



## Appeal Decision

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

Site visit made on 28 September 2023

**by Philip Mileham BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> November 2023**

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

**Owlstone Croft, Owlstone Road, Cambridge CB3 9JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by The Queen's College of St. Margaret and St. Bernard against the decision of Cambridge City Council.
  - The application Ref 22/02066/FUL, dated 22 April 2022, was refused by notice dated 13 January 2023.
  - The development proposed is described as the demolition (in a conservation area) of nursery building and part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and other storage and new electricity substation within outbuildings.
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### Decision

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

### Preliminary matters

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

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

### **Main Issues**

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

### **Reasons**

#### *Character and appearance*

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

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

12. The eastern elevation of Block T4 would be sited closer to the boundary of the site with the PLNR than the existing nursery. This would result in a building that would be more prominent than the existing building when viewed from the boardwalk within the PLNR. The appeal site slopes gradually towards the PLNR and Block T4 would have a finished floor level above that of the boardwalk within the PLNR. However, the eastern gable of the Block T4 would be narrower than the width of the existing nursery building. Therefore, although it would be both taller and closer to the PLNR than the nursery, the width of the gable would limit the sense of bulk arising from its height and massing. The light-coloured render of the existing nursery building currently draws attention to itself when viewed from the boardwalk within the PLNR. However, the proposed eastern gable of Block T4 would be faced with brick which would provide a more subtle and less stark elevation than currently experienced from the boardwalk. The accommodation blocks would not be a copy of the design characteristics in the wider area, but would, in terms of their design and layout, respond positively to their context as an educational institution and would not result in a stark and overbearing elevation adjacent the PLNR.
13. Concerns were raised that the scheme would fail to be subservient to the PLNR. The existing lawned area within the appeal site is a highly managed outdoor space with planted borders. The lawn and grounds of Owlstone Croft provide a clear visual contrast to the more enclosed, wild and unmanaged PLNR to its east. The appeal proposal would result in the development of the lawned area of the site due to the terraced accommodation blocks. However, the appeal site's formal managed lawn and grounds do not currently exhibit any existing subservient characteristics to the PLNR, instead, it is more representative of a large residential garden which would not be unexpected in an urban edge environment. As such, there would be no harm in respect of subservience arising from its development.
14. During the Inquiry, it was identified that a narrow part of the appeal site along the eastern boundary is included within an area of designated Protected Open Space (POS) which also covers the PLNR<sup>1</sup>. Policy 67 of the Cambridge Local Plan (2018) (the CLP) seeks to protect, amongst other things, the character of POS. There are currently three poplar trees (Ref G002) and two ash trees (T008, and T009) within this strip of land on the eastern boundary of the site which would be removed as part of the proposed development. The PLNR is characterised by, amongst other things, its dense woodland and resulting sense of enclosure. The removal of the trees would result in the loss of a component of the character of the PLNR as designated POS. Whilst the removal of the trees would adversely affect the small strip of POS within the appeal site, when viewed against the backdrop of the wider POS encompassing the PLNR, there would be no overall visual change in the character of the wider POS. I find no

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<sup>1</sup> CD14.21 – Owlstone Croft Protected Open Space boundary

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

15. The three poplar trees have previously been pollarded and along with two ash trees on the eastern boundary of the site are identified in the Tree Survey<sup>2</sup> as being 'Category C' trees of low quality. Evidence was presented which indicates that the poplars are of a non-native species and have a lifespan of around 10 or more years. The trees have a reasonable lifespan remaining and although the poplars have been pollarded, they do make a modest positive contribution to the character of the area as part of the boundary between the appeal site and the PLNR. Policy 59(b) of the CLP seeks to ensure trees and habitats which contribute to the character and quality of an area are retained. Whilst the contribution of the trees is modest, their removal would nonetheless fail to accord with Policy 59(b) which expects proposals to demonstrate that existing features that positively contribute to the character and quality of an area are retained and protected.
16. From my site visit conducted during late summer when significant leaf coverage was still present, there are glimpsed views possible over the lawned area and across to Owlstone Croft from the boardwalk side of the PLNR into the site between existing gaps in vegetation. Policy 8 of the CLP seeks that landscape improvement proposals strengthen or recreate the well-defined and vegetated urban edge. Concerns were raised that the proposed landscaping would blur the boundary between the site and the PLNR harming the edge of the PLNR. However, the soft landscape plan indicates that there would be considerable native hedge planting along the eastern boundary, a significant proportion of which would be allowed to grow out. Some areas along the boundary would have deliberate gaps left, and these would allow framed views into the site from the boardwalk. The extent of the proposed hedge planting, whilst broken in places, would become established and although the verified views indicate this would take time to mature, it would provide a well-defined vegetated edge along a majority of the eastern boundary. I find that the extent of landscaping, whilst changed, would not be harmful and would accord with the provisions of Policy 8 of the CLP.
17. The PLNR is located within the Green Belt which the Framework seeks to keep land permanently open and not approve inappropriate development. However, the proposed development would not be within the Green Belt and it is noted that there would be no direct Green Belt impact as a result of openness. The PLNR is predominantly characterised by dense woodland and there are some areas, such as those along the boardwalk, where there are gaps in the tree canopies where views of the lawn, Owlstone House and the nursery on the site can be seen. Despite the availability of some limited views into the site, I do not find that the boardwalk side of the PLNR to be particularly open even having regard to the proposed removal of the poplar and ash trees discussed above. Whilst the appeal development would be visible through the gaps in the proposed hedge planting, this would allow views of and in between the proposed accommodation blocks. Whilst the terrace blocks would be closer to

