

Public Document Pack

Planning

Plan/1

Wednesday, 1 December 2021

PLANNING

1 December 2021

10.00 am - 7.40 pm

Present:

Planning Committee Members: Councillors Smart (Chair), D. Baigent (Vice-Chair), Dryden, Gawthrope Wood, Porrer and Thornburrow

Officers:

Delivery Manager Development Management: Nigel Blazeby

Area Development Manager: Toby Williams

Principal Planner: Steve Fraser-Lim

Principal Planner: Ganesh Gnanamoorthy

Principal Planner: Lewis Tomlinson

Senior Planner: Jane Rodens

Senior Planner: Tom Gray

Legal Adviser: Richard Pitt

Committee Manager: James Goddard and Claire Tunncliffe

Other Officers Present:

Principle Urban Designer: Sarah Chubb

Senior Conservation & Design Officer: Susan Smith

FOR THE INFORMATION OF THE COUNCIL

21/125/PlanApologies

Apologies were received from Councillors Flaubert and Page-Croft.

21/126/PlanDeclarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Thornburrow	21/128/Plan	Personal: Application in Petersfield where she is a Ward Councillor. Discretion unfettered.
Councillor Dryden	21/130/Plan	Personal: Application in Cherry

		Hinton where he is a Ward Councillor. Discretion unfettered. Applicant is the City Council (Cambridge Investment Partnership).
Councillor Dryden	21/131/Plan	Personal: Applicant is the City Council.
Councillor Gawthrope Wood	21/136/Plan	Personal: Application in King's Hedges where she is a Ward Councillor. Discretion unfettered.

21/127/PlanMinutes

No minutes of previous meetings have been submitted to this meeting for approval.

21/128/Plan21/03620/FUL - Devonshire Gardens, Devonshire Road

The Committee received an application for full planning permission.

The application sought approval for demolition of existing depot building and redevelopment of site to provide two new buildings comprising Class E (g)(i) / E (g) (ii) floorspace with associated plant and cycle parking, three new residential buildings comprising 100 units with associated plant and cycle parking, one new building comprising flexible commercial space (Class E) to include a creche with associated cycle parking, flexible community space (Class F.1/F.2), hard and soft landscaping and associated access.

The Principal Planner updated his report by referring to updated wording and the recommendation details on the amendment sheet. Specifically:

- i. Paragraph 8.55: To be reworded as follows: "In summary the scale and massing of the proposed development would detract from the character and appearance of the surrounding area. The proposals would also result in **moderate** less than substantial harm to the setting of the ~~grade II* listed Church of Our Lady and the English Martyrs spire and Mill Road~~ Conservation Area. In making this assessment officers have given special regard to desirability of preserving and enhancing the settings of listed buildings and conservation areas in terms of requirements of

sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990)”.

- ii. Pre-Committee Amendments to Recommendation: Reason for refusal 1 to be reworded as follows: “The proposed development by reason of its scale, massing **and articulation of building facades** would result in an unduly imposing form of development, in a location which would not justify buildings of such scale. As such the proposals Page 2 would dominate views from surrounding elevated positions and detract from the character and appearance of the surrounding area. The proposals would also result in less than substantial harm to the setting of the adjacent Mill Road Conservation Area ~~and the setting of the Grade II* listed Church of Our Lady and the English Martyrs spire~~, **which would not be outweighed by the benefits of the proposals**. The proposals would therefore conflict with Cambridge Local Plan (2018) policies 55, 56, 57, 60 and 61, and paragraph 202 of the National Planning Policy Framework”.

Mr Higgins (Applicant) and the Founder of Indie Cambridge addressed the Committee in support of the application.

The Committee received a representation in objection to the application from the Chair of South Petersfield Residents Association:

- i. Usable public open space
 - a. Was 0.24 hectares sufficient for use by 250 on-site residents, up to 1,000 on-site workers, and visitors to residents, businesses, crèche and other community amenities?
 - i. Only the central green wedge counted as “usable green space”.
 - ii. Local Plan required 0.625 hectares for informal open space and children’s play area before considering the needs of on-site workers and visitors.
- ii. Cycle parking
 - a. Was 157 cycle spaces sufficient for circa 250 residents?
 - i. The Local Plan policy on cycle parking did not cover car-free developments. Residents suggested one cycle parking space per resident, not per bedroom, as the appropriate standard here.
 - b. Is there sufficient provision for cargo, trailer and other cycles?
 - i. Residents without a car were much more likely to own these.
 - c. Are the residents’ cycle parks sufficiently secure and surveilled?

- i. Cycle theft was a major problem in Cambridge.
 - ii. The loss of their cycle would be a major inconvenience for people who do not have a car as a backup.
 - iii. Was the provision for deliveries adequate?
 - a. Living car-free meant relying more on delivery services – groceries, fast food, Amazon, etc.
 - b. Offices would also receive regular deliveries.
 - c. Delivery drivers parked as close to the destination as they can.
 - d. The two shared-space ‘squares’ in the development would be busy, and potentially conflicted; with delivery vehicles, as well as people walking and cycling on and off the site.
 - iv. Parking provision
 - a. Was one Blue Badge and three visitor parking spaces sufficient?
 - i. Competition for those visitor spaces would be intense.
 - ii. Off-site parking options were not suitable for longer-stay visitors (e.g. overnight or a weekend): maximum stay at Gwydir St car park is two hours; on-street Pay & Display, four hours.
 - b. Was one club car sufficient for 100 dwellings?
 - i. Marmalade Lane (not car-free) has two club cars for 42 dwellings.
 - ii. S106 provision of Electric Vehicle club car spaces for use by the wider community?
 - v. Local Plan context
 - a. Was this a case of overdevelopment?
 - i. 100 dwellings for circa 250 residents. 45 dwellings had previously been proposed.
 - ii. 12,313 sq.m. of commercial space for circa 1,000 workers.
 - iii. Residents, businesses, crèche and community amenities would attract a significant number of visitors and deliveries
 - b. If so, it was the employment space that should be scaled back, there was a shortage of housing, not jobs.
 - vi. Was aware the Applicant proposed off-site parking but 3 extra spaces were insufficient.

