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| Application Number | 17/1484/OUT | Agenda Item | |
| Date Received | 22 nd August 2017 | Officer | John Evans |
| Target Date | EoT 10 th November 2018 | | |
| Ward | Abbey | | |
| Site | Land Adj to Barnwell Lake, Newmarket Road, Cambridge | | |
| Proposal | The erection of a cycle themed cafe with ancillary kitchen, storage area, WCs, bin enclosure and cycle repair outlet along with associated infrastructure including 24 car parking spaces, 100 cycle parking spaces, a partly new and upgraded internal road, public open space and associated picnic / play areas. | | |
| Applicant | Barnwell Café Ltd. | | |

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| SUMMARY | <ol style="list-style-type: none">1) The additional and amended information addresses some of the previous reasons for refusal recommended by officers.2) Highway safety, flood risk and retail matters have been satisfactorily addressed and no longer form reasons for refusal. The development does not accord with the Development Plan for the following reasons:3) The proposal is inappropriate development, will result in |
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| | <p>significant visual harm and conflicts with the purposes of including land in the Green Belt. There are no very special circumstances which outweigh the harm approval would create.</p> <p>4) The proposal would lead to the loss Protected Open Space which forms reason for refusal 2.</p> <p>5) The development will result in the net loss of ecology on the site, which forms reason for refusal 3.</p> |
| RECOMMENDATION | REFUSAL |

A.1 BACKGROUND

- A.1 The application was presented at Planning Committee on 1 November 2017 with an officer recommendation of refusal. The adjourned decision protocol was initiated and the application was deferred following a 'minded to approve'. Planning Committee was clear that the technical deficiencies with the application submission should be addressed before the application is presented to Committee for determination. Following deferral, the applicant has submitted three packages of additional and amended information which is set out in the description of proposal below.
- A.2 The application is a 'minor development' because the site area is under 1 ha and not a 'major'; an error in the previous report to Committee. As such, the application would not generally trigger the Adjourned Decision Protocol. Notwithstanding, Committee members have the right to defer or adjourn making a decision on any planning application for the purposes of requiring further information to enable a decision to be made. The application now falls to be considered on its merits only, based upon all of the information in front of the Committee. The planning application will need to be considered against all of the material submitted, including that submitted since the previous Committee meeting.
- A.3 Outline planning permission C/5007/16/CC was approved on 19 July 2017 for phase 1 of the Chisholm Trail (The Trail). The Trail has been approved to traverse the site, entering through an

underpass approximately halfway along the northern boundary of the site and Newmarket Road. The Trail will exit the site at the south east corner of the redline boundary, at the north east corner of Barnwell Lake. The Trail development proposes to use the site for temporary storage as a site compound for the construction of the Newmarket Road underpass, as well as the Trail Phase 1 linking Newmarket Road underpass to Coldhams Common. The construction work main site compound is located between Ditton Walk and Ditton Meadows. The Trail is yet to be commenced.

- A.4 Planning application C/93/0242 was approved on 2 August 1993 for the formation and stabilisation of banks to Barnwell Lake, provision of fishing platforms and steps, improvement of access, footpaths and parking area, and erection of a shelter. This application provided for much of the existing infrastructure on the site, including the car park and platforms, as well as the general form of the lake including planting and bank stabilisation.
- A.5 Planning application C/88/0593 for the erection of a restaurant and dance floor with associated car parking and lakeside improvements was refused in 1989, primarily because of conflict with Green Belt policy.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The proposed site is 0.72ha, bounded by the railway line to the west, Barnwell Lake to the south, Abbey Stadium to the east and Newmarket Road to the north.
- 1.2 Access onto the existing site is from Newmarket Road, through an existing driveway to a car park, with a walkway to the lake, all made of permeable gravel. The site declines from Newmarket Road to the Barnwell Pit Lake. A ditch to the east of the site forms the eastern extent of the redline boundary, establishing a separation between Coldhams Common and the proposed development site. The area is currently a mixture of trees, grassland and hedgerow vegetation.
- 1.3 Coldhams Common public open space is to the south of the site, which also extends along the east of the site to Newmarket Road. The Elfleda Road Allotments and Abbey Stadium are located to the east of the proposal site.
- 1.4 Immediately across Newmarket Road, Barnwell Junction Pasture and disused railway extends approximately 400m north. To the

south west corner of this area is the Chapel of St Mary Magdalene and Stourbridge Chapel, known as the Leper Chapel, which is a Grade I listed building. Ditton Meadows and Stourbridge Common, of which are both public open spaces, are located further north of Barnwell Junction Pasture and disused railway.

- 1.5 In respect of the existing built form adjoining the site, the Abbey Stadium and associated buildings and infrastructure makes up the eastern extent of the open space. To the west, the railway line divides the site and the western industry and retail buildings. Across Newmarket Road to the north east and north west are a mix of residential dwellings, retail and industrial buildings. To the south of Barnwell Lake, off Coldhams Road, are industrial buildings.
- 1.6 The proposed area for development is within land designated as Green Belt under the Cambridge Local Plan (2018). The application site is also designated as a Site of Local Nature Conservation Importance and Protected Open Space. The site is partially within the flood plain within Flood Zones 1, 2 and 3.
- 1.7 The site has been identified as 'private protected open space' within the Open Space and Recreation Strategy 2011 and is considered to have environmental and recreational importance. The site is identified within the Cambridge City Wildlife Site Survey 2005, with the survey recognising that a range of biodiversity is on the site.
- 1.8 Coldhams Common is a County Wildlife site.

2.0 THE PROPOSAL

- 2.1 The outline planning application proposes the erection of an A3 unit described as a 'cycle themed café', shop and repair facility with associated infrastructure including car and cycle parking, new internal roads and landscaping. The amended application fixes the appearance, layout and scale of the development. Landscaping is to be a reserved matter.
- 2.2 Vehicular access for servicing and visitor car parking is proposed to utilise the existing access point on Newmarket Road. Car parking is to the east of the site, expanding on the existing car park area. The servicing lane previously proposed has been reduced to a 1.5m 'delivery alley'. The service area previously proposed to adjoin the café building in the north west has been removed.

- 2.3 Bicycle access is proposed to be from the approved Chisholm Trail route via an underpass beneath Newmarket Road. Access is also proposed to enter the redline site approximately 77m south of Newmarket Road, to the south east corner.
- 2.4 Bicycle parking for 100 cycles is proposed to be located to the immediate east of the café. This remains unchanged from the original submission.
- 2.5 27 Car parking spaces are intended at the eastern side of the site beyond the proposed Chisholm Trail (including one disabled car parking space). The indicative layout plan as originally submitted identified 32 car parking spaces.
- 2.6 The application proposes a new building to the west of the site, immediately adjacent Barnwell Lake. The application as originally submitted and amended consists of the following:

| Uses | As submitted (outline) | Application as amended (fixed) |
|---|-------------------------------|---------------------------------------|
| Cafe and kitchen (Use Class A3) sq m | 466 | 348 |
| Cycle shop and repair (Use Class A1) sq m | 105 | 6 |
| WC's/plant sq m | 49 | 32 |
| Terrace sq m | 245 | 142 |
| <i>Car parking spaces</i> | <i>32 spaces</i> | <i>27 spaces</i> |
| <i>Cycle parking spaces</i> | <i>100 spaces</i> | <i>100 spaces</i> |

- 2.7 Overall, the proposed building, decking and infrastructure accumulate to 2200m² of floor area or hard standing area over the site.
- 2.8 A picnic and play area is now proposed adjacent to the lake.
- 2.9 The original application was accompanied by the following documents:
- Design and Access Statement
 - Transport Assessment Parts 1 – 5 (Inclusive)

- Planning Statement August 2017
- Ground Conditions Report 1 – 3 (Inclusive)
- Flood Risk Assessment
- Ecology Report
- Indicative Plans and Sections

2.10 A screening opinion confirmed the proposal was not considered to be EIA development.

Additional and Amended Information

2.11 The applicant submitted the following information in February 2018:

2.12 Amendment to the description of proposal as follows:

The erection of a cycle themed cafe with ancillary kitchen, storage area, WCs, bin enclosure and cycle repair outlet along with associated infrastructure including 24 car parking spaces, 100 cycle parking spaces, a partly new and upgraded internal road, public open space and associated picnic / play areas.

- Amendment to the proposal plans including layout and elevation plans
- Amended Flood Risk Assessment and Surface Water Drainage Strategy Report
- New Landscape and Visual Impact Assessment
- New Reptile Survey and Mitigation Strategy Report
- New Tree Survey and Arboricultural Impact Assessment Report
- Transport Assessment Supporting Document.

2.13 The 2nd amendments consist of:

- 2nd amended proposal plans including layout, site levels and elevations.

- 2nd update to Flood Risk Assessment and Surface Water Drainage Strategy Report.
- New Biodiversity Offsetting Matrix Report.
- 2nd update to Reptile Survey and Mitigation Strategy Report.
- 2nd update to Tree Survey and Arboricultural Impact Assessment Report.

2.14 3rd amendments are:

- Updated biodiversity metric, further assessment of offsite ecology mitigation and supporting information.

