



25/03078/FUL – Land Adjacent To 49 New Square Cambridge Cambridgeshire CB1 1EZ

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward: Market

Proposal: Single storey dwelling with garden and off-street car parking, on the land adjacent to No. 49 New Square.

Applicant: Dr Carrie Herbert MBE

Presenting officer: Charlotte Peet

Reason presented to committee: The application was heard at Delegation Panel due to the number of third-party representations received. Following a review of the application against the criteria for referral, it was decided that Planning Committee should determine the application.

Member site visit date: N/A

Key issues:

1. Principle of Development
2. Heritage Assets
3. Character and Appearance
4. Residential Amenity
5. Trees
6. Carbon Reduction and Sustainable Design
7. Biodiversity

8. Water Management and Flood Risk
9. Highway Safety and Transport Impacts
10. Car and Cycle Provision
11. Third Party Representations
12. Other Matters

Recommendation: Refuse

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1. Executive summary

- 1.1 The application seeks permission for a single storey dwelling within the garden and off street car parking, on the land adjacent to No. 49 New Square.
- 1.2 The report explains that the proposal would significantly adversely impact the garden of No. 49 through the imposition of a new dwelling in an area which forms a unique and positive aspect of the locality, Conservation

Area, and the setting of the Listed Buildings at No. 49 and No. 2-71 Willow Walk.

It is recommended that the application is **refused**.

Table 2 Consultee summary

Consultee	Object / No objection / No comment	Paragraph Reference
Conservation Officer	Objection due to significant harm to listed building and failure to preserve character and appearance of Conservation Area.	12.0-12.11
Environmental Health	No objection subject to conditions.	21.5-21.7
Tree Officer	No objection.	14.1-14.2
Ecology Officer	No objection subject to conditions.	16.1-16.3
Drainage Officer	No objection subject to conditions.	17.1-17.2
County Transport Team	No objection subject to conditions.	18.2-18.3
Third Party Representations (32)	12 comments have been submitted in support and 14 in objection, these are addressed in the relevant sections in the report.	Throughout relevant report sections.

2. Site description and context

- 2.1 The application site is located centrally within the City, it fronts onto New Square protected open space and is a short walk from primary shopping routes including Fitzroy and Burleigh Street.
- 2.2 As existing the site hosts No. 49 New Square which is a single residential dwelling and surrounding garden land. The host dwelling is a three storey, grade II listed building that sits as a prominent building on the corner of New Square and Short Street.
- 2.3 It is accessed by an existing vehicular access from Willow Walk and there is pedestrian access from New Square.
- 2.4 The application falls with the Kite Conservation Area. The application is within the setting of the No. 49 New Square (grade II listed). The site is in close proximity to Nos 1-48 New Square, Nos 2- 17 Willow Walk and Wesley Church (grade II listed).
- 2.5 The proposal is within the city centre and protected parking area.

3. The proposal

- 3.1 The application seeks planning permission for single storey dwelling with garden and off-street car parking, on the land adjacent to No. 49 New Square.

4. Relevant site history

Reference	Description	Outcome
25/03079/LBC	Single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.	Pending consideration

Table 1 Relevant site history

- 4.1 The host dwelling has had little alteration in recent years.
- 4.2 There is a listed building application which accompanies this application, this will also be heard at planning committee today (ref. 25/03079/LBC).

5. Policy

5.1 National policy and legislation

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 8: Setting of the city

Policy 10: The City Centre

Policy 11: Development in the City Centre Primary Shopping Area

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Protection of human health from noise and vibration

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible Homes

Policy 52: Protecting garden land and the subdivision of existing dwelling plots

Policy 55: Responding to context

Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 60: Tall buildings and the skyline in Cambridge
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

5.4 Other guidance

Greater Cambridge Housing Strategy 2024 to 2029

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

Cambridgeshire Design Guide For Streets and Public Realm (2007)

Cycle Parking Guide for New Residential Developments (2010)

5.5 Area Guidelines

Cambridge Historic Core Conservation Area Appraisal (2017)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

Conservation Officer – Objection

- 6.1 The proposal will harm the setting of No 49 New Square and fails to preserve or enhance the character of the conservation area. The proposal would not comply with local plan policies 57 and 61.
- 6.2 In terms of the NPPF and the impact on the heritage asset the proposal would result in substantial harm. Paragraphs 207,212,213 and 214.
- 6.3 2nd Comments
- 6.4 The 2020 pre-application was for a single storey house not two storeys as stated. The anecdotal evidence that the garden to No 48 may have been bigger does not change the garden as it is now and its contribution to the setting of No49.
- 6.5 Early list descriptions are notoriously short and lack detail and rarely include references to setting. Not being included in a list description does not mean that a feature is not of significance. Setting of heritage assets is acknowledged as an important part of an asset's significance.
- 6.6 The comments about the development at No 48 were not a subtle justification of that approval just a statement of facts.

