in Principle (PIP) application for up to nine self-build/custom-build plots	Refusal of planning permission (Delegated Decision)
24/02860/FUL (APP/Q0505/W/25/3363985)	127 Cherry Hinton Road Cambridge Cambridgeshire CB1 7BS	Part demolition of existing premises and the conversion into a single dwelling house along with the erection of 3no. 1bed dwellings to the rear accessed from Derby Road	Refusal of planning permission (Delegated Decision)

Appendix 5: Appeals Pending Statement

REFERENCE	SITE ADDRESS	DETAILS	STATEMENT DUE
24/04556/FUL (APP/Q0505/W/25/3365630)	44 Kimberley Road Cambridge Cambridgeshire CB4 1HH	Retrospective change of use of an existing outbuilding to a short-term holiday let and for ancillary residential use associated with the main dwelling.	18/06/2025
24/01588/FUL (APP/Q0505/W/25/3365274)	16 - 17 Sidney Street, 18 - 19 Sidney Street, And 21 Hobson Street Cambridge Cambridgeshire CB2 3HG	Demolition of existing buildings except for 16 and 17, 18 - 19 Sidney Street facades, 16 and 17 street facing roof aspect and chimneys, provision of: Replacement retail units totalling 882m2 (use class E (a) (b) (c) & (e)), 4,107m2 of office space (use class E (g) (i), (ii)), and 349m2 of community space (use classes F1 and F2), new shopfront to 16 and 17 Sidney Street and alterations to roof and northern chimney, and public realm enhancement works.	24/06/2025
EN/00096/25 (APP/Q0505/C/25/3364436)	179 Coleridge Road Cambridge Cambridgeshire CB1 3PW	Without Planning Permission the construction of a detached one bed studio apartment	10/07/2025

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