2.15 All consultees and neighbours were reconsulted on the new material.

3.0 SITE HISTORY

| Reference | Description | Outcome |
|-----------|--|--|
| C/88/0593 | Erection of restaurant and dance floor with associated car parking and lakeside improvements (amended by letter and drawings 11/01/88 and letter dated 31/07/89 and accompanying drawings). | Refused 9 Aug 1989 |
| C/93/0242 | Formation and stabilisation of banks to lake, provision of fishing platforms and steps, improvement of access, footpaths and parking area, erection of shelter to include provision for disabled persons, and landscaping. | Approved with conditions 2 Aug 1993 |

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| C/5007/16/CC | Phase 1 of the Chisholm Trail, a north-south pedestrian and cycle path from the River Cam to Coldham's Lane broadly parallel to the railway line. Including new underpass under Newmarket Road, bridge across Coldham's Brook, replacing culvert with bridge on Coldham's Common, new paths and improvements to existing paths. | Approved with conditions 19 July 2017 |
| 15/5418/PREAPP | Pre application discussion between the consultant Carter Jonas and Cambridge City Council (CCC) for the submitted proposal. | Response made 29 February 2016 |

4.0 PUBLICITY

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| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |
| | Site Notice Displayed: | Yes |

5.0 POLICY

5.1 Relevant Development Plan policies:

| PLAN | POLICY NUMBER |
|---------------------------|--|
| Cambridge Local Plan 2018 | Policy 4: The Cambridge Green Belt Policy 8: Setting of the City Policy 33: Contaminated Land Policy 34: Light Pollution Control Policy 57: Designing new buildings Policy 59: Designing Landscape and the Public Realm |

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| | <p>Policy 67: Protection of Open Space</p> <p>Policy 69: Protection of sites of Local Nature Conservation Importance</p> <p>Policy 70: Protection of Priority Species and Habitats</p> <p>Policy 71: Trees</p> <p>Policy 72: Development and change of use in district, local and neighbourhood centres</p> <p>Policy 80: Supporting sustainable access to development</p> <p>Policy 82: Mitigating the transport impact of development</p> <p>Policy 82: Parking management</p> |
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5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

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| Central Government Guidance | <p>National Planning Policy Framework 2018</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014.</p> |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007) |
| Material Considerations | <p><u>City Wide Guidance</u></p> <p>Cambridge Landscape and Character Assessment (2003)</p> <ul style="list-style-type: none"> Identifies the proposal site as a green finger and corridor. <p>Cambridge City Wildlife Sites Register (2005) & Criteria for the Designation of Wildlife Sites (2005)</p> <ul style="list-style-type: none"> Barnwell Pit Site H6.1 – Identified as City Wildlife Site <p>Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)</p> |

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| | <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <ul style="list-style-type: none"> • Barnwell Pit (Lake) Site Nat 08, identified as having environmental and recreational importance |
| | <p><u>Area Guidelines</u></p> <p>Newmarket Road Suburbs and Approaches Study (October 2011)</p> <ul style="list-style-type: none"> • Site within Character Area 1 |

6.0 CONSULTATIONS

Planning Policy Team

Comments on application as submitted

- 6.1 Objection. It is confirmed the site can be considered under Paragraph 89 of the NPPF (2012), however the Policy Team conclude that the proposal is not an appropriate facility for outdoor sport and outdoor recreation. The proposal is not necessary for the function of the Chisholm Trail, with cafes and a cycle repair shop being located along Chisholm Trail or in an appropriate proximity to the site.

Cambridgeshire County Council (Highways Development Management)

Comments on application 2nd amended

- 6.2 The County Highways Authority has confirmed that their holding objection can be removed, subject to imposing the planning conditions set out in their memo. The County do however still raise concerns about the amount of car parking.
- 6.3 County still have concerns regarding car parking on this site. The proposals exceed maximum standards. It is not clear why a cycle themed café would require car parking.

- 6.4 A planning condition should ensure that the Chisholm Trail is in place prior to occupation of the café and that the permission is for this specific use only.
- 6.5 It is recommended that a planning condition is applied requiring that cycle parking provision is monitored and increased if demand increases.

Comments on application as submitted

- 6.6 Objection. The increase in deliveries and the proposed 30 car parking spaces will attract further car driver trips on Newmarket Road.
- 6.7 The trip generation methodology is not considered robust and further details of new and linked trips are needed.
- 6.8 There are concerns about the excess in car parking off a network known to experience congestion. Too many spaces would encourage vehicle based trips to the café and would further intensify use of the access onto Newmarket Road. Enforcement options would need to be discussed to prevent people from using the car parking to commute into the City.
- 6.9 It was considered that improvements needed to surrounding pedestrian and cycle infrastructure should be identified, if the proposals are to be occupied prior to the Chisholm Trail opening.
- 6.10 Demand in respect of the development traffic requires further justification and consideration before County can comment on this matter.

Environmental Health

Comments on application as amended

- 6.11 Previous comments are unaltered.

Comments on application as submitted

- 6.12 The proposal is acceptable, subject to planning conditions to control construction/demolition/delivery noise/hours, and noise/vibration from construction. Also commented on lighting, and

considers a lighting assessment should be undertaken as per a condition. The response also notes that there is potential for contaminated land to be found at the site, owing to the proximity to the railway line and duration that this line has been present. A condition to address unexpected contamination if found is recommended, alongside a Materials Management Plan.

- 6.13 There was no objection in respect to air quality, given the site is outside the air quality management area and the prediction of 275 vehicle trips per day. An odour control has been recommended for the café.

Urban Design and Conservation Team

Comments on application 2nd amended

- 6.14 Objection. The principle of development in this location is considered contrary to Green Belt policy. The size of the café and seating capacity would extend across the full width of the Green Belt in this location.
- 6.15 The cycle parking spacing issue has now been addressed. There is 1000mm space between each Sheffield stand.

Comments on application as submitted

- 6.16 The Urban Design Team objected to the proposal, determining the detail provided delivers little guarantee about the final design which is inappropriate considering the site sensitivity. The proposed car parking provision is considered excessive.

Cambridge City Council Landscape Team

Comments on Application 2nd amended

- 6.17 Objection. In summary the Landscape and Visual Impact Assessment (LVIA) focuses on the limited visual impact and does not draw sufficient attention to the protective landscape policies and the important contribution that the application site brings to the Cambridge Green Belt.
- 6.18 The construction of the Chisholm Trail would include some regarding as the Trail emerges from the underpass and the site would temporarily accommodate some of the construction site

facilities. However, the majority of those elements are temporary. What is permanent is the Trail, which is a linear, 2 dimensional cycling route, i.e. hard surfacing in the eastern part of the site and a concrete lined underpass opening with wing walls. The Trail would have a limited impact on the area once the landscape mitigation in relation to the Trail has established.

Comments on application as amended

- 6.19 Objection. Although it might be agreed that views of the proposals might be limited from the north, there are no verified views or other convincing technical information to prove or disprove the assertions of visibility. This makes the conclusion stated in the report that '*The effects on landscape character and visual amenity will be very limited....*' difficult to uphold.
- 6.20 We do not believe therefore that the additional landscape information adds any further support for the proposals. Focussing on the limited visual impact of the application site and not giving full consideration to the assessment of the landscape character has skewed the assessments and results of the LVIA report. Additional weaknesses in the report also come from out of date or incorrect supporting information and flaws in the methodology.
- 6.21 It is our assertion that introducing any building development of any size or appearance into this narrow and vulnerable corridor of Green Belt land will create harm to the purposes of Green Belt policy. Above all, the site currently supports the Green Belt function of the setting and special character of the historic city of Cambridge. A building and associated developed area would forever change the rural character of the site into an urban character and visually and physically merge the area into the cityscape of Newmarket Road. The consequence of changing it to an urban character would remove one of that function.

Comments on application as submitted

- 6.22 Object to the proposal. The hard surfacing, including carpark, would cause significant harm to openness of Green Belt, with the site being two thirds of the width of the Greenbelt. There would be a loss of the unique character of Newmarket Road gateway. Buildings on site would not be consistent with the built form within

the area, given the buffers being the railway line, Newmarket Road and Coldhams Common.

Senior Sustainability Officer (Design and Construction)

- 6.23 Considers the proposal acceptable given there are no principle sustainable construction issues which could not be overcome by design in later phases of development. It was noted that the building is too small for any of City Council's policies on sustainability to apply (it needs to be over 1,000m² for the renewables policy to apply for example). A sustainability statement would be required at a later stage to be discussed at reserved matters stage.

Access Officer

- 6.24 The Access Officer supports the application, given the proposal will encourage disabled use of the Leper Chapel. Further detail of the development could be delivered with reserved matters.

Head of Streets and Open Spaces (Tree Team)

Comments on application 2nd amended

- 6.25 Further to receipt of the revised Arboricultural Impact Assessment (AIA), no formal objection to the tree removals proposed subject to adequate replacement planting. In particular replacement trees and hedge will be required along Newmarket Road. Should the application be approved the standard landscape conditions are recommended along with the tree conditions below. The landscape proposals include the long term management of trees.

Comments on application as amended

- 6.26 Further to the submission of the requested arboricultural information objections are maintained. The Team does not agree with all the categorisations of trees on site and value many more highly than C. There are good quality Hawthorn trees throughout the site that are highly suitable to the location and the individual Sycamore trees along the brook make a valuable contribution to the landscape. The losses indicated on the arboricultural submission will have a material impact on the character of the site and the contribution it makes to the amenity of the area.