Environmental Health - No Objection

- 6.7 The development proposed is acceptable subject to the imposition of the condition(s)/informative outlined below:
- Construction hours
 - Piling

Tree Officer - No Objection

- 6.8 The application is accompanied by an AIA. I have no objections to the proposed removals but would question whether the retention of T3 is feasible. I have no overriding objections to the proposed development.

Ecology Officer- No Objection

- 6.9 Due to the heavily managed nature of the site, it is unlikely to be able to support protected species, and no survey work is required.

- 6.10 The small sites metric which has been provided shows the scheme to result in a net loss in habitat units of 32.22%. The metric summary report states that the units to reach the required 10% net gain will be purchased from an off-site provider. This is acceptable as the site lacks opportunity for habitat creation.

Drainage Officer - No Objection

- 6.11 The development proposed is acceptable subject to the imposition of the condition(s) outlined below:
- Foul water
 - Surface water

County Highways Development Management - No Objection

- 6.12 Following a review of the documents provided to the Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway should be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal:
- Falls and levels
 - Residents permits

7. Third party representations

- 7.1 26 representations have been received, 12 in support, 14 in objection.

- 7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Heritage impacts including conservation area and listed building
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Highway safety
- Car parking
- Cycle parking provision
- Loss of biodiversity
- Impact on and loss of trees
- Red line
- Certificate

- 7.3 Those in support have given the following reasons:

- Design, scale
- Character and appearance of the area
- Conservation impact
- Sustainability
- Parking
- Landscape and Trees
- Accessibility

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

8. Local Groups / Petition

8.1 The Christ's Lane Action Group (CLAG) has made a representation objecting to the application on the following grounds:

- Consultation
- Heritage assets
- Biodiversity and trees

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

9. Planning background

9.1 The host dwelling has had little alteration since the addition of the Conservatory. There is a listed building application which accompanies this application, this will also be heard at planning committee today (ref. 25/03079/LBC).

10. Assessment

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

- Principle of development
- Design, layout, scale and landscaping
- Trees
- Heritage assets
- Carbon reduction and sustainable design
- Biodiversity
- Water management and flood risk
- Highway safety and transport impacts

- Car and cycle parking
- Amenity
- Third party representations
- Other matters
- Planning balance
- Recommendation
- Planning conditions

11. Principle of Development

- 11.1 Policy 3 seeks to focus residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities.
- 11.2 Policy 10 seeks to protect the viability of the town centre and ensure development would not adversely impact the town centres heritage or design quality.
- 11.3 Policy 52 allows for the subdivision of existing dwelling plots where the criteria in the policy would be met.
- 11.4 The application seeks to subdivide the garden land at No. 49 New Square to erect a new single storey dwelling. The new dwelling would be sited in a sustainable location, however, would fail to preserve heritage assets and deliver a high-quality public realm. The proposed dwelling is not considered to be appropriate to the surrounding pattern of development and character of the area and would result in the loss of an important garden space. As such the proposal is considered contrary to Policies 10 and 52 of the Cambridge Local Plan (2018) and is unacceptable in principle.

12. Heritage assets

- 12.1 The application falls within the Kite Conservation Area. The application is within the setting of the No. 49 New Square (grade II listed). The site is in close proximity to the Nos 1-48 New Square, Nos 2- 17 Willow Walk and Wesley Church (grade II listed).
- 12.2 The Conservation Officer has been formally consulted on the application and objects to the application on the basis that the proposal would result in significant harm to the setting of No. 49 New Square and would fail to preserve or enhance the Conservation Area. The Conservation Officer has also raised outside of their formal comments that the proposal would adversely impact the setting of the Willow Walk listed buildings.

