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Planning

Plan/1

Wednesday, 11 January 2023

PLANNING

11 January 2023

10.00 am - 6.15 pm

Present:

Planning Committee Members: Councillors Smart (Chair), D. Baigent (Vice-Chair), Gawthrop Wood, Howard, Page-Croft, Porrer and Thornburrow

Also present Councillors: Bick, Collis, Nethsingha and Smith

Officers:

Interim Development and Planning Compliance Manager: Toby Williams

Principal Planner: Tom Gray

Senior Planner: Mary Collins

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Sarah Steed

Other Officers Present:

Guy Belcher – City Council Nature’s Conservation Officer

Adam Finch and Greg Kearney – City Council Environmental Health Officers

Susan Smith – GCSP Conservation Officer

Trovine Monteiro – GCSP Urban Design Officer

Helen Sayers – GCSP Landscape Officer

Emma Davies – GCSP Sustainability Officer

Jon Finney – County Council Local Highway Authority Development Management Engineer

Jez Tuttle – County Council Transport Assessment Team

Hilary Tandy – Lead Local Flood Authority

FOR THE INFORMATION OF THE COUNCIL

23/1/Plan Apologies

Apologies were received from Councillors Bennett and Dryden. Councillor Howard attended as Alternate to Councillor Bennett.

23/2/Plan Declarations of Interest

Name	Item	Interest
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Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Collis	23/3/Plan	Personal and Prejudicial: Was the Executive Councillor with responsibility for local nature reserves. Withdrew from Committee and spoke as a Ward Councillor.
Councillor Howard	23/3/Plan	Personal and Prejudicial: The Green Party (he was a Member) had objected to the application. Withdrew from Committee and spoke as a Ward Councillor.
Councillor Page-Croft	23/5/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Porrer	23/5/Plan	Personal: General contact with residents as Ward Councillor. Discretion unfettered.
Councillors Collis, Page-Croft and Smart	23/7/Plan	Personal and Prejudicial: Met with Objector on site visit without a Planning Officer present. To avoid the perception of fettered discretion/bias, would withdraw from discussion and decision.

23/3/Plan 22-02066-FUL Owlstone Croft

The Committee received an application for full planning permission.

The application sought approval for the demolition of the nursery building, part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and other storage and new electricity substation within outbuildings.

The Principal Planner updated his report by referring to the amendment sheet, this contained amendments to

- i. The officer report at paragraphs, 1.9, 9.55, 9.90 and 9.233.
- ii. Condition 18: c) delete “entire”.

The Committee received a representation in objection to the application from a resident of Chedworth Street:

- i. Queens’ College had submitted a plan that would blight the area.
- ii. Expressed concern about:
 - a. The impact of the development on neighbouring garden and school.
 - b. How construction work would affect the neighbourhood, possibly for years.
- iii. There was a need to balance:
 - a. Growth against quality of life and the environment.
 - b. Needs of the University and residents.
- iv. Asked for the application to be rejected or to set the stage where parties on all sides could negotiate a settlement.

The Committee received a representation in objection to the application from the Chair of Friends of Paradise Nature Reserve (FPNR):

- i. They were not consulted on these plans as claimed only shown them. Concerns were raised not just by FPNR, but by every local resident association, the Forum, the school and Councillors.
- ii. FPNR views were ignored, the plans submitted were unchanged, and the opposition to them widespread.
- iii. It was not an exaggeration to say that this development, with construction lasting around 2 years, would have a disastrous impact on wildlife and biodiversity in this small area.
- iv. There had been no environmental assessment and FPNR worked to raise funds to pay for consultants to give their expert opinions. The City’s Ecology officer said in his report that the plans were acceptable based on the information supplied by the applicant.
- v. FPNR consultants found the Applicant had provided inadequate and misleading information; there had been a lack of scrutiny of the important issues regarding the Nature Reserve and the impact on the neighbourhood.