Comments on application as submitted

- 6.27 There was insufficient arboricultural information submitted with the application to allow assessment. An AIA would be required to assess the application.

Head of Streets and Open Spaces (Walking and Cycling Officer)

- 6.28 Considers the proposal acceptable, with the location likely to encourage users to walk and cycle to the development and to the nearby Leper Chapel. The officer considered the café and cycle repair will add to facilities in the area and will enhance the Chisholm Trail and Leper Chapel.
- 6.29 The cycle provision appears good although there are no details of type of rack or spacing.

Cambridgeshire County Council (CCC) Lead Local Flood Authority (LLFA)

Comments on application as amended

- 6.30 No objection in principle. The amended documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and an attenuation tank. Additional surface water SuDs are recommended.

Comments on application as submitted

- 6.31 Holding objection based on the flood plain compensation in relation to the approved Chisholm Trail project.
- 6.32 The proposed use of below ground attenuation is acceptable with the LLFA suggesting that the applicant considers including above ground SuDS in order to provide further water quality, amenity and biodiversity benefits. Above ground SuDs are also preferable in terms of maintenance requirements.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

Comments on application, 2nd amended

- 6.33 There are still concerns over the use of crate attenuation under the soft landscaped area. At the detailed design stage further consideration should be made for utilising the sub base of the permeable car park for some of the attenuation requirements, thereby reducing the size of the attenuation crate.
- 6.34 The use of green roofs is not referenced within the surface water drainage strategy, although they are depicted on the roof plans of the submission. The inclusion and specification of the green roof must be conditioned if planning permission is to be granted.

Comments on application as submitted

- 6.35 Objection. The proposal is within Flood Zone 3 and no floodplain compensation was provided for as part of the application. The site is proposed to be used for flood compensation for the Chisholm Trail.

Head of Streets and Open Spaces (Biodiversity Officer)

Comments on application third amended

- 6.36 Recommend refusal. There has been a further reduction of proposed off site mitigation area. This results in a combined overall score, post proposed development and offsetting of -1.16 units. Therefore, notwithstanding the additional biodiversity features proposed, which are not included within the metric, a net biodiversity loss would result. This is contrary to NPPF (2018) and Local Plan Policy and is reason for refusal. It remains unclear how the mitigation hierarchy has been adopted during the design process. Avoidance of impacts on designated / existing habitats being the primary objective. Officers suggest that further reduction of the proposed development footprint could provide the necessary offset to secure no net loss, if not a small net gain in association with other proposed features and a long term, enforceable management plan.

Comments on application as amended

- 6.37 Objection. The submitted ecology documents, including the requested Biodiversity Calculations show that there will be a small biodiversity net loss (contrary to Local Plan and the NPPF (2018) which now seeks a measurable net gain) post the proposed development and associated on site habitat retention, creation and enhancement. There is no clear description of how the proposals fit with the ecological mitigation secured for the approved Chisholm Trail.

Comments on application as submitted

- 6.38 Objection. The site is a City Wildlife Site and is already subject to unfulfilled ecological mitigation through the Chisholm Trail permission. It is unclear from the proposal how this mitigation and the design of the development will interact to protect or enhance the City Wildlife Site.
- 6.39 Based on the limited information supplied, the proposal is likely to be detrimental to the City Wildlife Site. The application would be contrary to Cambridge Local Plan (2018) policies 69 and 70 o and national planning policies (Paragraph 109, 117 and 118).

Historic England

- 6.40 No comments on the application, deferring the comment to City Council's specialist. Historic England does not wish to offer further comment unless there is material change to proposal.

Natural England

- 6.41 No comments.

Environment Agency

Comments on application, 2nd amended

- 6.42 Objection withdrawn. The revised Flood Risk Assessment (FRA) demonstrates that proposed development will not result in a loss of floodplain storage or hinder the provision of floodplain compensation for the Chisholm Trail cycle route.
- 6.43 Only clean, uncontaminated surface water should be discharged to any soakaway. Foul water should be discharged to the public sewer, with prior approval of Anglian Water.

Comments on application as amended

- 6.44 The FRA does not assess the impact of the proposed development on the Chisholm Trail compensation measures required as part of approval for those works. The Chisholm Trail proposal includes landscaping of the proposed site. This landscaping is a careful balance of losses and gains in the floodplain. We need a clear understanding of how the proposed development will impact this balance.

Comments on application as submitted

- 6.45 Object. The Environment Agency objects to the proposal, determining the proposed flood risk assessment (FRA) does not appropriately define the flood risk to the site and provide sufficient floodplain mitigation for the impacts of the site.
- 6.46 In respect of groundwater and contamination, the response considers the application acceptable with the imposition of conditions to manage contamination foul water and surface water pollution.

Cambridge Past, Present and Future (CPPF)

- 6.47 Cambridge Past, Present and Future objects to the proposal determining there is insufficient information to assess harm on green belt. Agrees with Wildlife Trust about ecological concerns regarding inappropriate scale and massing in this area and excessive hard standing area. It is questioned whether there is a business case to have café/ shop.

Anglian Water

Comments on application, 2nd amended

- 6.48 No objections. Cambridge Water Recycling Centre does not have capacity to treat the flows but Anglian Water are obligated to accept foul flows and will take the necessary steps to ensure capacity. The preferred strategy for surface water drainage is a SuDs system.

Comments on application as submitted

- 6.49 Anglian Water confirmed that the wastewater and foul sewerage both have capacity. Surface water disposal does not relate to Anglian Water functions as proposed. The applicant would need to apply to Anglian Water to discharge of trade effluent. This would form a condition of consent. Overall, Anglian Water do not raise any issues that could not be managed by conditions of consent or by through detailed design at a later stage.

Network Rail

- 6.50 No comment received.

Cambridgeshire Constabulary (Designing Out Crime Officer)

- 6.51 The officer noted that there is no crime prevention strategy at this time. There is also suggestion that there will be bollard lighting within the car parking area, with bollard lighting only good for wayfinding. The tunnel (underpass) was also a concern to the officer in respect of lighting and natural surveillance.

Wildlife Trust

Comments on application, 2nd amended

- 6.52 Objection sustained. The Wildlife Trust welcomes the provision of the Biodiversity Offsetting Report, which includes clear justifications for the decisions made in filling out the accompanying Biodiversity Offsetting Calculator. Minor comment on the figures used in the calculator: the proposed off-site creation areas include creation of chalk grassland, and depending on soil conditions this

may not be feasible and neutral grassland may be more appropriate.

- 6.53 The calculator shows that the development would, as previously suggested, result in an on-site net loss in biodiversity, but the applicant has included suggestions for both on-site habitat creation and enhancement, and proposed additional habitat creation outside the current red-line boundary, and additional measures.
- 6.54 The Wildlife Trust welcomes the applicant's effort to resolve this issue and commitment to providing a net gain in biodiversity. I suggest that should permission be granted, the production of a detailed ecological design strategy.
- 6.55 The only outstanding matter from the Wildlife Trust's previous comments regarding this application is regarding how the mitigation already required in this area for the Chisholm Trail will interact with the separate mitigation required to deliver a net gain in biodiversity for this application. If the same area of habitat enhancements is being considered as part of both applications, which as far as we are aware is still the case, this double-counting means that at least one (and possibly both) of the two proposals cannot deliver a net gain in biodiversity. No further clarification has been provided on this issue, and unfortunately, until it has been, the Wildlife Trust cannot remove our objection to this application.

Comments on application as submitted

- 6.56 Object. The proposal will result in the net loss of biodiversity. The development site is within Barnwell Pit City Wildlife Site (CiWS), a site which supports a mosaic of locally important habitats, with the application showing a large proportion of the development area as buildings, hard standing, access tracks, and car and cycle parking. The application mentions the enhancement of the site with new wildflower grassland and native scrub planting. No detail is provided to support this information.
- 6.57 Part of the site is already included for mitigation for the Chisholm Trail. It is unclear how this will tie in with the proposal.

Developer Contributions Monitoring Unit

- 6.58 No specific S106 financial contributions required under the City Council's Planning Obligation Strategy SPD (2010).

Cambridge International Airport

- 6.59 No objections. Refuse bins must be enclosed and warning signs in place deter feeding birds which might cause harm to aircraft.

Conclusion

- 6.60 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses made representations on the amended proposal:

- 2 Ventress Farm Court
- 20 Highworth Avenue
- World Study Solutions, 43 Burleigh Street
- 54 Greville Road
- 193 Coleridge Road
- 17 Rutherford Road
- 554 Newmarket Road
- 525 Newmarket Road
- 529F Newmarket Road
- 7 Heffer Close
- 73 Brampton Road

- The Moorings, Thedwastre Road, Thurston
- 27a Villa Road, Impington (Cambridge Fish Preservation and Angling Society Ltd)

- 7.2 Comments were received in support of the application and are summarised as follows:

- The proposal will promote cycling and walking.