Councillor Robertson (Ward Councillor) addressed the Committee about the application to set out his view on expanded reasons for refusal:

(As per Officer's report)

- i. The proposed development by reason of its scale and massing would result in an unduly imposing form of development, in a location which would not justify buildings of such scale. As such the proposals would dominate views from surrounding elevated positions and detract from the character and appearance of the surrounding area. The proposals would also result in less than substantial harm to the setting of the adjacent Mill Road Conservation area and the setting of the Grade II* listed Church of Our Lady and the English Martyrs spire. The proposals would therefore conflict with Cambridge Local Plan (2018) policies 55, 56, 57, 60 and 61, and paragraph 202 of the National Planning Policy Framework.
- ii. The landscape design of spaces within the development, with high levels of soft landscaping, broad spreading trees and mounds, would not be appropriate for the scale of the space, and the intensity of its proposed use. As such the proposed landscaping fails to relate to the character and intended function of the space, contrary to Cambridge Local Plan (2018) policy 59.

(Additional reasons for refusal)

- iii. The quality of some of the proposed residential units is unduly poor, due to number of single aspect units, long double loaded corridors with no natural light or ventilation, excessive numbers of units per core / floor, low levels of sunlight to some units. As such they would provide a poor standard of amenity for future occupiers. (Wording from Summary on page 8.)
- iv. Insufficient usable green space has been allowed for residents and none for the needs of workers and visitors to the site.
- v. Insufficient cycle parking has been provided for the 250 residence and 1000 workers which can be expected on the site.
- vi. A full explanation is missing of how cycle parking will be maintained securely and with surveillance.
- vii. Inadequate provision for deliveries has been provided both for residents and even more so for offices
- viii. No explanation has been provided for the management of the 3 parking spaces for visitors, nor how these spaces can be said to be adequate when there is only short term car parking with payment required anywhere near the site.
- ix. Inadequate provision of club car parking spaces which can be expected to be in heavier demand than usual because this would be a largely car free site.
- x. Overprovision of offices and under provision of housing on this site which is designated just for housing.

- xi. Full details are missing with regard to the likely rent and service charges to residents and the genuineness of their affordability. Given the Build to Rent nature of this housing and the proposal not to seek local government adoption of any part of the site, this information should be provided at application stage and not left for subsequent discussion.
- xii. Too many trees would be required to be felled from the belt of trees along Devonshire Road.

Councillor Robertson supplementary points:

- i. The application had points of merit and demerit.
- ii. It was an overdevelopment of the site.
- iii. The 100 flats were welcome, but the 1,000 employees on site would add to the need for housing in the city when the site should contribute to the provision of housing.
- iv. Expresses concern about:
 - a. Inadequate green space.
 - b. Excessive height of buildings.
 - c. Being car free was good, but there needed to be adequate cycle parking, delivery bays and club car spaces.
- v. The developer should offer more than the minimum level of affordable housing.
- vi. Requested the amount of office space be reduced, but not the amount of housing.
- vii. Asked the Applicant to submit a revised scheme that did not overdevelop the site.

The Committee:

Unanimously resolved to refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report and amendment sheet.

21/129/Plan21/02052/FUL - Grange Lane College Accommodation, South of Wilberforce Road

Withdrawn at Officer's recommendation. Applicant had submitted an invalid application.

21/130/Plan21/02759/FUL - Colville Road Phase 3, Land at Colville Road and Fishers Lane High Street

The Committee received an application for full planning permission.

The application sought approval for demolition of existing buildings and erection of new commercial/retail floor space, 48 new residential apartments and houses, new car parking areas, new hard and soft landscaping, bin and bike stores and associated works.

The Committee received a representation in objection to the application from a resident of Cherry Hinton High Street. [The Committee Manager read a statement on behalf of the Objector]:

- i. The council was putting too many homes on a contextually important site for Cherry Hinton residents. Felt there had been little regard for the impact of this development on existing residents. The village High Street itself was an amenity whose character would be lost with this overly ambitious development. A slightly less ambitious development would strike a far better balance both for new and existing residents.
- ii. Specific concerns:
 - a. The mass of Block A, the mass of Block B and the ugly North elevation of Block B.
 - b. The overall effect of so many small council flats crammed into an area both for new residents' amenity, and for the effect on the wider community.
 - c. The plans had been presented to the public in a somewhat underhand way – with actions seemingly taken to minimize local residents' input. For example:
 1. The project was called Colville Phase 3 on neighbour letters and the site notices which were sorely lacking in detail. The development is in fact on the High Street.
 2. The developers' own leaflets during their 'consultation' mysteriously were not delivered to the majority of Cherry Hinton residents including myself.
- iii. No person who lived in Cherry Hinton was presented with a plan for the complete Colville development.
- iv. Queried if the council suspected this development was not appropriate in size and scale for a village High Street.
- v. The north-facing balconies that face over the busy High Street cannot be considered an adequate amenity space.
- vi. Felt this application for development of Cherry Hinton High Street was never truly up for debate. It was presented as a fait accompli.