- a. It was claimed that bat activity was ‘negligible’ but the Bioscan bat surveys found at least 8 species including the endangered Barbastelle.
- b. It was claimed that there would be no harm to the bats as they were accustomed to high levels of light. This had been proven to be incorrect.
- c. It was claimed that the line of trees to be felled for the drainage scheme were in poor condition but this was untrue. They were vital for the bats as a conduit and foraging ground.
- d. It was claimed that there was no flood risk to the site or surrounding area, but consultant hydrologists GWP had said the flood risk assessment and proposed drainage scheme was inadequate.
- e. It was claimed that the access to Owlstone Croft was a highway, but it was a footpath, and the safety of the many pedestrians using it to visit the Nature Reserve, including people with disabilities, has not been considered.
- vi. These issues were not mentioned by the Council’s Access Officer in his report. He failed to look at this development in its context.
- vii. The Council declared Climate and Biodiversity Emergencies. It had policies in the Local Plan and the Biodiversity SPD that should offer protection.
- viii. The decision made by Committee on this application would be seen as a test of whether the policies could be upheld..
- ix. The plans may be deemed acceptable based on the information supplied by the applicant but this had been shown to be inadequate at best and misleading in many cases. It did not stand up to scrutiny and could not be a basis on which to approve this Planning Application.

Mr Bainbridge (Applicant’s Agent) addressed the Committee in support of the application.

A resident of Owlstone Croft addressed the Committee in support of the application.

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

- i. Expressed concern about:

- a. Site context.
- b. Adverse impact of the application on Paradise Nature Reserve. Specifically habitat, biodiversity and bats.
- ii. Referred to petition from Objectors.
- iii. The Supplementary Planning Document set out policies where the City Council would not accept applications due to impact on biodiversity.
- iv. Referred to National Planning Policies 199 and 200 plus Local Plan Policies 8, 31, 32, 34, 52, 55, 57, 59, 61, 67, 69, 70, 71; and said the application did not meet criteria.

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

- i. Expressed concern regarding the risk to children attending Newnham Croft School as a result of a large development on the immediate boundary of the site. The British Lung Foundation and Asthma UK published a report - "The invisible threat" - in February 2021 which described the huge harm done due to a lack of action on air pollution, how there were huge risks of breathing in polluted air, and that there was still far too little being done to protect those at risk. As a medical doctor, to hear a fellow medical doctor - Professor Sir Stephen Holgate - Special Advisor to the royal college of Physicians on Air Quality describe how serious the problem was using the following words "These toxic gases and tiny particles cut thousands of lives short every year and affect the lives of many more" makes me compelled to share these concerns. The report uses the strongest possible terms - that this was a health emergency and it demanded urgent action.
- ii. Their research attached to the report showed that over a third of schools in England were located in areas with air pollution (specifically fine particulate matter or PM2.5) over levels recommended by the World Health Organisation, and that in Cambridge their modelling indicated there were 39 schools and colleges in areas above the WHO's guideline for PM2.5. Newnham Croft School was in the current Air Quality Management Area for Cambridge indicating this was within a wider area of increased air pollution. Air pollution has a huge impact on children's developing lungs and their risk of having further respiratory problems. In 2021, during the inquest of Ella Kissi-Debrah, it was finally recognised that air pollution was a major cause of the tragic loss of life for this young girl with severe asthma, and air pollution featured on her death certificate.
- iii. If this development was permitted, 250 children would be forced to play and exercise on a daily basis just metres from the building of the next

door development for at least two years, exposing them to dust and particulate matter which represents air pollution and avoidable harm. The need for Queens' College to had 40 additional bedrooms cannot possibly outweigh the risks presented to 250 children for a long period of their formative development. Pointed out to the college there was a 36-bed student property currently for sale less than half a mile away on Grange Road that could readily meet Queens' College's accommodation needs, with significantly reduced harm.

- iv. Urged the committee to reject the application.

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

- i. Over the last year, had spent many hours listening to Newnham residents' views on this planning application.
- ii. While there had been some residents who had expressed their support for the application, the overwhelming majority appear to be opposed.
- iii. There were some advantages to the proposed development – it would provide much-needed housing on a very conveniently located site and would in many senses be highly sustainable.
- iv. Was grateful to Queens' College for their willingness to engage with residents on issues that had been raised.
- v. On balance, opposed the application, based on two major areas of concern: the impact on the safety and wellbeing of children at Newnham Croft school, and the increased flood risk posed to the school and Paradise Nature Reserve.

Newnham Croft School

- vi. Newnham Croft Primary school was within 50m of the proposed development, with the classrooms and play area for the youngest children immediately adjacent.
- vii. Construction would cause air pollution through the emission of harmful particulates such as PM10, NO2 and PM2.5. Air pollution poses a major health risk to young children, including through increased susceptibility to respiratory illness and reduced lung function. International Air Quality Guidance classifies children as 'High Risk'.
- viii. The applicant's Air Quality Statement uses incorrect and out of date assessments. There were no site-specific criteria on air pollution and Condition 8 does not set any standard or show how this could be achieved. The proposed criterion for particulate matter PM2.5 was 5 times higher than considered safe. Before this application can be determined, reliable evidence was required of the air pollution risks to

children at Newnham Croft School, as well as proposals for their mitigation.