- The impact of the hardstanding has been much reduced and the removal of the 'shop' makes any future change of use less likely.
- The consultee responses fail to understand the impact of the use of the site as a construction base for the agreed Newmarket Road underpass.
- Any impact on the environment can be mitigated and enhanced during operation.
- The café would enhance the lake for angling.

7.3 Councillor Nicola Harrison (Market) has made the following comments (in support) on the amended application:

- Support the application and comments made by Jim Chisholm.
- The applicant has made good efforts to address the previous concerns of Committee.
- The amount of hard standing has been reduced, especially through removal of the delivery area and reduction in car parking.
- Removal of the 'shop' reduces ambiguity in the application.
- Any development on the site will follow use of the site as a construction base of the 'Chisholm Trail'.
- It is easy to make exceptions for development in the Green Belt in car dominated developments such as Country Parks.
- Aspects of landscape, trees and ecology must take into account the agreement to construct the underpass from the site.
- The Chisholm Trail will be a major sustainable transport artery, expected to carry 5000 trips per day.
- People work more flexibly and need places to meet.
- The café will encourage more people to cycle or walk. The route deserves better kiosks than on Jesus Green or Lammas Land.
- It will improve facilities for the Leper Chapel.

Camcycle

7.4 The following comments in support of the application were received:

- This application will restore green landscaping and keep the site free of fly tipping.
- The café usage is consistent with similar cafes found in County Parks and provides toilets and cycle repair station.
- Cycle parking design is acceptable.
- If the Chisholm Trail is completed before major works to the café then damage to the Trail must be repaired.
- Gaps between the bollards must be wider to allow wheelchair access.
- Landscaping of the car park crossing must allow sufficient visibility splays.
- Drainage must be coordinated with the Chisholm Trail to ensure the Trail is not regularly flooded.
- All resin bound surfaces must be swept clean of debris following construction.

7.5 Four comments were received objecting to the application and are summarised as follows:

Principle of development

- Sports facilities are all within easy walking distance.
- The application fails to assess the opening of views across the pits from the construction of the underpass. It does not take account for the public access and visibility and sensitivity of landscape impacts.
- The granting of permission for the development may be prejudicial to the discharge of conditions for the Chisholm Trail project.
- There is a letter of support from the Greater Cambridge Partnership which Cambridge City Council is a member. This raises the issue of whether the City has an interest in the land as a result of any agreement between Greater Cambridge Partnership and the landowner. A Reg 3 application would need to be declared.

- The scheme has not adequately addressed the ‘considerable adjustments needed’ to make the application acceptable to grant planning permission.
- The size and scale of the project does not appear to be sufficiently reduced in order to prevent urban sprawl on the green belt. This is due to the size and scale of the café, its adjoining facilities which seem excessive, especially given similar facilities are available nearby in the retail park.
- The car park is extensive in area, coming close to the entrance of the underpass. It is considered that a large empty car park will add to the risk of drug use and anti social behaviour.
- The proposal should not go ahead in its current form, but should be a smaller café.
- There is no need for a café in this location.
- The large area of car parking shows this is really for motorists.

Ecology matters

- There appears to be an insufficient baseline for an assessment of the metric for present habitats.
- The local situation has not been taken into account with the calculations.
- There is no evidence to support calculations on proposed future habitats. This is especially important given the overlap with the Chisholm Trail planning application.
- The proposals have additional implications for landscape, arboriculture and protected species.
- There is insufficient information gathered to show whether habitat creation is feasible.
- There is a loss on site of at least the value presented of 4.66 not the stated value of 3.35.
- The population of common lizards cannot be maintained on the site and there would be severe impacts from loss of habitat on grass snakes.
- The application is contrary to multiple policies which require overwhelming public benefit to be demonstrated.
- No evidence of that benefit is presented.
- There is extensive retail and catering provision and other facilities along Newmarket Road so the need for additional provision to address a deficit is unlikely.

Flood Risk

- The increased car parking will increase flood risk downstream.

Federation of Cambridge Residents Associations (FeCRA)

- There is inadequate information in the revised application.
- There is still not clarity over the total areas of habitat to be lost and gained.
- The proposals would result in a net loss of biodiversity.
- It is a major concern that landscaping remains a reserved matter when there are significant environmental and landscaping concerns.
- No clarity on the overriding need for a café in a sensitive green belt site.
- GCP is supporting the scheme (of which the City is a member) put forward by a private developer which is not in line with policy.

7.6 The owners/occupiers of the following addresses made representations on the original proposal:

- 72 Newmarket Road, Cambridge
 - 529D Newmarket Road
 - 529F Newmarket Road
 - 537 Newmarket Road
 - 542 Newmarket Road
 - 588 Newmarket Road
 - 594 Newmarket Road
 - Station Lodge Barnwell Junction, Newmarket Road
-
- 101 Coldhams Lane
 - 45 St Bedes Crescent
 - 17 Cromwell Road
 - The Bike Depot, 140 Cowley Road
 - 73 Brampton Road
 - 2 Ventures Farm Court
 - 54 Greville Road

- 57 Catherine Street
- 141 Flamstead Close
- 193 Coleridge Road
- 2 Plantation Ave
- 3 Heron's Close
- Flat 4, Ferndale House, Ferndale Rise
- 2 Heron's Close
- 52 William Smith Close
- 23 Cockburn Street
- Units 5-6 Brickyard Estate, Coldhams Road
- 2 Bolts Hill
- Unit 7 Brickyard Estate, Coldhams Road
- 37 Glemere Close
- 43 Cromwell Road
- 15 Lemur Drive
- 7 Earl Street
- 81 Kinross Road
- 55 Hills Ave
- 125 Suez Road
- 55 Ellands Way
- 19 Claygate Road
- 66 Holbrook Road
- 5 Hereward Close
- 58 Impala Drive
- 233 Chesterton Road
- 17 Rutherford Road
- 4 Ditton Lane
- 29 Rawlyn Road
- 41a Chalmers Road
- 21 Christchurch Street
- 2 Gough Way
- 53 West Drive, Caldecote
- 15 Bentley Road
- 2 Robert May Close
- 169 East Road
- 158 Blinco Grove
- 167 Cherry Hinton Road
- 43 Burleigh Street
- 7 Botha Close, Cambourne

- 6 Chaplin's Close, Fulbourn
- 7 Heffer Close, Stapleford
- 27 Mingle Lane, Stapleford
- 1 The Lakes, Twenty Pence Road, Cottenham
- Cambridge Fish Preservation & Angling Society Ltd
- Project Officer - The Greater Cambridge Partnership Team

7.7 40 comments were received in support of the application and are summarised as follows:

- The café will provide leisure facilities for Coldhams Common, Ditton Meadows and the Leper Chapel (with adjacent pastures).
- In line with NPPF for protecting greenbelt.
- Improvement of 'damaged and derelict land' will result.
- Chisholm Trail will benefit from toilet facilities and refreshments.
- The scheme will be accessible for disabled people.
- The site would be improved at no cost to rate payer.
- The fishing platforms have been vandalised and undesirables mainly use the area.
- Without the scheme the Chisholm Trail will lack appropriate lighting.
- Will provide a food establishment for local businesses.
- The building appears invisible with the green roof and location.
- Providing a café here would ensure future developments of flats and retail could not be built onsite.
- A café would provide a place for rest and refreshment and also lavatories for public use.
- The proposal would discourage fly tipping.

7.8 Twelve comments were received objecting to the application and are summarised as follows:

- Loss of green area.
- The Chisholm Café proposal will damage the site biodiversity.
- Loss of habitat for biodiversity.
- Impact of increased traffic on Newmarket Road.

- Objecting to the need for so many car parks.
- Inappropriate scale and massing in this area.
- Insufficient information to assess harm on green belt
- Contrary to local policy.
- Predicates sustainability and access on delivery of Chisholm Trail.
- Effects on landscape, trees, heritage impacts, loss of common land.
- Secondary ancillary development effects in particular the lack of visibility splays, safety lighting, drainage and any stabilisation of underwater banks within the pits.

7.9 Two comments were received not objecting or supporting the application and are summarised as follows:

- Concern along Newmarket for traffic.
- Car park monitoring needed.
- The car parking provision is excessive.
- There is no justification for the retail unit and what would be the strategy if café fails and buildings are left unattended.
- The café would help reduce fly-tipping.

7.10 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the application, consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of Site, Design and External Spaces
3. Highway Safety
4. Ecology
5. Flood Risk
6. Amenity
7. Carbon reduction and sustainable design
8. Car and Cycle Parking
9. Refuse Arrangements
10. Disabled Access

11.Third party representations

Principle of Development

- 8.2 The supplementary and amended information received following the previous Committee deferral does not alter the officer assessment of the principle of development. The proposed development (within the context paragraph 145 of the NPPF (2018)), is not an exception for outdoor sport or outdoor recreation and is by definition inappropriate development.
- 8.3 The reasons given by Committee to overturn the officer recommendation at the meeting of 2 November 2017, were that the development would result in increased recreational use of Green Belt land and that there would be overall net benefit to the community. These reasons are not considered to be sufficiently robust to justify inappropriate development in the Green Belt. This is because in the view of officers the scale of the development should not be considered *appropriate* under paragraph 145 of the NPPF (2018). The reasons advanced by Committee do not recognise the harm to openness and could be applied to any other site within the Green Belt across the City. The reasons did not explain how the development was related to the Chisholm Trail in use or function or how it was assessed under the criteria of paragraph 145 of the NPPF (2018).
- 8.4 The Committee also noted that the land was currently a neglected and underused space. Furthermore, it was noted that the Chisholm Trail development would significantly change the character of the space and bring increased activity levels to it. Officers strongly advise that Committee does not give any weight to the current poor management of the land to justify this/any development within the Green Belt. The Chisholm Trail itself will leave the site essentially rural and open upon completion and will maintain its current status in ecological terms thus retaining the Green Belt objective at paragraph 133 of the NPPF (2018).