- vii. Where the Urban Design officer has noted any issues with the plans, tiny changes then seem to count as complete mitigation.
- viii. There was a seemingly deliberate omission of mention of the many two-storey traditional homes right on Block B's doorstep which will be dwarfed by the new builds.
- ix. There seems to be a determination throughout the plans that it must build the number of homes in the initial designs.
- x. The benefit to local residents of the development have been highly questionable. Councillors have tried to say it will 'improve access' to green spaces at the corners. That was a totally illogical claim. The two are unrelated.

Mr Digby (Applicant's Agent) addressed the Committee in support of the application.

Councillor Thornburrow proposed an amendment to the Officer's recommendation that Condition 32 should be amended to require BREEAM 'Excellent' instead of BREEAM 'Very Good'. She proposed a deferral to effect this change.

This proposal was **lost by 3 votes to 3 – and on the Chair's casting vote.**

Councillor Thornburrow proposed an amendment to the Officer's recommendation there should be an informative requesting 20% net gain in biodiversity.

This amendment was **unanimously carried.**

The Committee:

Resolved (by 3 votes to 3 – and on the Chair's casting vote) to grant the application for planning permission in accordance with the Officer's recommendation, for the reasons set out in the Officer's report, subject to:

- i. the prior completion of an Agreement under s106 of the Town and Country Planning Act 1990 [with delegated authority granted to Officers to negotiate, secure and complete such an Agreement on terms considered appropriate and necessary];
- ii. the planning conditions set out in the Officer's report;
- iii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:

- a. to ensure commercial users were limited to relevant Class E users;
- iv. informative included on the planning permission in respect of:
 - a. 20% net gain in biodiversity.

21/131/Plan20/02289/S106A - Land at Anstey Way

The Committee received an application for modification of planning obligations.

The application sought approval for modification of planning obligations (Affordable Housing tenure) contained in a Section 106 Agreement dated 11 July 2018 pursuant to planning permission 17/2214/FUL. The change sought was as follows:

- i. To remove the clause which stipulates that 12 of the dwellings are to be occupied by people aged over 55 years of age only.

The Committee:

Resolved by 3 votes to 2 to grant permission subject to a varied S106 agreement.

Re-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the published agenda.

21/132/Plan19/1010/FUL - 185-189 Newmarket Road and 1 Godesdone Road

The Committee received an application for full planning permission.

The application sought approval for conversion and extensions to the existing buildings including demolition of the existing block to the rear of 1 Godesdone Road to deliver a mixed use development comprising a ground floor retail space and 12 1xbed residential units (net increase 9) to the rear and above along with cycle parking and associated infrastructure.

The Committee Manager read out the following points on behalf of Councillor Davies (Abbey Ward Councillor):

- i. Residents' comments on this application raise several important points, which I would urge this committee to seriously consider today.
- ii. Several comments related to overshadowing. The residents of 3 Godesdone Road comment that the increase in height of the rear section of the brick wall would block the already limited light to their garden. These concerns would relate directly to Local Plan policy 60 b [given the conservation area] and 60 d, and 57 b. Further, another resident notes that the windows on the West elevation above Unit 7 and in Unit 11 appear to overlook part of the gardens of neighbouring houses in Godesdone Road.
- iii. Neighbours have also raised concerns that reducing the courtyard wall would allow for further views of the stairwell in the Travel Lodge. This concern is acknowledged in the officer's report. Again, this should be considered by the planning committee in relation to the conservation area and the impact on local residential amenity, including under Policy 58.
- iv. Regarding car parking, no on-site car parking provision is made as part of the proposed development. A resident notes that the number of single person dwellings increases the likelihood of a high number of cars.
- v. Noted that several Godesdone Rd residents have contacted me recently with concerns about unauthorised parking taking place within the residents' parking zone. I would highlight here that Godesdone Road is currently undergoing significant changes due to development and will surely be negatively impacted by the easyHotel, including through increased parking pressure. These traffic issues should not be further exacerbated.
- vi. A number of residents are clearly concerned that the lack of parking provision for this number of units would exacerbate the existing problems and those bound to occur in the near future.
- vii. I would also note the comments of the disability panel, which are clear that of changes could be made to make the proposed development more accessible. If permission is granted, I would urge in the strongest terms that the Disability Panel's recommendations be taken on board

The Committee:

Resolved (1 votes to 4) to reject the Officer recommendation to approve the application.

Resolved (unanimously) to refuse the application contrary to the Officer recommendation for the following reasons:

- i. The overall level of amenity for future occupants would be poor and would result in cramped living environment. The scheme failed to demonstrate that it is not practicable to provide an acceptable quality and quantity of internal and external amenity space for future occupiers' contrary to policy 50 & 58 CLP 2018.
- ii. The proposed retained buildings would fail to preserve the character and appearance of the conservation area by virtue of the scheme's design. Public benefit to provide an additional residential unit and the improvement to the residential amenity of No3 Godesdone Road would not outweigh the ? conservation area, policy 61 of the CLP 2018 and NPPF paragraph 2021.

21/133/Plan19/1453/FUL - Shah Jalal Mosque, 107 Darwin Drive

The Committee received an application for full planning permission.

The application sought approval for two storey rear extension with single storey projecting bay for a Mimbar pulpit. Increase the number of attendees for the community use to 29 daily and 37 (Friday afternoon only), and extension to the opening hours until 11pm, including a 30-minute opening for morning prayer between 02:50 and 6:30.

Mr Abu Uddin addressed the Committee in support of the application.

