



## **26/01310/LBC – 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/parish:** Market

**Proposal:** Partial removal of the boundary wall to Willow Walk to form parking area, and to New Square to form pedestrian gate.

**Applicant:** Dr Carrie Herbert

**Presenting officer:** Charlotte Peet

**Reason presented to committee:** Third party representations

**Member site visit date:** N/A

**Key issues:**

1. Heritage Assets
2. Third Party Representations
3. Other Matters

**Recommendation:** Refuse

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### 1. Executive summary

- 1.1 The application seeks permission for partial removal of the boundary wall to Willow Walk to form a parking area, and to New Square to form a pedestrian gate.
- 1.2 This application follows a similar listed building application that was refused by Planning Committee on 3 December 2025 on the basis of the harm that would result to the listed buildings and the character and appearance of the Conservation Area (ref. 25/03079/LBC).
- 1.3 The application has been altered in attempt to address the reason, however the report explains that harm would still result to designated heritage assets including the character and appearance of the Kite Conservation Area, the setting of No. 49 New Square and to the setting of No. 2-17 Willow Walk. The report determines this is not outweighed by any public benefits.
- 1.4 Officers recommend that the Planning Committee refuse the application.

Table 2 Consultee summary

| <b>Consultee</b>                                               | <b>Object / No objection /<br/>No comment</b>                               | <b>Paragraph<br/>Reference</b>                |
|----------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------|
| Conservation Officer                                           | Object                                                                      | 12.9                                          |
| Third Party Representations<br>(32)                            | 23 representations have<br>been received, 21 in<br>support, 2 in objection. | Within relevant<br>sections of the<br>report. |
| Member Representations<br>(1)                                  | None.                                                                       | N/A                                           |
| Local Interest Groups and<br>Organisations / Petition<br>(234) | None.                                                                       | N/A                                           |

## **1. Site description and context**

- 1.1 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.
- 1.2 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.
- 1.3 It is accessed by an existing vehicular access from Willow Walk and there is pedestrian access from New Square.
- 1.4 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).

## 2. The proposal

- 2.1 The application seeks permission for partial removal of the boundary wall to Willow Walk to form a parking area, and to New Square to form a pedestrian gate.

## 3. Relevant site history

| Reference    | Description                                                                                               | Outcome                   |
|--------------|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 25/03078/FUL | Single storey dwelling with garden and off-street car parking, on the land adjacent to No. 49 New Square. | Refused 5th December 2025 |
| 25/03079/LBC | Single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square. | Refused 5th December 2025 |

Table 2 Relevant site history

- 3.1 The application follows previous applications for a single dwelling in the garden of 49 New Square (ref. 25/03078/FUL and 25/03079/LBC).
- 3.2 These applications were considered at Planning Committee 03 December 2025, which resolved to refuse planning permission in accordance with the Officer recommendation due to the identified harm to heritage assets and the character of the area. The proposal has since been amended in attempt to address these reasons, the details of which are outlined in the report.

## 4. Policy

### 4.1 National policy

National Planning Policy Framework 2026

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

4.2 Draft Greater Cambridge Local Plan 2024-2045 (Regulation 19 Proposed Submission)

4.3 The Proposed Submission Greater Cambridge Local Plan represents the latest stage of preparing a new joint Local Plan for Greater Cambridge. Once it is adopted, it will become the statutory development plan for the Greater Cambridge area, replacing the current (adopted) Local Plans for Cambridge City and South Cambridgeshire District.

4.4 The Proposed Submission Local Plan was published for public consultation (under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012) between 3 August and 25 September 2026.

4.5 In line with Policy DM4 of the National Planning Policy Framework (NPPF), local planning authorities may give weight to relevant policies in emerging plans according to several factors. The Proposed Submission Local Plan is consistent with policies in the National Planning Policy Framework 2026. Whilst the joint Local Plan is at an advanced stage in the plan making process, the Regulation 19 consultation is yet to be completed.

4.6 Therefore, at this stage, the Proposed Submission Local Plan and its policies can only be afforded limited weight as a material consideration in decision making.