Green Belt

- 8.5 The essential characteristics of Green Belts are their openness and permanence as set out in the NPPF (2018) paragraph 133. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in *very special*

circumstances. The NPPF (2018) maintains protection of the Green Belt, with boundaries only to be altered in exceptional, evidenced based circumstances through the plan making process. The NPPF (2018) sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The exception to this which is relevant to the application proposal is:

'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it';

- 8.6 The NPPF (2018) states in Paragraph 145 that the construction of new buildings should be regarded as inappropriate development unless the new building is considered an *appropriate facility for* outdoor sport and outdoor recreation. The facility also needs to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Appropriateness

- 8.7 The applicant argues that the proposal is an appropriate facility for outdoor sport and outdoor recreation as considered against Paragraph 145 of the NPPF (2018). In coming to this view, the applicant references the case law *Timmins v Gedling Borough Council [2014] EWHC 654*, where the interpretation of paragraph 145 of the NPPF (2018), (formally NPPF (2012) paragraph) should now be treated as *closed lists* of appropriate forms of development within the Green Belt. The applicant argues that within case law, appropriate facilities for outdoor sport and outdoor recreation can be considered within the *closed list* under Paragraph 145. Officers do not disagree with that assessment in principle, but not as applied to the application proposal because size and scale of the proposal.
- 8.8 The applicant presents two reasons justifying appropriateness. Firstly, that the building is constructed in an area of open space currently used by the fishing club. Secondly, that the new building would serve users of the 'recreational land and facilities including the Chisholm Trail'. Officers do not agree the proposed A3 building is an *appropriate facility* for either the use of the lake for

fishing or the Chisholm Trail. This is because an A3 café of this scale (including the latest small reduction in footprint and car parking) is not necessary for the function of either use. Paragraph 145 of the NPPF (2018) clearly states that exceptions to inappropriate development includes the provision of appropriate provision for outdoor sport and recreation. The development is not for sport and recreation and the proposal in the amended application is still of a size and scale which is disproportionate to the fishing use and Chisholm Trail facility.

- 8.9 The (first) amended submission provides a LVIA. The report concentrates on the 'limited visual impact' of the proposals and concludes that because the site is surrounded by vegetation and is 'sunken', its physical attributes protect the surrounding area from visual impact. The report makes reference to the *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 decision by the Court of Appeal. The court decided that because the appeal site proposals would have limited visual impact, this should be given more weight. The Turner decision related to a very different scenario involving the redevelopment of a previously developed site which cannot be directly compared to the application proposal now before the Committee. The application proposal relates to a new building which is unacceptable in principle and which would result in a permanent landscape change, contrary to the NPPF (2018). The impact of the building on the openness of the Green Belt is discussed from paragraph 8.14 below.
- 8.10 The use, size and scale of the building, access road, car and cycle parking are disproportionate in scale to the outdoor recreation uses it is purported to support. This is in contrast to the small kiosk huts elsewhere on the City's open spaces. The A3 café will be set some way back from the route of the Chisholm Trail, which does not support the assertion it will meet the needs of future users of the Chisholm Trail. There is no justification for a new A3 unit in the Green Belt on the basis of outdoor sport and recreation; moreover it cannot be required as appropriate development in the Green Belt.
- 8.11 None of the proposed facilities are necessary to ensure the operation of the Chisholm Trail, which was granted planning permission independent of the application proposal. The Chisholm Trail is an approved scheme running through the site, but which

has a very different use and function to the proposed café and car parking. The Chisholm Trail is a new local cycle link to connect the new Cambridge North Station with Cambridge Station and to provide a recreational route. It is not part of a more extensive strategic cycle tourism route where there might be a need to provide facilities in a rural area. The site is very close to the City Centre and the Beehive retail park where there are food outlets, cycle shops and car parking.

- 8.12 Over half of the proposed development is to facilitate car parking, which is directly in conflict with the use and function of the Chisholm Trail that it is purported to facilitate. It is by definition an inappropriate development. It is neither reasonably proportionate to, nor functionally related to the Chisholm Trail. The application proposal would erode the vulnerable Green Belt wedge, through the proposed building, car parking and other paraphernalia, the primary function of which (The Green Belt) is to check the unrestricted sprawl of Cambridge. The proposal is in direct conflict with the fundamental aim of paragraph 133 of the NPPF (2018) and Cambridge Local Plan 2014 policy 4.
- 8.13 The applicant also refers to proposed car parking to help people access the Leper Chapel. However the underpass will be delivered through the Chisholm Trail permission and not the application proposal. Once the underpass is delivered, it is likely that the link from the Leper Chapel to the existing carpark will be established and available without the delivery of additional car parking. Cambridge Past Present and Future, stewards of the Leper Chapel, do not support the application proposal (as amended). No management strategy for increasing opening hours or access to the Leper Chapel has been put forward by the applicant. This contributes to the overall officer view that little or no weight should be given to a potential increase in car parking available for the Leper Chapel.
- 8.14 In summary the proposed buildings and associated infrastructure is not an appropriate facility for outdoor sport and outdoor recreation and is therefore in conflict with the purposes of including land within the Green Belt. Whilst it is noted the application seeks outline permission only, the principle of a café is inappropriate and in direct conflict with the purposes of including land within the Green Belt.

Openness

Landscape and Visual Impact Assessment

- 8.15 The second measure of Paragraph 145 (b) of the NPPF (2018) is whether the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The (first) amended application provides a LVIA which assesses the potential effects on landscape character and visual amenity.
- 8.16 The LVIA report does not, in the view of the City Council's Landscape Officer, recognise the value of the narrow Green Belt corridor that forms this part of the Cambridge East Corridor and Green Belt. The report focusses on proving that the site has limited visual impact. It does not appropriately consider the impact that its development would have on the landscape character and the permanent change that would take place as a result of the building and the associated development.
- 8.17 The Landscape and Visual Impact Assessment (LVIA) report in the amended submission states that because the site is unmanaged and neglected for which the proposals would offer an improvement. This implies that because of its neglected state, the value of the landscape is diminished. Degraded landscapes should be valued as well as any other condition and should be given no less weight in Green Belt terms.
- 8.18 Within the explanation of the methodology, the LVIA report sets out the three criteria for determining Landscape Character Sensitivity or Visual Sensitivity. The Council's landscape officer considers that five criteria should have informed the assessment and that if five criteria had been used the complexities and nuances of this vulnerable landscape would be more adequately measured. The applicant's landscape consultant strongly refutes this criticism. While officers recognise that the criteria of the assessment could have been more extensive, the LVIA is not mandatory but it contributes and carries some weight to the overall assessment of impact.
- 8.19 In the LVIA the site is assessed as having a '*moderate character but being in poor condition. Although self-contained it makes some contribution to the surrounding landscape, but has a low susceptibility/high ability to accept change. The character value of*

the site is assessed as low, which in overall terms results in a low sensitivity'. The City Council's Landscape Officer does not support the opinion that the site has a high ability to accept change, despite the introduction of the Chisholm Trail and underpass. The site has an essential rural character similar to Coldham's Common and once the landscape mitigation associated with the Chisholm Trail has established itself, the landscape character will remain essentially rural. The proposed development will introduce an urban character. In so doing the Green Belt purpose of the setting of the City would be eroded.

- 8.20 Within the previously dismissed appeal decision for a similar development on this site (C/88/0593, see history section 3.0), the Inspector gave considerable weight to this parcel of land and made clear the openness and purpose in maintaining the area as Green Belt:

"6. Visually the appeal site is very much part of the Coldhams Common Open Space. This open space provides a very attractive break between the main built up part of Cambridge to the west of the railway and East Barnwell to the east. I consider that a particularly important part of this break is the narrow neck of undeveloped land, including the appeal site, to the south of the Newmarket Road, which can be seen easily by persons using that Highway".

- 8.21 Notwithstanding the age of this appeal decision (1988), officers share the view that one of the elements of the unique character of Cambridge is the existence of 'green wedges' extending into the City and that Coldhams Common can be regarded as such a green wedge. Officers consider this assessment remains relevant, particularly in setting the context of the site and the importance of preserving the site as an open space area of Green Belt.
- 8.22 The visual impact of the proposal and its impact on the setting of the common is likely to be significant when viewed south from Newmarket Road. Whilst officers acknowledge that amended proposal removes the service yard which previously cut into the existing bank of vegetation adjacent to Newmarket Road, the cumulative impact of development will undoubtedly change the landscape character of the rural scene.