The Committee received a representation in objection to the application from a resident of Darwin Drive:

- i. Did not object to the building of the extension and the existing hours of teaching and worship.
- ii. Did object to the increase in the hours of use, and the numbers attending.
- iii. In 2011 the North Area Committee denied the application because it would negatively affect residential amenity.
- iv. The Cambridge Local Plan of 2018 specifically states the planning system should protect amenity.
- v. Darwin Drive was a quiet, residential street. The proposed application would increase the size, scale, and intensity of use, and cause unacceptable noise at night.
- vi. The development would damage the character of the street.
- vii. The environmental health report of April this year confirmed the likelihood of an "adverse impact on residential amenity". The report

author stated, “given the potential for adverse impacts on amenity in the area [...] we cannot support this application”.

- viii. The assessment of the impact from the proposed changes had not changed.
- ix. What had changed was the willingness of the Shah-Jalal Islamic Centre Management Committee to engage with residents who respected the Centre’s neighbours and did not believe there would be a negative impact and wanted to get things right for everyone.
- x. However, there needed to be a cautious approach as previous committees had insisted on religious necessity without thinking of the local amenity.
- xi. Permission on such applications had led to many complaints with some residents moving away because of the disturbances.
- xii. The proposed application could upset a culturally diverse fragile equilibrium.
- xiii. If permission is granted it will be hard to reverse.
- xiv. It is not easy to record late night disturbances and to get them validated and prosecuted.
- xv. Allowing the application based on goodwill, was not a cautious approach.
- xvi. Referenced the Akeman Street Community Centre which closed at 10pm. To be fair and equitable, the same rules should apply to all other community rooms in the area.
- xvii. Believed the original reason for asking for an expansion was to allow more children to be taught Arabic.
- xviii. A compromise might be a target change in hours to make that possible. This might stop the cycle of repeated, near-identical applications.

The Committee received a representation in objection to the application from a second local resident:

- i. Neighbours had witnessed that the Centre was used not just by local residents but those outside of the area
- ii. Residents could also confirm how many individuals drove to the Centre which caused issues with parking.
- iii. Any intensification of use would bring an increase to these problems and raise noise issues.
- iv. Paragraph 7.4 of the Planning Officer’s report highlighted a response from the applicant to the objections raised by residents; part of the response stated users of the premises were residents who walked to the site.

- v. Despite this confirmation in previous applications there had been representations from users of the Centre who had given their address outside of the local area such as Hanson Court or Kings Hedges.
- vi. Reviews of the Centre could be found on the internet from users who were not only outside of the local area but visitors to Cambridge.
- vii. The applicant also stated in paragraph 7.4 they were unaware of any violations within the last five years. However there had been breach of conditions brought to the attention of Planning Enforcement:
 - Possible High Court action had been brought to the attention of Officers on two occasions without any acknowledgement.
 - The Local Government Ombudsman ruled in favour of the complaint stating the least that could be done by Planning Enforcement was to acknowledge the breach of conditions.
- viii. Evidence of planning conditions breaches could also be found online and were committed regularly as witnessed by local neighbours.
- ix. Those individuals who had objected to the application lived closer to the Centre than those who expressed their support.

The Committee:

Resolved (unanimously) to reject the Officer recommendation to refuse the application.

Resolved (unanimously) to approve the application contrary to the Officer recommendation for the following reasons:

- i. The extension to the property, the change of hours and the number of users would not adversely harm the amenities of the occupiers of the neighbouring properties.

Resolved unanimously to grant the application for planning permission including delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft conditions requiring development in accordance with the approved plans for the following:

- i. Time limit
- ii. Plans
- iii. Materials
- iv. Amount of Attendees
- v. Opening Hours (week day, not early hours)
- vi. Opening Hours (early hours)
- vii. Noise Mitigation Measures
- viii. Transport Mitigation Measures

- ix. Management Plan Mitigation Measures (Combined Noise, Supporting statement and Transport)
- x. New Cycle Parking
- xi. Limitations on the flat
- xii. The use of the garden
- xiii. Hard and Soft Landscaping (Prior to use of the extension)
- xiv. Construction Traffic Management Plan

21/134/Plan21/01437/FUL - 18 Adams Road

The Committee received an application for full planning permission.

The application sought approval for erection of 2no dwellings following the demolition of No.18 Adams Road.

The Senior Planner updated their report by referring to the amendment sheet which can be viewed at the link below and advised that a response to all the objections had been received from the Planning Agent:

[\(Public Pack\) Amendment Sheet 1 Dec Agenda Supplement for Planning, 01/12/2021 10:00 \(cambridge.gov.uk\)](#)

The Committee were also informed of an update from the Biodiversity Officer who had advised of the following:

Having reviewed the latest documents which demonstrate the applicants attempts to reduce light spill from the proposed development onto the adjacent Adams Road Sanctuary Wildlife Site, including the introduction of a 6m tree and shrub planting buffer along the norther boundary. In addition, northern windows and glazing have been removed and upper storey roof lines further set back from the boundary. These measure would mitigate against the proposed development, however the large scale and proximity of the development both during and post construction still threatens rather than enhances the designated site.

If minded to approve the application, then I would request that all previously suggested conditions were imposed. The proposed onsite biodiversity net gain, green roof and bird box provision are support. I would raise that the requested Ecological Sensitive lighting conditions is securing a strict limit to external lighting, including the proposed norther paved courtyard, which may restrict night-time use of these spaces.

A representation had also been received questioning the interpretation of Policy 67 which had been dealt with as part of the officer report. The gardens around the sanctuary were not considered to forward a definition of open space.