- ix. The buildings would also overlook the school and its playing field, creating potential safeguarding issues.
- x. Once complete, the development would cause increased traffic, including from visitors, taxis and delivery vehicles. This increased traffic could increase risks for children arriving at and leaving the school.

Flood risk

- xi. The proposed development would potentially significantly increase the flood risk to Newnham Croft School and Paradise Nature Reserve.
- xii. Consultants with expertise in flood risk assessment, management, and mitigation design had reviewed the submitted Flood Risk Assessment and Drainage Strategy on behalf of the Friends of Paradise Nature Reserve. The consultants identified seventeen failures, including:
 - a. **Failure to carry out the flood risk assessment in accordance with best practice and national guidance for a major site.** The fluvial flood risks for the 1 in 100 and 1 in 1000 annual probability events were not adequately assessed. It remains to be proved that the site, development and adjacent properties would not be subjected to high levels of flood risk and adverse impacts.
 - b. **Failure to demonstrate the effectiveness and reliability of the stormwater drainage scheme.** Winter groundwater monitoring data was required to inform a robust design of effective attenuation and infiltration systems. The consultants felt that such data would be likely to demonstrate the proposed on-site stormwater run-off scheme would be ineffective.
 - c. **Failure to assess adequately assess winter groundwater flooding risks.** An assessment was required to establish the impact of the foundations on existing groundwater flows and the potential to exacerbate groundwater flood risk to adjacent properties.
 - d. **Failure to assess interaction with fluvial flooding.** In the absence of a correctly defined fluvial flood level for the site that accounts for climate change, it has not been proved that the proposed swales would not be impacted by flooding.
 - e. **Failure to demonstrate no adverse impact on biodiversity as required by Local Plan policy 69.** In the absence of evidence about the flow of storm water from the ditch into the nature reserve, the reserve's biodiversity should be considered highly vulnerable

due to changes in existing run-off characteristics and volumes, and low-level pollution.

- xiii. The consultants concluded: 'in the absence of an adequate flood risk assessment including a demonstrably viable drainage scheme, planning permission should not be granted.'
- xiv. For these reasons, and for those set out by others opposing the application, did not believe the application should go ahead.

Councillor Howard (Abbey Ward Councillor) addressed the Committee about the application:

- i. There was no political motive behind the Green Party's objection to this development as suggested by the Applicant, it failed to meet planning policies.
- ii. Paradise Nature Reserve was loved by local groups and wider stakeholders.
- iii. Expressed concern about the impact of the application on habitat, biodiversity and rare species in particular.
- iv. A full impact assessment, not a preliminary assessment, was required to demonstrate the impact of the development. Took issue with some details submitted by the Applicant as they were erroneous. This made it difficult to assess which planning conditions could effectively mitigate the impact of the development (if approved).
- v. Queried the use of Local Plan Policies if they did not protect the Paradise Nature Reserve and nearby school.
- vi. Agreed there was a need for affordable and sustainable homes, but on suitable sites which this was not.

Councillor Collis (King's Hedges Ward Councillor) addressed the Committee about the application:

- i. Quoted from David Attenborough speech: How do we fit into the natural world?
- ii. This was an important consideration when looking at the impact of the application on the local area eg biodiversity and loss of open space.
- iii. Cambridge Colleges were rich and had alternative sites they could turn to, biodiversity did not have these alternatives.
- iv. Paradise Nature Reserve was a special area and could not be replaced if lost. It was an important habitat for bats, particularly red listed (rare) ones.

- v. The Ecology Officer based comments on information supplied by the Applicant. If there was any doubt about details, they should be reviewed.
- vi. Proposed accommodation blocks were too near the Paradise Nature Reserve.
- vii. Referred to City Council policies to protect the natural world. These should be followed. Requested the application be refused.

Councillor Nethsingha (Newnham Ward Councillor) addressed the Committee about the application:

- i. Expressed concern about:
 - a. Impact of application of nearby school and children's' health.
 - b. Construction.
 - c. Relationship between Paradise Nature Reserve and development site. Specifically impact on biodiversity. It was not possible to over emphasise the benefit of Paradise Nature Reserve to the area, and the Applicant appeared to downplay this.
 - d. Light pollution from site.
- ii. There was cross-party objections to the application from different political groups.
- iii. This was the wrong application for the site. Costs outweighed benefits.