- 8.23 An Arboricultural Impact Assessment has now been submitted with the amended application. Officers recognise that the removal of the service yard will provide additional space for supplementary planting, to reduce the visual impact of the proposal. The revised Hayden tree report now shows the Sycamore trees on the eastern boundary of the site to be retained (previously identified for removal). As such, the amended proposal makes adequate provision for the retention of existing trees in the context of the approved Chisholm Trail scheme. Whilst officers acknowledge that the application makes reasonable provision for tree retention, this does not change the view that it will result in a continuation of urban sprawl over the railway line. The fundamental aim of Green Belt is to prevent such urban sprawl.
- 8.24 The one storey building will be located in the north west corner close to the railway and Newmarket Road. The amended footprint is a further reduction in size and is probably as low impact as it can be for a 138 cover restaurant. Notwithstanding, the mass of the building in this location and context, along with extent of the proposed car parking and cycle parking will considerably impact on openness.
- 8.25 The perspective views show the building to be difficult to view from Newmarket Road, however the one view provided from the road is limited to the railway bridge and is reliant on the existing vegetation remaining. Some existing vegetation along the northern boundary would likely need to be removed, exposing the main trunk views of Newmarket Road to the proposed buildings and car parks.
- 8.26 Notwithstanding the precise details of the landscape scheme and any supplementary planting, the presence of the development is likely to be evident to persons walking and cycling in the common to the east. The development would clearly reduce the effectiveness of the 'green wedge' in an important position close to the main road. This would cause material harm to the Green Belt objective of preserving the unique character of Cambridge. Development in the neck of open land between East Barnwell and Cambridge would erode the vulnerable Green Belt wedge.
- 8.27 The proposed built form, including hard surfaces will not preserve the openness of the Green Belt in this area. Taking the wider site context into account, the Green Belt is approximately 150m wide at this point, with the proposed redline site boundary 95m wide. The

amended footprint of 348 sq m together with the hard surfacing, including carpark, would cause significant harm to openness of Green Belt, with the site being two thirds of the width of the site frontage 'green wedge'. The building cannot be considered in isolation to the remaining development proposed by the application, where the cumulative infrastructure of the car parking, cycle parking, access path and service yard adds to the proposed built form.

- 8.28 Users of Barnwell Lake and Coldhams Common will also be impacted upon by the proposal, whereby the northern area of the lake open space will effectively be replaced by built structure, whether it is the café or extension of car parks. Taking into account the perspective view from the southern area of the lake looking north in the Design and Access Statement, it is clear that this building is the only visible built form in the northern area of the site.
- 8.29 The applicant makes reference to the importance of the 'visual dimension' to the interpretation of NPPF (2018) Green Belt policy. The applicant's LVIA supplementary report criticises the City Council's Landscape Officer for taking a 'volumetric' approach to decision making i.e. failing to give weight and consideration to the actual visual impacts of the proposal. This is not the case. Officers consider the assessment of 'openness' under paragraphs 133 and 145 of the NPPF (2018) to be multi-textured, whereby there are a number of factors to weigh.
- 8.30 This is in line with the *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 judgement (see paragraph) and more recently *Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v Darrington Quarries Ltd* (2017) EWHC 442. The practical application of these judgements to this case is that not only the volume of the building is relevant but also the use, function and visual impacts related to the shifting volumes of parked cars. These are all part of the judgement on 'openness'. In simple terms, the size and scale of the café and its adjoining facilities, together with the parked cars, bicycles and paraphernalia associated with a commercial café/restaurant, is still excessive in relation to the width of the green wedge. The wider criteria of assessment suggested by the Turner and Samuel Smith cases support the officer conclusion that even if a view was taken that the development was 'appropriate', significant harm to openness would result.

8.31 In summary, given the context, the green belt wedge is integral in maintaining the Green Belt link between the northern Fen Ditton and Coldhams Common Public open space areas. Notwithstanding the reduction in building footprint and car parking officers consider that the openness and purpose of the Green Belt would not be preserved by this proposal and thus it is inappropriate and contrary to Paragraphs 133 and 145 of the NPPF (2018) and Cambridge Local Plan (2018) policy 4/1.

Very Special Circumstances

8.32 Three reasons to meet the very special circumstances test were put forward in the original application. These are unchanged in the amended submission.

8.33 The reasons given by the applicant were, firstly, the building would 'support' recreational activities in conjunction with the delivery of the Chisholm Trail. The applicant considers the café will be a key facility to enhance and support the use of the Chisholm Trail, which itself is a key piece of infrastructure for the purposes of transport and recreation. As set out in paragraph 8.7, the Chisholm Trail application did not consider the proposed café to be 'a key facility' and it was approved in its absence. This does not amount to very special circumstances.

8.34 The 'cycle repair and toilet' service facilities are not reasonably necessary in this Green Belt location. The site is in close proximity to nearby amenities, including food establishments and cycle repair shops. A cycle repair facility is located at Halfords, within the Cambridge Retail Park on Newmarket Road, approximately 600m from the Chisholm Trail. Cafes and toilets are located at the Cambridge Train Station and on Mill Road, approximately 2 km south along the Chisholm Trail. It is also not unrealistic to expect a café and cycle repair facility to become available at the Cambridge North Railway Station, approximately 1.2 km north of the site along the Chisholm Trail. The provision of these facilities as part of the application proposal does not amount to 'very special circumstances'.

8.35 Secondly, the applicant argues the Chisholm Trail is contingent on the landowner being in a position to allow public access to the site and for the Trail to run through it. This is a land assembly issue for the Chisholm Trail project and in your officers opinion does not

amount to very special circumstances to justify inappropriate development.

- 8.36 Thirdly, the applicant considers the low impact design of the building would safeguard the fundamental purpose of the Green Belt and would be barely visible. Officers do not agree for the reasons set out in the Openness subsection of this report.
- 8.37 Although the applicant considers the proposal 'appropriate development' based on its use to support the fishing lake, this has not been put forward as a 'very special circumstance' to justify inappropriateness that said officers are of the view the development cannot reasonably be justified in relation to the use. The development cannot reasonably be justified in relation to the use of the lake for fishing.
- 8.38 The application proposal may provide improved vehicle access for some people, however, the lake, Chisholm Trail and Leper Chapel can all be accessed already, or will likely be accessible from the site once the underpass is built as proposed in the Chisholm Trail application. Conversely, access to the lake will be reduced because the indicative location of the café is on the lake edge itself.
- 8.39 The reasons advanced by Committee for being minded to overturn the previous officer recommendation of refusal are not very special circumstances demanded by paragraph 133 of the NPPF (2018). The suggested increased recreational use of the Green Belt and overall net benefit to the community will happen regardless of whether a commercial café operation is developed on the application site. The Chisholm Trail is an approved project entirely independent of the application proposal. In summary, openness will be significantly harmed and officers are of the opinion the proposal is contrary to Paragraph 145 of the NPPF (2018) and Cambridge Local Plan (2018) policy 4.

Loss of Open Space

- 8.40 The proposal would also result in the loss of and harm to the character of the site as a Protected Open Space. It has not been demonstrated the open space can either be satisfactory replaced elsewhere or that the site is not important for environmental reasons in accordance with Cambridge Local Plan 2006 Policy 4/2

and Cambridge Local Plan (2018) policy 67. In the absence of this justification the principle of the development is not supported which forms reason for refusal 2.

Location - Food and drink outlets

- 8.41 Paragraph 86 of the NPPF (2018) states that Local Planning Authorities should apply a sequential test for main town centre uses which are neither in an existing centre or in accordance with an up to date development plan.
- 8.42 A sequential test was not undertaken to support the application. The applicant considered this unnecessary because the proposal relates to the recreational use of the immediate vicinity. Officers did not accept that position and considered that further food and drink uses should only be permitted in an existing centre, in accordance with Cambridge Local (2006) policy 6/10 part b.
- 8.43 Officers accept that the applicant's reason for promoting the scheme is specific to this site. Government Guidance on the vitality of town centres reiterates the importance of ensuring town centres are not undermined by allowing town centre uses outside of existing town centres. However, since the original Committee consideration of this proposal in November 2017, Cambridge Local Plan (2018) policy 72 should now be given full weight as part of the Development Plan. Policy 72 is silent on town centre proposals which are located outside of district, local and neighbourhood centres. The supporting text does not highlight harm resulting from the scale of A3 uses in an out of centre location similar to the application proposal. The focus of Policy 72 is to retain retail in existing centres and the protection of amenity.
- 8.44 The potential harm which could result from a café use located outside of a District or Local Centre is now clearer from the additional Transport Assessment whereby daily in and out bound car based trips are estimated to total around 600. This gives reassurance that the traffic impacts are otherwise acceptable.
- 8.45 The weight of policy 72 and the reduction in size and scale of the proposed café contributes to the overall officer view that the previously recommended reason for refusal 3 no longer forms part of the officer recommendation to this Committee. In isolation, the

development is not considered to give rise to significant harm to existing retail centres in Cambridge.

Context of Site, Design and External Spaces

- 8.46 The impact of the building on openness and setting of the Green Belt is discussed in the principle of development subsection.
- 8.47 The detailed design of the proposed building is now fixed for approval under the amended outline application. This amounts to a 'very full' outline and enables officers and Committee to assess the likely design of the proposal as part of this outline application.
- 8.48 The Design and Access Statement states that much of the façade will be glazed, with areas of buff brick. A sedum roof is proposed to minimise its prominence, particularly from higher views across the site from Newmarket Road. These materials may reduce some of the prominence of the building.