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<sup>2</sup> CD1.13 – Tree Survey AIA and method statement and tree protection plan

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

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

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

*Recreational and amenity value*

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

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

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

#### *Ecology and biodiversity*

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

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

33. The PEA and subsequent reports set out above collectively provide a professional assessment of relevant ecological information, including the status of bats and the impact of the appeal proposal. I find nothing within the text of either Policy 69 or 70 which expressly requires a single EcIA, and whilst the Council's Biodiversity Supplementary Planning Document (SPD) includes a requirement for an EcIA, this is included in the requirements for validation. The appeal scheme was originally validated by the Council without an EcIA, and although the SPD can be given weight, it cannot introduce policy content to require an EcIA that is not otherwise present within the Development Plan. As such, I find that a suitable professional assessment has been carried out and thereby no conflict with Policies 69 and 70 of the CLP in this regard.
34. In regard to the loss of poplars on ecology, the trees were identified in evidence as having importance for Barbastelle as potential roost features and for their vertical complexity in terms of available food sources for bats. The proposed damp meadow to the east of the appeal site would provide opportunities for insects although it was suggested this may be less preferable to Barbastelle than other species. Whilst there may be some difference in the ecological value of the poplars when considered against the proposed damp meadow, the proposed damp meadow would nonetheless provide opportunities for a range of insect prey that would support bats, including Barbastelle. Although concerns were raised that the damp meadow would potentially attract other bat species and place Barbastelle at competitive disadvantage, there is no clear evidence that the location of the damp meadow adjacent to the ditch and boundary with the PLNR would have this effect.
35. I turn now to the matter of lighting on protected species, particularly in respect of Barbastelle bats which are a light-sensitive species. The Institute of Lighting Professionals (ILP) Guidance Note 08/18<sup>3</sup> recommends that where bats are identified, lighting levels are kept to 'complete darkness', and a lighting level of 0.4 lux on the vertical plane would be an appropriate level. There is no dispute between the parties that there would be no harm to bats if the lighting levels could be kept below this level on the boundary of the site with the PLNR. The appellant's modelled lighting scheme shows that around 3.5% of the 1,800 points on the vertical plane south of proposed accommodation block T4 would exceed the 0.4 lux level showing a maximum of 0.55 lux at a vertical plane around 15m from the southern edge of T4<sup>4</sup>. The points which would currently exceed the proposed condition principally relate to light emanating from the south elevation of block T4. However, this exceedance is based on a modelled initial lighting scheme rather than a final scheme and which the lighting design

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

<sup>4</sup> CD1.25 – Lighting design parameter plan and modelling (Pg 14)



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

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

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

## **Other matters**

### *Traffic and transport*

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

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

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

#### *Effect on Newnham Croft Primary School*

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

#### *Flood risk and drainage*

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

infiltration. The Flood Risk and Drainage report<sup>5</sup> identifies that the proposed attenuation ponds are not infiltration devices and do not rely on such for discharging surface water. The report states that ground conditions are unsuitable for point infiltration of surface water, identifies that water storage capacity in the proposed porous paving will minimise the flows and volume of surface water discharging into the watercourse.

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

#### *Other considerations*

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

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<sup>5</sup> CD1.29A, B and C – Flood Risk and Drainage report

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

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

### **Planning Obligation**

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

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

### **Conditions**

64. I have considered the conditions included in the schedule which were discussed and updated following a round table session during the Inquiry against the tests set out at paragraph 56 of the Framework, only including those which meet those tests subject to any minor amendments for clarity, consistency and enforceability. There are a number of pre-commencement conditions necessary which the appellant has agreed as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

65. In addition to the standard time limit for the commencement of the development, and the specification of the plans on which this decision is made, a condition is necessary to provide a phasing strategy if there is to be more than one phase of development which is necessary due to the way the site may come forward. A further condition is necessary to specify the details of the materials to be used in order to exercise suitable control over the final appearance of the proposal.

66. In the interests of the living conditions of neighbouring residents and teaching conditions at NCPS, a condition is required to undertake a noise assessment of the proposal and identification of any mitigation as a result. For the same reasons, a condition is required to specify the hours of operation of powered machinery during construction or demolition, and a further condition to provide a noise and vibration impact assessment which will identify appropriate monitoring and mitigation measures.