All documents could now be viewed on the Council's website at the following link (21/01437/FUL):

[Simple Search \(greatercambridgeplanning.org\)](http://greatercambridgeplanning.org)

The Committee received a representation in objection to the application from the Chair of the Adams Road Bird Sanctuary

- i. The 'Bird Sanctuary Club' had been in existence since the 1930's.
- ii. A remnant of natural woodland & water near the centre of Cambridge. It was a unique 'natural asset' of the city.
- iii. The Club had an open membership of over 200 family households from over the City & County. [18 area postcodes].
- iv. It had always been valued as a remarkable haven for wildlife and tranquillity.
- v. In the last 18 months, due to the pandemic and Lockdown, membership had increased by over 25%. Such was the demand for genuine undisturbed and publicly accessible Open Space.
- vi. The social well-being benefits and bio-diversity values had become more important than ever.
- vii. To quote from some of the 35 passionate objectors to this unacceptable proposal:
 - *"It is a miraculous healing place. In our post-pandemic thinking it should not be sacrificed"*
 - *"A place of refuge ... we owe it to future generations to make every effort to protect such places";*
 - *"a magical oasis of really wild space where we first saw a kingfisher. Please refuse permission".*
- viii. The sanctuary had survived because the distinctive local built pattern had been maintained.
- ix. Devoted volunteers care for it under a management plan; members support provided support with gifts and legacies.
- x. If the City Council cannot save a site, protected through every possible designation, then what part of the natural resources of the City will survive into the future?

The Committee received a second representation in objection to the application from a local resident:

- i. The Case Officers' report omits any reference to the designated to the Sanctuary as either protected open space or a county wildlife site.
- ii. The applicant had not considered potential ecological impacts on a designated wildlife site.
- iii. Policy 69 required professional assessment of such impacts. No such assessment has been made.
- iv. The Officer's report overrides the objection of the Nature Conservation Officer and those of ARBS members, many of whom have relevant professional experience.
- v. There were over seventy public comments on the public portal including the Wildlife Trust and individuals with relevant professional qualifications and experience.
- vi. The Wildlife Trust's independent statement on the Sanctuary described its high ecological value and underlined the threats to this if the buffer of the surrounding gardens is eroded. By focusing only on a limited set of design features, the Officer's report almost wilfully ignored the extensive evidence presented.
- vii. Set against harm to the sanctuary, a small net gain in biodiversity on the development site is immaterial. In any case, the calculation was flawed; and any net gain would depend on a long-term management regime that, despite the Officer's Report conclusions, would be impossible to enforce.
- viii. The Conservation Area Appraisal highlighted the value of the pattern of long gardens between the houses and the sanctuary. This pattern is shown on the maps.
- ix. The Officer's Report refers to the size of those gardens but not to this pattern.
- x. Contrary to the Case Officer's conclusion, the proposal did not accord with the Appraisal.
- xi. The sanctuary was so small that any building on its borders would causes significant damage. If this proposal is accepted, it may affect the planning context for any future applications on the sanctuary boundary, increasing their likelihood of acceptance.
- xii. This was an ill-conceived proposal, that not only poses an existential threat to a local nature reserve but would come at a considerable carbon cost to the city.

The Committee received a third representation in objection to the application from a local resident:

- i. This was a plan to destroy one large house and replace it with a two-house complex containing twelve bedrooms, garaging for four cars and much else.

- ii. The development involved the excavation of two substantial basements for features such as swimming pools; it required prolonged use of towers of scaffolding, heavy earth-moving equipment and extensive pile-driving, much of it right up against the Sanctuary and its drift way.
- iii. The level of disturbance proposed would be prolonged and extreme.
- iv. The proposed application would certainly drive off the birds which nest nearby, and the flocks of redwings and fieldfares that arrive each winter.
- v. The pervasive degradation of the whole reserve by a permanent and substantial increase in human activity immediately beyond its borders would ensure that the birds do not return, and that the losses will extend ever further across this fragile and irreplaceable habitat. The impacts could be neither avoided, mitigated, nor compensated, and the only proposals for doing so are transparently trivial.
- vi. The Case Officer had cast aside the accumulated evidence, and the representations of his specialist officers, and argues that planning permission be granted. In such cases the National Planning Policy Framework (para 180) is clear. The application must be refused.

Mr Preston (Applicant's Agent) addressed the Committee in support of the application.

Councillor Smith (Castle Ward) addressed the Committee about the application:

- i. Local Plan Policy 69 sets out a presumption against approval "where development is proposed within, adjoining or which will otherwise affect a locally designated nature conservation site" (para 7.66). In this policy context we examine the application against the two Local Plan policy tests for the applicant to demonstrate (7.65) the proposal will not have an adverse effect on biodiversity. These are to evidence:
 - Test 1 (7.66), "comprehensive surveys of the historic and existing biodiversity importance".
 - Test 2 (7.66)"a professional ecological assessment of the impact of the proposed development".
- ii. Where adverse effects have been identified, Local Plan policy requires applicants to address:
 - TEST 3 by providing (7.66) "details of measures to protect and enhance the habitat or species identified".
 - Test 1: Comprehensive surveys of biodiversity. The applicant's revised Preliminary Ecological Appraisal (September 2019) was based on a September 2018 field survey of the development site alone (not the adjoining locally designated nature conservation site, the ARBS), and a desk study that did not include consultation