External spaces

- 8.49 The amended building along with the accumulation with the hard standing areas will still detract from the green, rural character of the site. The requirement for servicing and users of the café/shop who arrive by car to cross the Chisholm Trail illustrates the café is reliant on vehicle based trips, separate from the Trail itself. The siting of the building given the proposed size and accumulation with the proposed infrastructure, will extend the built form of the adjoining sites into the Green Belt and impact upon the views of Coldhams Common from Newmarket Road, along with views north from Coldhams Common and the Lake, whereby minimal built form is currently visible. The design does not mitigate this visual impact.
- 8.50 A cycling connection has been established through the Chisholm Trail permission, yet an excess of car parking has been proposed to service the Trail. An excessive area is proposed to be used for parking, which is disproportionate to the scale of the existing car park that exists.
- 8.51 Overall, based on amended information supplied, the design and appearance of the proposed café building does not mitigate the

visual harm described in the Principle of Development subsection above.

Highway Safety

- 8.52 The County Highways have withdrawn their objection to the scheme based on the amended Transport Assessment information which has been submitted. This showed further analysis of trip generation to the proposed café using a Saturday survey of Milton Country Park. This baseline data is now considered acceptable.
- 8.53 There was previously concern that the use of the proposed 30 car parking spaces would negatively impact on Newmarket Road, which is already a congested network. The provision of too many car parking spaces would encourage vehicle based trips, which may intensify use of the access. Further review of the vehicle access and servicing arrangements and trip generation information concludes that the development is unlikely to result in significant harm to highway safety.
- 8.54 A servicing road was previously proposed to cross the Chisholm Trail potentially creating conflict between vehicles and users of the Chisholm Trail. This has been removed in the amended application, replaced by a 'delivery alley'. This revision would reduce any potential conflict.
- 8.55 The amended transport information demonstrates that the proposed development will not create a significant risk to highway safety. The development is therefore compliant with Cambridge Local Plan 2018 policies 81 and 82.

Ecology

- 8.56 Cambridge Local Plan 2014 Policy 69 states that development will not be permitted if it will have an adverse impact on, or lead to the loss of, a City or County Wildlife site. Where development is permitted, proposals must minimise harm; secure achievable mitigation (prior to the loss) and/or compensatory measures and where possible enhance the nature conservation value of the site.
- 8.57 The amended ecology documents, including the requested biodiversity calculations, show that there will be a small biodiversity net loss. This outcome would be contrary to Policy 69 and the

NPPF (2018), which now seek a measurable net gain after the proposed development and associated on site habitat retention, creation and enhancement.

- 8.58 The City Council's Ecology Officer notes there has been a further reduction of proposed off site mitigation area in the third amended Ecology report. This results in a combined overall biodiversity score, post proposed development and offsetting of -1.16 units. Therefore, notwithstanding the additional biodiversity features proposed a net biodiversity loss would result. This outcome would be contrary to Policy 69 and the NPPF (2018).
- 8.59 It remains unclear how the mitigation hierarchy has been adopted during the design process, with avoidance of impacts on designated and existing habitats being the primary objective. The City Council's Ecology Officer recommends that further reduction of the proposed development footprint could provide the necessary offset to secure 'no net loss', if not a small net gain in association with other proposed features and a long term, enforceable management plan. This further demonstrates that the proposed scale of development, including the car park area is excessive and unnecessary in the context of the site area.
- 8.60 The third amended ecology information confirms how the proposals fit with the ecological mitigation secured for the approved Chisholm Trail. It is understood that the approved Chisholm Trail application does not count any of the Barnwell Pit within its ecological mitigation requirements. Any associated works with this scheme are covered by a separate Ecological Design Statement condition to be submitted by the County Council. The proposed temporary works site for the Trail will be restored to existing habitat types. The mitigation for Chisholm Trail remains subject to an outstanding condition and officers are therefore content the mitigation for the application proposal can be considered on its own merits.
- 8.61 The initial survey work carried out in the month of January was not in accordance with best practice. In addition, the survey underscored the land which meant that the mitigation bar was set too low. The City Council's Ecology Officer is now satisfied with the scoring rationale for habitat types and the additional survey work is considered robust in its methodology, in that it covers the off-site mitigation area south of the lake, nevertheless a

satisfactory scheme for mitigation has not been provided, contrary to part b of Cambridge Local Plan (2018) policy 69.

- 8.62 The applicant argues that the site no longer supports the selection criteria as a City Wildlife Site, so there should be a more flexible approach to biodiversity loss. Whilst the City Council's Ecology Officer acknowledges that the Barnwell Pit City Wildlife Site no longer supports the key selection criteria of calcareous grassland due to lack of management and encroaching scrub, it would still qualify under the mosaic of habitats present and its position in an ecological unit. Securing of a long term management plan for site would be beneficial to retain a range of habitat types and associated species. On this basis a net loss of diversity resulting from the development cannot be accepted and is contrary to Cambridge Local Plan (2018) policy 69.
- 8.63 The applicant advances that additional onsite (outside of redline) habitat creation such as reed bed creation and bat box provision could mitigate the small loss. In addition, the applicant is proposing enhancements on adjacent land, connected to the site that could be used for habitat creation to enhance connectivity. These proposals do not however deliver a net gain because of the extent of built development and habitat removal proposed. The mitigation proposed is insufficient and does not meet the tests of Cambridge Local Plan (2018) policy 69.
- 8.64 The application still falls short to provide a net gain in biodiversity because the extent of development in the City Wildlife site is excessive. Consequently the City Council's Ecology Officer still objects to the proposals. The development is therefore contrary to Cambridge Local Plan (2018) policies 69 and 70.

Flood Risk

- 8.65 The Environmental Agency, The Council's Sustainable Drainage Engineer and the County Council Lead Flood Authority have reviewed the amended proposal and have removed their objections to the scheme. Part of the site is located within Flood Zone 3 which includes the building footprint. The revised FRA demonstrates floodplain compensation has been provided which references the existing Chisholm Trail permission. Part of the proposal site is intended to be used for floodplain compensation for the Chisholm Trail development and the detailed calculations

demonstrate this will not result in increased flood risk either on site or elsewhere.

- 8.66 The City Council's drainage officer and the LLFA recommend the need for a for a revised surface water drainage strategy. This is because there are still concerns over the use of crate attenuation under the soft landscaped area; some uncertainties regarding the green roof and a desire to see more SuDs features within the landscaping. The application is however supported overall and if the scheme was otherwise considered acceptable this could be secured by planning conditions.
- 8.67 On the basis of this additional information the previous reason for refusal 5 has been satisfactorily addressed and does not form part of the revised recommendation to Committee. Overall, officers consider the application as proposed now addresses flood risk and accords Cambridge Local Plan (2018) policy 31.

Amenity

- 8.68 The site is located in a relatively isolated, out of centre location, so there are unlikely to be any impacts on neighbouring amenity. Noise, lighting, odour, air quality and waste could be appropriately managed through the imposition of planning conditions if the application was otherwise considered acceptable.
- 8.69 Officers do however have some concerns with the operation of the A3 use, which could include an ancillary take away provision late into the evening. This is likely to be more problematic during match days at Cambridge United if large numbers of people are coming and going to the site. Notwithstanding, if other matters were considered acceptable, this could be adequately controlled through the imposition of suitable planning conditions.

Contaminated Land

- 8.70 The Environmental Health Team and The Environment Agency do not agree with the conclusions of the contamination assessment that no further investigations are required. The report dismisses the presence of contamination from the adjacent Railway Line due to the absence of infrastructure such as goods, storage yards and sidings. Because of the location of the proposed building to the railway, a suite of conditions would be necessary to manage the

contamination risk if other matters were otherwise considered acceptable.

- 8.71 Officers consider the imposition of conditions could adequately manage the environmental impacts of the scheme. In isolation, this aspect of the proposal is in accordance with Cambridge Local Plan (2018) policy 33.

Carbon Reduction and Sustainable Design

- 8.72 The City Council's Sustainable Design and Construction Officer recommends that water efficient appliances in the café kitchen and WCs are installed. However, these matters would be addressed at a detailed design stage. Overall the proposal is not in conflict with Cambridge Local Plan (2018) policy 27, or the Sustainable Design and Construction SPD 2007.

Car and Cycle Parking

- 8.73 The County Highways Authority consider the revised Transport Assessment report acceptable but they do still have some concerns regarding the amount of proposed car parking on the site.
- 8.74 The original development proposed a total of 30 car parking spaces, although 32 car parking spaces are shown on the indicative layout. 10 were are intended to serve the café, 10 to provide for the Leper Chapel and 10 to serve the existing fishing lake through a re-laid, formalised car park. This has now been reduced to 27 spaces.
- 8.75 This is still an overprovision of car parking. The adopted car parking standards as contained in the Cambridge Local Plan (2018) advises 7 spaces be provided outside of the Controlled Parking Zone for non-food retail. There is little justification for providing car parking to serve the Leper Chapel. The existing fishing lake is already served with approximately 10 car parking spaces, although it is noted there are no specific standards for this use.
- 8.76 The increase in 20 car parking spaces over and above the existing situation is considered excessive and it is unclear why this is necessary for the nature of the use for a cycle themed café. The

overprovision itself is not considered unacceptable in transport terms.