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

- i. Owlstone Croft was part of the green river corridor which stretched from the city centre to Grantchester Meadows. It adjoined Newnham Croft Primary School playing field, a protected open space, and Paradise Nature Reserve, a city and county wildlife site and local nature reserve (LNR).
- ii. The committee report gave little weight to this wider site context.
- iii. The Conservation Officer's assessment focussed on the existing built form and street pattern and impact on the original Owlstone Croft buildings. The assessment paid no regard to the garden's place in the river corridor, and its significance in the urban/rural interface which was recognised as a key characteristic in the conservation area appraisal.
- iv. The only mention of the LNR was the reference to the 'good landscape linkages back to the Paradise Nature Reserve'. This sees the LNR only

as a visual backdrop to the proposed development, diminishing its significance.

- v. The Planning Officer's opinion that large blocks a few metres away would enhance the view from the LNR boundary was not shared by the hundreds of people who had objected. The proximity of the buildings to this boundary was one of the most opposed elements of the proposal.
- vi. Cambridge Past Present and Future sum up the harm that would be caused, stating: 'The development of 3 storey high buildings in close proximity to the local nature reserve would had an adverse impact on the character and amenity of the reserve.'
- vii. It would affect the experience of people visiting the Reserve, especially when using the boardwalk next to the boundary. This was installed by the City Council and provides one of the few places it was possible for people with disabilities to access and enjoy unspoilt green space. The adverse impact of this development would be greatest for people with disabilities as they cannot use the alternative path by the river.
- viii. They would also be at particular risk on the access track to Owlstone Croft, which was not a highway as claimed by the applicant and has no segregated footpath. Construction traffic using this narrow lane over a likely 2 year period raises serious concerns about the safety of the many pedestrians visiting the LNR. In the event of fire this lane would be the evacuation route for people and access route for fire engines.
- ix. The committee report noted in points 243 and 244 that, 'Following discussion with Cambridgeshire Fire and Rescue Department, the presence of parked cars on the double yellows along Owlstone Road was currently presenting difficulties for the turning of fire vehicles into the application site'.
- x. The applicant asserts that, 'the City Council had a responsibility to ensure Short Lane was adequate for fire tender access'. However, ownership of this lane was unknown, parking controls cannot be enforced and the Council's legal liability was unclear.
- xi. These issues of legal responsibilities and liability were complex and could not be left to conditions. They needed to be decided before planning permission was granted as it may not be possible to resolve them afterwards.

Councillor Baigent proposed an amendment to the Officer's recommendation that fire safety provision should be adequate i.e. ensure fire engines could use the access road and access the buildings.

This amendment was **carried by 6 votes to 0**.

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation regarding electric vehicles accessing the site during construction.

This amendment was **carried by 6 votes to 0**.

Councillor Porrer proposed an amendment to the Officer's recommendation that the Applicant should have a single point of contact for residents and nearby school regarding general/construction management.

This amendment was **carried by 6 votes to 0**.

The Committee:

Resolved (by 5 votes to 1) to reject the Officer recommendation to approve the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, (as amended in debate).

Resolved (by 6 votes to 0) to refuse the application contrary to the Officer recommendation (as amended in debate) for the following reasons:

- i. By virtue of the proposed development's excessive height, scale, massing and lack of subservience, and siting in close proximity to the Paradise Local Nature Reserve, it would result in a cramped and imposing form of development and loss of openness experienced by users from the local nature reserve. As such, the proposal would be out of context with its immediate surroundings. The proposal would result in harm upon the recreational and amenity value of Paradise Local Nature Reserve, which is a protected open space within the local plan set within the wider River Cam corridor. Consequently, the proposal would be contrary to policies 8, 55, 56, 57, 59 and 67 of the Cambridge Local Plan 2018 and paragraph 174 of the NPPF 2021.
- ii. Incomplete bat survey information has been provided to demonstrate that protected species would not be unduly harmed, contrary to Policies 69 and 70 of the Cambridge Local Plan 2018 and paragraph 180 of the NPPF 2021.

- iii. By virtue of the layout of the site for future students, the associated seasonal on-site wetland habitat would be adversely affected and the ecological relationship with the local nature reserve would be diminished. Furthermore, there is insufficient evidence to demonstrate that the scheme would not result in harm upon the biodiversity within Paradise Local Nature Reserve, contrary to policies 55, 56, 59, 69 and 70 of the Cambridge Local Plan 2018.