- of the Cambridgeshire and Peterborough Environmental Records Centre (despite a statement to the contrary on p7).
- The Preliminary Ecological Appraisal (PEA) reveals a serious gap in the applicant's knowledge of local biodiversity. It refers to historical records of 15 bird species (three on red list and seven on amber list) within a 2km radius. This is less than 20% of the 86 species (15 on red list, 18 on amber list) recorded in the Sanctuary itself. No invertebrates are listed in the PEA, yet the ARBS was designated a County Wildlife Site due to its remarkable invertebrate diversity.
 - In failing to consider the biodiversity of the adjoining ARBS, the applicant has failed to carry out a comprehensive survey as required under Local Plan Policy 69.
 - Test 2: Professional ecological assessment of potential harm to a designated site. The PEA is inconsistent about the designated status of the ARBS. In Table 2 on p12 it states, "there are no known non-statutory sites *within the study area*". Later in the text under Designated Sites (Table 7 p28) the ARBS is listed as a City Wildlife Site and later again, with reference to amphibians, as a County Wildlife Site.
- iii. Given the applicant has not provided evidence of a comprehensive survey of the biodiversity of the adjoining ARBS, the applicant is unable to consider the prospective harm to the ARBS and arrives at deeply flawed conclusions:
- Foreseen Impacts (Table 7), "the proposed development is not of a sufficient scale to have a major negative impact on any nearby designated statutory or non-statutory sites."
 - Planning Statement 5.23, cites the PEA as the sole evidence on which it is concluded that "there will not be significant adverse impacts upon the biodiversity of the site or wider area."
- iv. These conclusions contrast markedly with an independent statement on the ecological value of the ARBS submitted by the Bedfordshire, Cambridgeshire and Northamptonshire (BCN) Wildlife Trust. Emphasizing its designation as a County Wildlife Site, the statement predicts harm to the Sanctuary from garden development: "Adam's Road Bird Sanctuary remains a haven for wildlife precisely because it is buffered by the large gardens which surround it. The erosion of this buffer in general can only act to weaken the value of the site for wildlife, reducing the chance of successful nesting by birds and threatening the amphibian, mammal and invertebrate populations". We request the Planning Committee to read this assessment (attached) in conjunction with this letter

- v. To consider the adverse impacts of development in proximity to the ARBS, we turn to the approval and later construction of a house (4 Clarkson Road) in 2007. The applicant makes much of this development as justification for the 18 Adams Road proposal (see OR 8.39). However, 4 Clarkson Road was of prefabricated design and no new vehicle access has been created adjacent to the Sanctuary and its driftway. Dust, noise, lights, and earth movements either during or after construction, or both, were minimal compared with what can be expected if the 18 Adams Road application is approved. Even so, given the sensitivity of nature to change, bird counts have shown a reduction in the use of the part of the reserve immediately adjacent to the house. Snipe (amber listed) used to use this patch and have not been seen there for many years; finches on passage and nesting dunnocks (amber listed) are found in this corner no longer; and reed warblers, for which the ARBS is particularly noted, occur there in much lower numbers.
- vi. Construction of the proposed rear house itself, including a substantial basement, will require the operation of heavy lifting and earth-moving equipment right up against the Sanctuary and its driftway (where the hedgerow also meets County Wildlife Site criteria because of its length, breadth, and diversity of species). Associated noise, air and light pollution are clear threats to the ARBS, and concerns have also been raised about the effects on local drainage of the excavation of the basement.
- vii. No matter the scope and extent of conditions imposed, these construction operations would certainly drive off birds in the short term and combined with the human activity of occupation, including, noise, lights, and vehicle movements just over the border, would almost certainly lead to the permanent loss of some species. Tree creepers (amber listed) and two species of woodpecker use this corner of the Sanctuary, and another obvious probable casualty would be the flocks of fieldfares and redwings (both red-listed), siskins and redpolls (amber listed) that gather to roost at the northern end of the driftway in winter.
- viii. The applicant has failed to present evidence to demonstrate that harm to the Sanctuary's bird population will not occur as required under Local Plan Policy 69 (7.65).
- ix. The evidence for deleterious impacts of Artificial Light at Night (ALAN) on biodiversity conservation - including birds, insects, and other taxa - is clear, and the problem is gaining more and more attention among scientists and in the public domain. Impacts of noise pollution, for example on bird breeding seasons, are also becoming apparent.
- x. Reporting on a recent study in the United States, Masuyuki Senzaki and his co-authors (*Senzaki, M., Barber, J.R., Phillips, J.N. et al. (2020)*

Sensory pollutants alter bird phenology and fitness across a continent. Nature 587, 605–609) demonstrated that anthropogenic noise and light can substantially affect when birds first laid eggs, clutch size, partial hatching success, clutch failure and whether nestlings successfully fledged, and concluded that their findings indicate the need to consider sensory pollutants alongside the traditional dimensions of the environment that typically inform biodiversity conservation.

- xi. With respect to insects, Douglas Boyes and his co-authors found that ALAN strongly reduced moth caterpillar abundance compared with unlit sites in southern England and affected caterpillar development, and that introduction of ALAN to previously unlit sites affected the feeding behaviour of nocturnal caterpillars (*Douglas H. Boyes, Darren M. Evans et al (2021) Street lighting has detrimental impacts on local insect populations. Science Advances*). Moths, of course, provide essential food sources for birds and other animals, and are important pollinators. These two studies are a tiny sample of a growing number of publications on the threat of ALAN to natural ecological processes and biodiversity - a threat which is now getting more and more attention in the popular press.
- xii. The applicant claims that modifications to the type of glazing on the building, and the fact that most windows face east, are enough to deal with the lighting threat. This is not so.
- First, it is not at all certain that the glazing modifications would be significant in reducing impact on wild species.
 - Second, the main light spill would fall directly onto the driftway, which is an integral part of the ARBS, just where it joins the main Sanctuary.
 - Third, damaging impacts are wider: they do not occur only in front of the light source.
 - Fourth, although OR 10.1 (32) conditions external lighting with regard to biodiversity on-site, it is not clear that this extends to biodiversity in the Sanctuary and in any case, there must be a significant risk that over the lifetime of the rear house further lighting would be introduced which would also adversely affect the Sanctuary.
 - Fifth, headlights on the new drive parallel to the driftway are not subject to conditions.
 - Sixth, we wonder whether the welcome planning condition (OR 8.58) of less than '1 lux lighting zone' is achievable in a domestic outdoor setting? A measurement of 1 lux is equal to the illumination of a one metre square surface that is one metre away from a single candle. So, the lighting zone would need to be in virtual darkness.