- 8.77 The application proposes 100 cycle parking spaces to the east of the building. These have now been increased to 1000mm centres are acceptable from a functional design perspective.
- 8.78 The Cambridge Local Plan (2018) indicates approximately 30 spaces would be appropriate to serve the building. In the view of officers the proposed 100 spaces is a significant overprovision. The approved Chisholm Trail application does not identify this site as a 'destination' and there is no need for this amount of cycle parking. Instead, this further development of the site contributes to the adverse visual impact of the proposal and intensifies harm to the Green Belt setting. Whilst not unacceptable in transport terms, the additional development contributes to Green Belt harm.

Refuse Arrangements

- 8.79 The amended layout plan submitted identifies an area for refuse 18 sq m in area. This is considered acceptable to serve the building in accordance with Cambridge Local Plan (2018) policy 57.

Disabled access

- 8.80 The City Council's Access Officer has supported the application, because it encourages a route for disabled people to the Leper Chapel. The proposal would allow disabled people to park and utilise the Chisholm Trail underpass once constructed. However, the Leper Chapel can be accessed with the current car park and the proposed underpass is not part of this application. Disabled access could be adequately addressed through reserved matters and therefore this issue in isolation is compliant with Cambridge Local Plan (2018) policy 57.

Third Party Representations

8.81 13 third party representations have been received for the amended application. The following matters are raised:

| Issue | Officer response/report section |
|--|---|
| Support | |
| The café will provide leisure facilities for Coldhams Common, Ditton Meadows and the Leper Chapel (with adjacent pastures). | The proposed café is not considered an appropriate facility for outdoor sport and outdoor recreation. This is because it is of a size and scale which beyond what is reasonably required to serve the Angling Lake and/or Chisholm Trail. |
| The impact of the hardstanding has been much reduced and the removal of the 'shop' makes any future change of use less likely. | The totality of the building, terrace, service area, car and cycle parking and will cumulatively erode the openness of the Green Belt. |
| The consultee responses fail to understand the impact of the use of the site as a construction base for the agreed Newmarket Road underpass. | The impact of the change in character of the site from the construction impacts associated with the Chisholm Trail have been given weight in the officer assessment. It is the significant impact on openness which will result in harm. |
| The café would enhance the lake for angling. | The proposed 148 cover café is well in excess of what is reasonably necessary to serve the angling use of the lake. |
| This application will restore green landscaping and keep the site free of fly tipping. | The current management of the site should be given little weight in assessing appropriateness of development in the Green Belt. |
| If the Chisholm Trail is completed before major works to the café then damage to the Trail must be | A planning condition could ensure the Trail is completed before the café, if the application was |

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| repaired. | otherwise considered acceptable. |
| Objections | |
| There is a letter of support from the Greater Cambridge Partnership (GCP) which Cambridge City Council is a member. This raises the issue of whether the City has an interest in the land as a result of any agreement between Greater Cambridge Partnership and the landowner. A Reg 3 application would need to be declared. | The representation from the GCP is an officer view only. |
| The size and scale of the project does not appear to be sufficiently reduced in order to prevent urban sprawl on the green belt. | Officers agree. See Green Belt openness section. |
| The car park is extensive in area, coming close to the entrance of the underpass. It is considered that a large empty car park will add to the risk of drug use and anti-social behaviour. | The Design Out Crime officer is content the scheme would not give rise to crime and anti-social behaviour. Lighting of the car parking could otherwise be secured through planning condition. |
| <p>The proposal should not go ahead in its current form, but should be a smaller café.</p> <p>There is no need for a café in this location.</p> | See Green Belt section. |
| There appears to be an insufficient baseline for an assessment of the metric for present habitats. | The third amended ecology report provides additional survey work which the Council's Ecology Officer considers to be robust. |
| The local situation has not been taken into account with the calculations. | The sites CWS designation should automatically assume the habitats are locally important and of high distinctiveness within the Biodiversity Offsetting metric. |

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| | <p>The low designation sets the mitigation bar lower. The third amended ecology report satisfies the Council's Ecology Officer that the scoring rationale is fair and reasonable.</p> |
| <p>There is no evidence to support calculations on proposed future habitats. This is especially important given the overlap with the Chisholm Trail planning application.</p> | <p>The Council's Ecology Officer would be willing to explore the proposed future habitats but agree that a landscape plan detailing all these habitats should be available at outline stage, if approved the detail of the retained, enhanced and created habitats could be covered within the proposed EDS condition.</p> |
| <p>The proposals have additional implications for landscape, arboriculture and protected species.</p> | <p>The additional tree felling south of the lake has now been analysed in the third amended ecology report.</p> <p>Ideally the proposed tree felling would be incorporated into any landscape / visual assessment.</p> <p>The LVIA does not address loss of habitat and sometimes does not always pick up extent of vegetation removal.</p> |
| <p>There is insufficient information gathered to show whether habitat creation is feasible.</p> | <p>The Wildlife Trust has also questioned the proposed chalk grassland creation. The ecology reports demonstrate a net gain in biodiversity is not possible because of the amount of development proposed.</p> |
| <p>There is a loss on site of at least the value presented of 4.66 not the stated value of 3.35.</p> | <p>This has been addressed in the third amended ecology report. There is a net loss of -1.16.</p> |
| <p>The population of common lizards cannot be maintained on the site and there would be severe impacts from loss of habitat on grass</p> | <p>Land proposed for enhancement for common lizard may already be suitable for grass snakes. Reptiles and grass snakes could be</p> |

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| snakes. | successfully translocated, but the habitats will take time to establish. |
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8.82 45 third party representations have been received. The following matters are raised:

Table 1: Representations Received

| Issue | Officer response/report section |
|---|--|
| Support | |
| General support for the café. The café would help reduce fly-tipping | This is a management issue and does not justify inappropriate development in the Green Belt. |
| The café will provide leisure facilities for Coldhams Common, Ditton Meadows and the Leper Chapel (with adjacent pastures). | The proposed café is not considered an appropriate facility for outdoor sport and outdoor recreation as per the definition of the NPPF (2018). |
| The Chisholm Café proposal will damage the site biodiversity, not the proposal | The application proposal will have landscape and ecology impacts over and above the approved Chisholm Trail. |
| The fishing platforms have been vandalised and undesirables mainly use the area | This is management issue for the fishing lake and does not justify inappropriate development in the Green Belt. |
| Objections | |
| Loss of green area | The openness and purpose of Green Belt would be impacted upon by the proposal. |
| Loss of habitat for biodiversity | See amended summary of representations tracker above. |
| Impact of increased traffic on Newmarket Road | See amended Transport Assessment demonstrates no adverse impact would result. |
| Object to the need for so many car parks | See Green Belt subsection. |
| Inappropriate scale and massing in this area | See Green Belt subsection. |

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| Effects on landscape, trees, heritage impacts, loss of common land | Considered in the principle of development section. |
| Secondary ancillary development effects in particular the lack of drainage and any stabilisation of underwater banks within the pits. | The flood risk assessment was previously incomplete. The amended report is discussed in the flood risk subsection. |
| How would the car park be monitored. | No specific information provided. This could potentially be covered by condition. |
| The car parking provision is excessive. | Agree; see Green Belt section. |
| There is no justification for the retail unit and what would be the strategy if café fails and buildings left unattended | The occupation of the premises could not be controlled through the planning process. The size of the retail unit does not require a Retail Impact Assessment. |
| There is no survey of bats supported by appropriate data. | The amended ecology information demonstrates there will be no adverse impact on bats. |

9.0 CONCLUSION

- 9.1 The proposed development is considered inappropriate in the Green Belt as directed by Paragraph 145 of the NPPF (2018), and cumulatively other considerations do not outweigh the inappropriateness and harm to the Green Belt the proposed development would cause. The release of the new NPPF (2018) does not change that assessment. The applicant has not advanced any justification which could amount to very special circumstances.
- 9.2 The proposal also involves the loss of Protected Open Space and would result in a net loss of biodiversity which forms reason for refusal three. On this basis REFUSAL is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed development is not considered an appropriate facility for outdoor sport and recreation because of its use, size and the significant adverse visual impact it would create when

viewing the Green Belt. The proposal would, through the proposed building, car parking and other paraphernalia erode the vulnerable green belt wedge, the primary function of which is to check the unrestricted sprawl of Cambridge. The proposal would result insignificant harm to the Green Belt in direct conflict with the purposes of including land within Green Belt and is contrary to paragraphs 133, 143 and 145 of the NPPF (2018) and Cambridge Local Plan (2018) policy 4.

- 2) The proposal would result in the loss of and harm to the character of the site as a Protected Open Space. It has not been demonstrated that the open space can either be satisfactory replaced elsewhere or that the site is not important for environmental reasons and as such the proposal is in conflict with Cambridge Local Plan (2018) policy 67.
- 3) The proposed development would result in a net loss of biodiversity. In the absence of an adequate mitigation for habitats removed as a result of the development, significant adverse ecological impact is likely for the City Wildlife Site, contrary to Cambridge Local Plan (2018) policies 69 and 70.