- 12.3 The application has received a large number of representations, some in support and some in objection. Those in support suggest the building would respect the Conservation Area, those in objection raise concerns about the adverse impacts to the character and appearance of the Conservation Area and the listed buildings at No. 49 and Willow Walk.
- 12.4 No 49 New Square was built in 1845, it is a grade II listed building that comprises a three storey gault brick house within a prominent corner plot between New Square, Short Street and Willow Walk. The property is unusual for its height, orientation and the spacious garden around it compared to the two storey terrace properties which are generally hard on the pavement or have small front gardens. It is noted within the Kite Conservation Area Appraisal (2014) as an exception to the two storey uniform terraces.
- 12.5 The garden forms an essential and unique part of the setting and makes a significant positive contribution to the listed building at No. 49 and Willow Walk and the surrounding Conservation Area. The representations received highlight the positive nature of this garden, it not only provides greening to built up areas but also provides a visible break from New Square allowing the listed buildings on Willow Walk to be visible. The proposal would negatively impact this important characteristic through the siting of the large, single storey dwelling in this location. This would remove the open aspect across the garden and create a continuation of modern, built form with the new development in the garden of No. 48. The effect would be to compromise the garden space and introduce incongruous levels of modern built form as to undermine the historic significance of the setting of the listed buildings and the character and appearance of the Conservation Area.
- 12.6 The Heritage Statement attempts to justify the approach, through the applicants description of a former car parking space adjacent to the Conservatory. Officers agree with the Conservation Officer, that this is not a convincing justification for the imposition of a dwelling in this location.
- 12.7 The current situation on the site is well landscaped garden, there is no building in this location nor has it been demonstrated that a building has ever been sited here. The proposed dwelling would completely enclose the space next to the dwelling, the new dwelling appears overly cramped, and is only 1 metre from the conservatory. As such, the relationship of No. 49 with its garden land and setting would be compromised, as would the outlook of this structure which supports the use of the building as a dwellinghouse.

- 12.8 It is outlined in the application detail that the building takes design cues from No. 48, the modern appearance with zinc cladding is considered to be out of keeping with the character and appearance of the Conservation Area and would not preserve its special aspects.
- 12.9 The Conservation Officer suggests that the proposal would result in substantial harm to the listed building and Conservation Area. The proposal would also lead to less-than-substantial harm to the setting of the listed buildings along Willow Walk. The NPPF (2024) sets out that great weight should be given to the asset's conservation and that any harm should require clear and convincing justification, substantial harm should be exceptional.
- 12.10 The proposal results in harm to the setting of the listed building and character and appearance of the Conservation Area. This is not justified by the information submitted with the application. It is noted that the application sets out that the proposal would result in one accessible, sustainable dwelling but this is not considered to outweigh the great weight given the harm that would result from the proposal.
- 12.11 It is considered that the proposal, by virtue of its siting, design, scale and massing, the proposal would harm the character and appearance of the Conservation Area and the setting of listed buildings without justification. The proposal is therefore contrary to the provisions of the Planning (LBCA) Act 1990, the NPPF and policy 61 of the Local Plan.

13. Design, layout, scale and landscaping

- 13.1 The proposed development seeks to erect a single storey dwelling with garden and off streetcar parking, on the land adjacent to No. 49 New Square.
- 13.2 As existing, the proposal site forms a positive part of the locality owing to its heritage significance and positive character features such as the open, verdant nature of the garden which is unique in this location. The host dwelling was a later addition in this location; the 19th century terrace properties were erected to line the green space in uniform and formal frontage. The host dwelling followed in later years to provide a unique punctuation to the properties at the northern edge of New Square. The property is unique due its form, three bays wide and three storeys high, and its garden space which other dwellings in this location do not benefit from.