- TEST 3: Details of measures to protect and enhance the habitat or species. The applicant's failure under Test 1 - to evidence comprehensive surveys of the historic and existing biodiversity – led to failure under Test 2 to provide a professional ecological assessment of the impact of the proposed development. These failures lead inevitably to failure under Test 3.
- xiii. The Ecological Mitigation Plan's only specific recommendations regarding Designated Sites refer to dust and noise control during construction and adhering to the lighting conditions recommended for bats that live on site. Without proper awareness of the harm, it is not surprising that the mitigations proposed fall disastrously short. The Council's Nature Conservation Officer states: 'Features proposed within the Ecological Mitigation Plan such as bird boxes, hedgehog holes and hibernaculum would be appropriate but *would not mitigate for the proposed proximity of the built form to the local wildlife site boundary*' [OR 6.8, our emphasis]. The Case Officer contradicts this (OR 8.59), claiming that the mitigation plan "demonstrates" sufficient mitigation through these features. This latter, lay, assessment is flawed as it is not informed by 'comprehensive' data on the existing biodiversity, and contradicts the Nature Conservation Officer's professional assessment of potential harm as required by Local Plan Policy 69.
- xiv. Additionally, subsequent tree works in the Sanctuary have been insisted on by 4 Clarkson Close owners, and Conservation Area regulations do not protect the reserve against this as the applicant claims.
- xv. Much is made by the applicant of a claimed on-site Biodiversity Net Gain. Set against harm to the sanctuary, a small net gain in biodiversity on the development site is immaterial; and the Nature Conservation Officer maintains his objection to building close to the boundary. In any case, the purported net gain would depend on a long-term management regime that would be difficult to enforce in perpetuity. It is claimed (OR 8.57) that a "suitable soft landscaping scheme could be achieved within the site" and that - following concern over gain persistence expressed by the Nature Conservation Officer –this could "be conditioned in addition to securing its ongoing management". There is no reference here to what the BNG requires. It would require all future residents of the rear house to refrain from mowing their lawn in summer, for example, and to maintain a thick scrub cover intact right up to the northern end of the house. Securing this in perpetuity is surely unrealistic.

To conclude:

- xvi. The ecological and biodiversity importance of the ARBS is attested by its designation as a City and a County Wildlife Site, the BCN Wildlife Trust's

- accompanying statement, and the Sanctuary's historic and contemporary biodiversity records.
- xvii. In considering development proposals in proximity to designated sites of biodiversity value, development management must uphold the relevant Local Plan Policies with a view to both protecting and enhancing such sites.
- xviii. Local Plan Policy 69 sets out a presumption against approval "where development is proposed within, adjoining or which will otherwise affect a locally designated nature conservation site" (para 7.66). The policy requires the applicant to demonstrate (7.65) the proposal will not have an adverse effect on biodiversity. Against the policy tests, the applicant has been shown to have:
- (Test 1) failed to evidence "comprehensive surveys of the historic and existing biodiversity importance"
 - (Test 2) failed to provide "a professional ecological assessment of the impact of the proposed development"
 - (Test 3) failed to provide "details of measures to protect and enhance the habitat or species identified".
- xix. The recorded impact of 4 Clarkson Close and scientific evidence demonstrate that the proposed development would lead to irreversible adverse impacts on the Sanctuary's biodiversity and ecology. This damage would result from the cumulative impacts of construction, and noise and light pollution and vehicle movements arising from occupation of the proposed dwelling, which will damage wild populations of a wide range of species, including the invertebrates which were the basis for designation of the Sanctuary as a County Wildlife Site.
- xx. The presumption against approval can only be overcome if the benefit of the development outweighs the impacts to the nature conservation site and if the harm can be mitigated. The applicant has demonstrated neither. The OR acknowledges the requirements to demonstrate no harm (8.49, 8.50) but fails to say that these requirements have not been met. The OR sets aside the professional assessment provided by the Council's Nature Conservation Officer. It appears to accept the applicant's statements without questioning them.
- xxi. It is apparent, the only way to protect the Sanctuary from harm is to protect large gardens surrounding the Sanctuary from development in accordance with the Conservation Area Appraisal and Local Plan Policy 67.
- xxii. Neither the PEA nor the Planning Statement acknowledge the designation of the ARBS as Protected Open Space (LP67) and the fact that it scored highly in a 2011 quality assessment under the Natural and Semi-natural Green Spaces category. Local Plan Policy 67 has

provision for previously unidentified sites, "regardless of ownership" (7.43) to qualify as protected open space (7.46). Contrary to the statement in OR 8.34 the gardens surrounding the ARBS appear to comprise such space because collectively they fulfil one or more of the three criteria for environmental importance in Appendix I of the Local Plan (7.44) through their function as a vital buffer zone around an important nature reserve. LP 67 states "If an application is received which affects a site that may be worthy of protection, an assessment will be made of the site against the assessment criteria listed in Appendix I" (7.46). No such assessment has been carried out.