67. In the interests of the living conditions of nearby residents, a condition is necessary in order to control the collection and timing of deliveries to the site. For the same reason, a condition is also required to provide details of any plant, equipment or machinery to control extraction, filtration and mitigation of potential odours.

68. Condition 8 requires the preparation and submission of an Air Quality and Dust Management Plan which is necessary in the interests of the living conditions of nearby occupiers including sensitive receptors such as NCPS. Further, in the interests of the health, wellbeing and education of children, due to the proximity of the proposed development with NCPS, to make the development acceptable it is necessary to limit all demolition on the site to be carried out during school holidays. Draft condition 8 limb (c) included a requirement for a solid fence to be erected having regard to sensitive receptors. However, the condition was not sufficiently precise and would not be effective, and as such, I have amended the requirement for a non-translucent solid fence to be a standalone condition (condition 35) with clearer requirements which is also necessary in the interests of safeguarding.

69. In the interests of human health, a condition is required in order to specify the actions that will take place should any unexpected contamination be identified

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

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



## Conclusion

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

*Philip Mileham*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Emyr Jones  
He called

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

### FOR THE APPELLANT:

Mr Rupert Warren KC  
He called

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

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

Ms Noemi Byrd  
She called

Mr Andrew Bryce  
Dr Cosmin Ticleanu BSc PhD MSLL

### FOR NEWNHAM CROFT PRIMARY SCHOOL (RULE 6 PARTY):

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

### INTERESTED PERSONS:

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

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

#### DOCUMENTS

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

## **Annex A – Schedule of conditions**

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

- Block B Demolition FF Plan (Drawing no. (EX) 163)
  - Block A Existing SF Plan (Drawing no. (EX) 170)
  - Block B Existing SF Plan (Drawing no. (EX) 171)
  - Block A Demolition SF Plan (Drawing no. (EX) 172)
  - Block B Demolition SF Plan (Drawing no. (EX) 173)
  - Block B Existing TF Plan (Drawing no. (EX) 181)
  - Block B Demolition TF Plan (Drawing no. (EX) 183)
  - Block A Existing Roof Plan (Drawing no. (EX) 190)
  - Block B Existing Roof Plan (Drawing no. (EX) 191)
  - Block A Demolition Roof Plan (Drawing no. (EX) 192)
  - Block B Demolition Roof Plan (Drawing no. (EX) 193)
  - Existing Elevations – Block A (Drawing no. (EX) 250)
  - Existing Elevations – Block B (Drawing no. (EX) 251)
  - Existing Elevations – Outbuildings & Block D (Drawing no. (EX) 252)
  - Demolition Elevations – Block A (Drawing no. (EX) 260)
  - Demolition Elevations – Block B (Drawing no. (EX) 261)
  - Demolition Elevations – Outbuildings & Block D (Drawing no. (EX) 262)
  - Hard Landscape Layout (OCC 003 Rev A)
  - Soft Landscape Layout (OCC 004 Rev A)
  - Verified Views (OCC 006)
  - Green Roof Plan (OCC 008 Rev A)
  - Site Sections (OCC 300)
  - Wetland Sections (OCC 301)
- 3) No development shall commence until a Phasing Strategy has been submitted to and approved in writing by the local planning authority setting out the phases and sub phases of development, and a mechanism for its update as required. Development shall be carried out in accordance with the agreed details.
- 4) No operational plant, machinery or equipment shall be installed for any phase until a noise assessment and any noise insulation/mitigation as required for that phase has been submitted to and approved in writing by the local planning authority following consultation with Newnham Croft Primary School. Any required noise insulation/mitigation shall be carried out as approved and retained as such.
- 5) No construction or demolition work shall be carried out and no plant or power operated machinery operated in connection with construction or demolition shall be carried out other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 6) There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 7) No development (or phase of) (including demolition or piling) shall commence until a demolition/construction noise and vibration impact assessment for that phase of development, has been submitted to and approved in writing by the local planning authority following consultation with Newnham Croft Primary School. The assessment shall be in accordance with the provisions of BS 5228:2009 + A1 2014 Code of Practice for noise and vibration on construction

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

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

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

- 9) If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination. The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.
- 10) No excavated material for the development (or phase of) shall be imported or reused until a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP shall include:
- a) details of the volumes and types of material proposed to be imported or reused on site;
  - b) details of the proposed source(s) of the imported or reused material;
  - c) details of the chemical testing for ALL material to be undertaken before placement onto the site;
  - d) results of the chemical testing which must show the material is suitable for use on the development;

- e) confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development. The local planning authority shall be provided from time to time with copies of such particulars within five working days upon request.

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

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

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

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

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

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

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

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



- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved

tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**End of Schedule**