23/4/Plan 20-04261-FUL Synagogue, Thompsons Lane

Councillor Collis left the Committee before this item was considered and did not return.

Councillor Howard was present as an Alternate member for Councillor Bennett for the duration of the item.

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing Synagogue and Jewish Community facility and the erection of a new Synagogue and Jewish Community facility including replacement parking spaces and new cycle storage and associated works.

The Senior Planner updated her report by referring to the amendment sheet regarding Amends to condition 1 (time limit) and 16 (noise insulation) and additional condition 40 (Demolition and Construction Environmental Management Plan condition).

The Committee received a representation in objection to the application from a resident of Portugal Place to express the following concerns:

- i. Loss of amenity.
- ii. Close proximity of rear of existing building so impact of development would be magnified: Height, mass, sense of enclosure and loss of view/outlook.
- iii. There was no consultation between the Synagogue and local residents since the 2021 Development Control Forum. The 'costs' of the scheme outweighed the 'benefits'. The 'benefits' were irrelevant if they could be gained by a (more appropriate) amended scheme.

A Thompson's Lane resident and Mr Perlman [speaking on behalf of the Trustees of the Synagogue (the Applicant)] addressed the Committee in support of the application.

Councillor Bick (Market Ward Councillor) addressed the Committee about the application:

- i. Had no objection to the application in principle.
- ii. Questioned if the impact of application on local residents meant it may not be appropriate for the site.
- iii. The Synagogue and Portugal Place Residents' needs had to be balanced equally.
- iv. The existing Synagogue was built in a time with different planning regulations. This did not mean it could expand its height/mass now.
- v. Neighbouring residents reported a lack of consultation on options to address their concerns after the 2021 Development Control Forum.
- vi. Rejecting the application would give the Applicant an opportunity to rethink the design.
- vii. If the application was approved, asked the Committee to be mindful of the impact of demolition and construction activity on Portugal Place residents. This would negatively impact them as many people worked at home after lockdown. Requested a single point of contact and regular updates on application development as part of condition 40.

Councillor Baigent proposed an amendment to the Officer's recommendation that residents be consulted on the roof colour.

This amendment was **carried by 7 votes to 0**.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. To take into account trees to safeguard against soil subsidence and climate change consequences.
- ii. Contractor parking / management plan.
- iii. No roof lights at night or controls on using them.

The amendments were **carried by 7 votes to 0**.

The Committee:

Resolved (by 7 votes to 0) to reject the Officer recommendation to approve the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report (as amended in debate).

Resolved (by 7 votes to 0) to refuse the application contrary to the Officer recommendation (as amended in debate) for the following reasons:

- i. By virtue of the scale and massing of the proposal, the confined nature of the site and the building's close proximity to Portugal Place properties which have small and confined rear amenity spaces and windows in close proximity to the boundary of the site, the proposal would result in additional significant harm as a result of enclosure to the outlook from the rear of Portugal Place properties. The proposal would therefore not have a positive impact on its neighbours and is therefore contrary to Cambridge Local Plan 2018 policies 55 and 57 and the NPPF 2021 para. 130.
- ii. The proposed design of the building would fail to assimilate itself successfully into its surroundings and therefore fail to respond successfully to its historical context. As such it would harm the character and appearance of the Conservation Area and be contrary to policy 61 of the Cambridge Local Plan 2018 and the NPPF paras. 200 and 202 amounting to less than substantial harm. The public benefits would not outweigh the harm that would arise to the Conservation Area.
- iii. The proposal has failed to demonstrate that the scheme could be delivered without harm and or the loss of trees on or adjacent to the site. The potential harm and loss trees of high amenity value would result in wider harm to the setting of the Conservation Area that is not outweighed by the public benefits arising from the scheme. Thereby the proposal is contrary to policies 55, 56, 61 and 71 of the Cambridge Local Plan 2018 and para 131 of the NPPF 2021 which seeks for existing trees to be retained wherever possible.

23/5/Plan 22-03076-FUL Edeva Court

The application was deferred to the next Committee.

23/6/Plan 22-02936-FUL 208-208a Cherry Hinton Rd

The application was deferred to the next Committee.

23/7/Plan 22-01971-FUL 346 Milton Road

The application was deferred to the next Committee.

The meeting ended at 6.15 pm

CHAIR

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