- xxiii. The Applicant's proposed mitigation measures at 18 Adams Road do not begin to mitigate the irreversible adverse impacts of biodiversity of the Sanctuary. In the remarkable event of full compliance and enforcement of the 33 conditions (set out in OR 10.1) proposed for the construction period and beyond, they would still not remove or materially reduce adverse impacts to prevent harm.
- xxiv. The Planning Committee would be justified in citing provisions of Local Plan Policies 67 and 69 as material planning grounds to refuse this planning application

The Committee Manager read out the following points on behalf of Councillor Payne (Castle Ward Councillor):

- i. Adam's Road Bird Sanctuary was one of very few publicly accessible open spaces near the city centre, which offered a protected haven for a wide range of wildlife, including 92 species of birds (nine on the red list), four amphibians (notably the Great Crested Newt) and 1,600 invertebrates (52 with formal conservation status, and, notably, half of British ladybird species), 334 plants and over 100 fungi.
- ii. It was also a highly valued public amenity, offering peace and tranquility to residents from across the city.
- iii. The value of the Bird Sanctuary was clearly attested by the supporting letter from the Wildlife Trust, as well as a large number of objections raised against this development, including 4 in Castle Ward, and others in West Chesterton and Abbey Wards, which clearly shows that this space had value beyond its immediate neighbours in Newnham ward.
- iv. Noted that the council's own Trees Officer and Nature Conservation Officer have also recorded their objections.
- v. These concerns have been added to by evidence from Richard Buxton Solicitors regarding the adverse impact of this development, and the misinterpretations of the Local Plan within the application.

- vi. Concerned that the proposed development at 18 Adams Road would have a negative and harmful impact on the Bird Sanctuary, which has not been fully assessed.
- vii. The Biodiversity Net Gain Assessment report claims there would be a minimal benefit to biodiversity at 18 Adams Road but did not even address the potential negative impact to the Bird Sanctuary, which would include additional noise, disturbance and light pollution during and after the development is completed.
- viii. Believed this application should be refused, and a proper assessment of the biodiversity harm to the Bird Sanctuary should be completed and weighed against the minimal benefit at 18 Adams Road.
- ix. The Ecological Appraisal is focused on the ecological impact at 18 Adams Road, with barely mention of the impact on the neighbouring Bird Sanctuary.
- x. The Ecological Appraisal does note that great crested newts are present at the Bird Sanctuary but fails to mention the development's proximity to notable habitats and plants, birds, and reptiles.
- xi. The Appraisal fails to address the valuable ecological site next to 18 Adams Road, which should surely be considered carefully in such assessments.
- xii. Giving permission to this application would set a very dangerous precedent for the Council, by allowing development next to protected wildlife sites to be subjected to no more scrutiny than developments which occur in already built-up areas.
- xiii. The Bird Sanctuary was a protected County Wildlife site, so it seemed unreasonable that the unique and valuable nature of this area has not been considered within the process, and that protection of sites such as this is not being given the attention due to it within the planning process.
- xiv. Hoped the committee would hear the clear public opinion on this issue, and refuse permission to this application, and take this as an opportunity to ensure such a valuable Open Space (NAT22 on the Policies Map) is protected.

The Delivery Manager Development Management: addressed the Committee to clarify comments regarding Local Plan Policy 67. Officers agreed that Policy 67 did not apply to the application. The Policy related to the protection of open spaces, which although covered a broad area, was not meant for private gardens. The open spaces referenced were not protected by from development as there was permitted development rights.

The Committee:

Resolved **unanimously** to refuse the application contrary to the Officer recommendation for the following reasons:

- i. The application site was located within the West Cambridge conservation adjacent to Adam's Road Bird Sanctuary which is identified as a protected open space and County wildlife site.
 - The conservation area had been characterized by generous buildings located within sustainable gardens with mature trees and planting. The proposal sought to sub divide the site to create two dwellings plots in a tandem layout would result in a form of development that would be at odds with this spacious character.
 - By virtue of the scale, massing, design, lighting impacts and siting of the northernmost dwelling would have a significant adverse impact on both the character of the conservation area and upon the special character, recreational and amenity value of the ARBS.
 - The proposal would result in moderate less than substantial harm to the conservation area, paragraphs 202 & 203 of the National Planning Policy Framework 2021 would therefore be engaged. The public benefit of the contribution of one additional dwelling to the housing stock, is considered to be modest and does not outweigh the harm resulting from the development, consequently the proposals would be contrary to policies 52,55, 56, 57, 61 and 67 of the Cambridge Local Plan and NPPF 2021.
- ii. The northern most house would be located near the southern most dwelling. As a result the later dwelling would gain little benefit from light space and views to the north.
 - The application fails to consider the impact of shade the retaining trees would have on the usability of the outside space of the southernmost property. The proposal would therefore result in an unreasonable future pressure of additional tree removals to improve light to the property.
 - The application also fails to demonstrate that adequate mitigation could be secured to compensate for the loss of the nine trees proposed to be removed to accommodate the development. Consequently, the development would be contrary to policy 71 of the Cambridge Local Plan 2018 which resists the loss of trees of amenity or other value unless there are demonstrable public benefits that would outweigh the current and future amenity value of the trees.
- iii. The site lies adjacent to the Adams Road Bird Sanctuary, which is designated as a County wildlife site, known to host protected species including nesting birds, bats, great crested newts and invertebrates. Due

to the proximity of the built form to the ARBS and the significant loss of garden to the built form and hardstanding, the proposal would have a major negative impact on the biodiversity. It has not been demonstrated that this could be adequately mitigated against to secure biodiversity net gain. Consequently, the development would be contrary to Policy 69 and 70 of the Cambridge Local Plan, paragraph 180 of the NPPF 2021 and Natural England Guidance.

21/135/Plan21/03899/FUL - 157 Shelford Road

The application was deferred as the Committee ran out of time to hear the application.

21/136/Plan21/03508/FUL - Land r/o 368-370 Milton Road

The application was deferred as the Committee ran out of time to hear the application.

21/137/Plan19/1141/NMA1 - 1 Fitzwilliam Road

The application was deferred as the Committee ran out of time to hear the application.

The meeting ended at 7.40 pm

CHAIR