- 13.3 The proposed has received representations that raised concerns about the impact of the proposal on the built environment and character and appearance of the area.
- 13.4 The proposal is considered to detrimentally impact the character and appearance of the area and the host dwelling. The proposal would insert a large, single storey dwelling into the existing open garden area, destroying the open nature of this space and over dominating the garden area and enclosing the host dwelling.
- 13.5 The proposal would extend above the existing boundary wall and so be visible from both New Square and Willow Walk. This is shown within the views and elevations submitted with the application. From public views, it would read as a large, modern imposition that would cramp and detrimentally impact the unique character of No. 49 New Square. Whilst the Design and Access statement sets out that the new dwelling has been designed in two volumes to reduce the apparent massing, the form, size and appearance of the dwelling would be highly visible and dominating from public viewpoints. The single storey height, as supported in representations, is noted, however this does not mitigate the substantial impact.
- 13.6 The Design and Access places the building in the context of the modern building at No. 48 New Square, and seeks to echo the design approach of this building through the use of brick cladding and grey standing seam zinc. This approach is reductive and does not give appropriate reflection to the historic context and character of No. 49 as a unique part of the locality. In this case, the appearance emphasises the modern, uncharacteristic nature of the building within this plot and does not result in high quality design.
- 13.7 The approach to replicate the outbuilding style dwellings at No. 48 is not considered to be successful, the representations outline how the proposed dwelling would not sit as a subservient outbuilding in the same way. They suggest that the proposed dwelling has a significantly larger footprint than the original dwelling and would have domestic openings visible from outside the site to clearly read as an independent dwelling. Officers agree that this is unsuccessful due to the size and scale and fenestration detailing of the new dwelling.
- 13.8 In addition, the site did not feature any building in this location as the adjacent site did, so the site context is not the same within each plot. The representations have raised this and suggest that a dwelling in this location is not justified. Officers agree and suggest the building would sit in a manner that is unsympathetic to the existing building and open nature of the site.

- 13.9 It is acknowledged that some of the representations received support infilling in this location and the design approach to this, however the proposal would adversely impact the existing high quality character of this part of the locality.
- 13.10 One representation has suggested that delivery and postal access is not clear. The proposal has access from both New Square and Willow Walk and has sufficient space to provide a postal box in a clearly accessible location.
- 13.11 Overall, the proposed development does not respond positively to the local character and landscape and would adversely impact the townscape. The proposal is contrary to policies 55,56,57,59 of the Local Plan and the NPPF (2024).

14. Trees

- 14.1 The application is accompanied by an Arboricultural Impact Assessment which has been considered by the Council's Tree Officer. They have no objection on request clarity on the retention of T3, having reviewed the submitted information and clarified with the applicant T3 has been marked as being retained. The trees are an attractive part of the street scene, third party representations support their retention.
- 14.2 Subject to conditions to secure compliance with the submitted information, the proposal would accord with policies 59 and 71 of the Local Plan and the NPPF.

15. Carbon reduction and sustainable design

- 15.1 The application is submitted with a Sustainability Statement at part 7.0 of the Design and Access Statement. This outlines that the proposal would comprise a green roof, SuDS compliant design and include the use of an air source heat and low carbon materials. It is noted that the third party representations support the sustainability credentials of the approach.
- 15.2 The approach is considered to be acceptable in relation to carbon reduction technologies and water efficiency, however as the details have not been submitted for demonstrate compliance with policies 28 and 29 this would be required by condition in the event the application were supportable.

- 15.3 The applicants have suitably addressed the issue of sustainability and renewable energy and is compliant with policies 28 and 29 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2020.

16. Biodiversity

- 16.1 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a small sites metric and summary which sets out that as the proposal would result in a habitat unit loss of 32.22%, units will need to be purchased from an off-site provider to meet the required 10% net gain. A third party representation has suggested that off-site demonstrates that the site is cramped. The application has followed the BNG hierarchy, and off-site is considered a reasonable way to address the net gain required.
- 16.2 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends conditions regarding statutory BNG and enhancement which are reasonable to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 16.3 In consultation with the Council's Ecology Officer, officers are satisfied that the proposed development could comply with policy 70 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

17. Water management and flood risk

- 17.1 The site is considered to have a very low risk of flooding. The Council's Sustainable Drainage Engineer has advised that subject to conditions foul and surface water can be managed by condition. To ensure these matters are suitably addressed in light of flood risk and environmental pollution, these conditions are considered reasonable.
- 17.2 The applicants have suitably addressed the issues of water management and flood risk in accordance with policies 31 and 32 of the Local Plan and NPPF advice.

18. Highway safety and transport impacts

- 18.1 The application would create a new vehicular access to the rear from Willow Walk of the site to allow for one car parking space. It would also provide pedestrian access at the front of the site from Willow Walk.
- 18.2 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions. The recommended condition seeks to ensure that water would not drain onto the adopted highway and is reasonable for addition as to not disrupt the function of the highway.
- 18.3 Third party representations have raised concerns about the proposed vehicular access, suggesting that there would be difficulty manoeuvring into the driveway. The applicant has provided tracking for the driveway, and this demonstrates a car can enter the driveway area. Given that the driveway is for a single dwelling, vehicular and pedestrian splays are not required. The representations raise concerns about the potential conflict with other driveways along the road, however the proposal information shows that a car could enter and exit the driveway without conflicting with the existing gates driveways.
- 18.4 The proposal accords with the objectives of Policies 80 and 81 of the Local Plan and is compliant with NPPF advice.

19. Car and cycle provision

- 19.1 The application shows that one car parking space is to be provided on a new driveway accessed from Willow Walk, and this does not exceed the maximum parking levels set out within Appendix L. An EV charging point is to be provided within the new driveway. The Design and Access Statement outlines that cycle parking is to be provided on site, however the details of the secure and covered storage facility have not been provided. Third party representations have been received to raise concerns about the lack of this information. To ensure the proposal would have adequate cycle parking a condition could be attached if the scheme were otherwise supportable.
- 19.2 The proposal could accord with policies 36 and 81 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

20. Amenity

21. Neighbouring properties

- 21.1 The proposed dwelling would be located in the garden of No. 49 and adjacent to No. 48A. No. 48B and No. 48 also sit in close proximity. The Willow Walk properties are located across the private road to the north of the property.
- 21.2 The proposal would sit adjacent to the side elevation No. 48A, as this is a blank elevation and the dwelling would sit at a similar height to the existing building, it would not adversely impact the occupiers of this dwelling. Similarly, as the proposal is single storey, it would not adversely impact light or privacy or result in overbearing impacts to No, 48B and No. 48.
- 21.3 The dwelling would be visible from the properties at Willow Walk as the proposal does extend above the existing boundary wall, however the proposal is low in height and has been designed with a sloping roof at the roof to reduce the apparent mass and any potential for light impacts. Third party representations have been received to raise concerns about the potential light impacts to the properties on Willow Walk. The application is supported by a shadow study which shows that the proposal would have negligible impacts on surrounding occupiers and would not impact light to properties close to or adjacent to the site.
- 21.4 **Environmental Impacts**
- 21.5 The Environmental Health Officer raises no objection to the application on environmental impacts. They note the air source heat pump proposed and suggest that if it should fall under MCS standards then this should ensure that noise levels are kept to a reasonable levels at neighbouring premises. The applicant has confirmed the ASHP would meet MCS standards. As such, despite the third party concerns, the proposed air source heat pump is not considered to lead to unacceptable noise levels that would impact amenity.
- 21.6 One representation has suggested that excessive external lighting could be erected and therefore cause lighting pollution. In this case, the proposal is for a single domestic dwelling in a central location and therefore it is unlikely that external domestic lighting would cause excessive nuisance. It is considered overly onerous to add a condition to control lighting given the nature and scale of the development proposed.

- 21.7 Given the location, size, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts. The proposal is compliant with policies 35, 50, 52, 53 and 58 of the Local Plan.

Future occupants

- 21.8 The gross internal floor space measurements for units in this application are shown in the table below. The proposal exceeds the minimum space standards.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	2	2	1	70	103	+33

Table 2 Table showing size of residential units in comparison with the policy requirement

Garden size

- 21.9 The proposal includes space around the dwelling for a private garden, the garden space provides space for sitting out and is considered to be sufficient for the size of the dwelling. The garden, especially the sitting area outside the living room, would be partially overlooked by the existing dwelling at a close distance. Whilst this is unfortunate, there is space by the front door that would benefit from screening from the dwelling and be at a far greater angle that would not be overlooked. It is considered that given the size of the garden and the availability of some private space this is not substantial to warrant refusal.
- 21.10 The host dwelling would retain more than sufficient private garden space for day-to-day living.

Accessible design

- 21.11 The Design and Access Statement submitted states the proposal would comply with Building Regulations requirement part M4(2) and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing. It is noted that third party representations support the inclusive design of the dwelling.
- 21.12 The development would comply with the requirements of Part M4(2) of the Building Regulations and would therefore comply with policy 51 of the Local Plan.

Construction and environmental health impacts

- 21.13 The Council's Environmental Health Team have assessed the application and recommended a condition relating to construction hours and piling. Given the close proximity to neighbouring occupiers, in the event that the application was supportable, these would be considered reasonable for addition.

Summary

- 21.14 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal (in respect of residential amenity) is compliant with policies 55, 56, 57, 58, 59 of the Local plan.

22. Third party representations

- 22.1 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third party comment	Officer response
Red line incorrect	A third party representation has raised that the application red line is not correct as it does not reach the highway. The red line submitted is sufficient to provide access to the development site and therefore is not considered to be incorrect.
Invalid certificate	The certificate appears to be correct for the application submitted, and no evidence has been submitted to the council to suggest otherwise.
Consultation	<p>Third party representations have suggested the additional properties in the surroundings should have been consulted by the LPA on the application. The consultation carried out has exceed the statutory requirements and is considered sufficient.</p> <p>In addition concerns have been raised that additional reconsutlation was not undertaken on the additional documents provided by the application 15th September. This information comprises a response letter to Conservation Officer and a plan to show the former parking area which was already detailed in the Design and Access Statement. As well as some additional 3D indicative views, adding to those already on the file. There is no change to the</p>

	proposal, as such it is not considered to issue an additional consultation period.
Site History	The representations have referenced a pre-application in 2014 which was submitted by the application for a new dwelling. Whilst this does not form a material consideration in the consideration of the application, it is noted by Officers.
Substation	Representations have raised that the proximity to the substation may breach legislation, this is not a matter within planning legislation and therefore cannot be considered as part of the application.
Precedent	Representations have raised that the raise that the site could form a precedent for future development, each application is determined on its own merits so this is not a consideration.
Right to light	A right to light is a civil matter between different landowners and a planning permission would not interfere with a right of light. The local planning authority has no jurisdiction in checking or enforcing a right to light. This is not a material planning consideration.

Table 3 Officer response to third party representations

23. Other matters

- 23.1 A bin store is proposed adjacent to the pedestrian access gate, this is considered to be a reasonable approach to address refuse storage.

24. Planning balance

- 24.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 24.2 Summary of benefits
- 24.3 The application seeks to erect a single story dwelling within the garden of No. 49 New Square. The proposal would provide an additional residential unit in the city centre. The dwelling is in a sustainable location, and benefits from sustainability features such as an air source heat pump. The dwelling is designed to support the applicant as they age and is compliant with M4(2) as required by Local Plan policy (2018).

24.4 Summary of harm

24.5 The proposal, however, would have substantial detrimental impacts on the character and appearance of the area and the setting of the listed buildings at No. 49 and Willow Walk and the Kite Conservation Area due to the imposition of a large building in a highly positive, open space. The siting, scale, design and appearance of the building is not considered to be appropriate within this location and would result in an overly cramped and incongruous development that is out of keeping with the existing positive character. The proposal results in substantial harm to No. 49 New Square and Conservation Area and the less-than-substantial to Nos 2- 17 Willow Walk.

24.6 Any harm to heritage assets must be given great weight (NPPF 2024), and the Local Planning Authority must have regard to the desirability of preserving listed buildings and give special attention to preserving the character and appearance of the Conservation Area Planning (LBCA) Act 1990.

24.7 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for **REFUSAL**.

25. Recommendation

25.1 **Refuse** for the following reasons:

1. The existing site makes a distinct and positive contribution to the character and appearance of the locality due to its open and undeveloped nature. By virtue of the proposed dwelling's siting, size, design and appearance, it would diminish these positive qualities and adversely impact the character and appearance of the area. The proposal is contrary to Policies 52, 55, 56, 57 and 59 of Cambridge Local Plan (2018) which seek to ensure that development responds appropriately to its context, is of a high quality, that reflects or successfully contrasts with existing building forms and materials.
2. The proposal site is located within the setting of No. 49 New Square, Nos 2- 17 Willow Walk and within the Kite Conservation Area. The garden of No. 49 New Square makes an essential and unique

contribution to the setting of the listed buildings and Kite conservation area. The proposed built form would remove the open aspect of the garden, remove and truncate the walls and result in an overly oppressive and cramped form adjacent to the listed building at No. 49 New Square. The proposal is contrary to Policy 61 of the Cambridge Local Plan (2018) which seeks to preserve heritage assets and their setting and paragraphs 207, 212, 213 and 214 of the NPPF (2024).

Background papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Development Framework SPDs/ Guidance