4.7 Submission of the Local Plan to the Secretary of State is anticipated by the end of December 2026

**4.8 Cambridge Local Plan (2018)**

Policy 61: Conservation and enhancement of Cambridge's historic environment

#### **4.9 Area Guidelines**

Kite Area Conservation Area Appraisal (2014)

### **5. Consultations**

#### **5.1 Publicity**

Neighbour letters – Y

Site Notice – Y

#### **5.2 Conservation Officer- Object**

5.3 The description for this application is not correct. Listed building consent is only required for the demolition of the curtilage listed wall to create the parking area. The sheds and other structures all date from post 1948 and are not considered curtilage structures.

5.4 The section of wall to be removed along Willow Walk has been rebuilt in the 20th century however it does make a positive contribution to the remainder of the curtilage listed wall. Removing a section of wall and creating an open parking area would have a negative impact on this significance.

### **6. Third party representations**

6.1 23 representations have been received, 21 in support, 2 in objection.

6.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Construction impacts
- Highway safety
- Car parking
- Loss of biodiversity
- Sustainability
- Drainage and flooding

6.3 Those in support have given the following reasons:

- Design quality
- Landscaping
- Heritage Impacts
- Access and highway safety

- Sustainability
- Accessibility
- Biodiversity
- Precedent

6.4 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.

## **7. Member Representations**

7.1 None.

## **8. Local Groups / Petition**

8.1 None.

## **9. Planning background**

9.1 This application follows a formal application, and historic pre-application attempts to build a single dwelling within the garden of No. 49 New Square.

9.2 The formal applications were considered at Planning Committee 03 December 2025 (ref. 25/03078/FUL & 25/03079/LBC), and it was resolved to refuse the applications following Officer recommendation due to the impact to the listed buildings and character and appearance of the Conservation Area and character.

9.3 This application follows these applications and seeks to address these reasons.

## **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:

- Heritage assets
- Third party representations
- Other matters
- Planning balance
- Recommendation

## **11. Heritage assets**

- 11.1 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).
- 11.2 The application seeks permission for the partial removal of the boundary wall to Willow Walk to form a parking area, and to New Square to form pedestrian gate.
- 11.3 The application follows a similar listed building application that was refused by Planning Committee on 3 December 2025 on the basis of the harm that would result to the listed buildings and the character and appearance of the Conservation Area (ref. 25/03079/LBC). This forms a material consideration in the determination of the current application. For consistency, it is necessary to consider whether the amendments proposed have overcome the concerns that led to the previous refusal.
- 11.4 The current application has been amended from the previous scheme so that a smaller extent of the internal garden walls would be demolished. In this iteration, the wall running north to south would be retained, with the proposal seeking the removal of a section of wall at the northern boundary of the site.
- 11.5 It is noted that the application has received both supportive comments and objections, the view on heritage impacts are split among these as to whether there would be harm from the proposal or if it would represent a suitable development within the setting of the listed buildings and the Kite Conservation Area.
- 11.6 The information submitted with the application explains that this section of the boundary wall is modern and was rebuilt within the early 2000s.
- 11.7 Part (d) of Policy 61 and Policy HE5 of the NPPF require sufficient information to be submitted to enable an assessment of the significance of a heritage asset and the potential impacts of development upon that significance. In response to concerns raised by the Conservation Officer, additional heritage information was submitted during the course of the application. Given the sensitivity of the site and the heritage concerns identified in respect of the previous proposal, it is unfortunate that this assessment was not provided at the outset. Whilst the additional information acknowledges that the walls enclose and screen the garden

and confirms that this section of wall is modern, it does not adequately assess the impact of its partial removal.

- 11.8 Officers consider that this section of wall, and the enclosure it provides to the garden, continues to make a positive contribution to the significance of the curtilage-listed wall and the setting of the listed building. The view from Short Street along Willow Walk is recognised as a positive feature of the Conservation Area. The terrace houses provide a formal edge to the street, whilst the boundary walls opposite reinforce the sense of enclosure and contribute positively to the character of the area.
- 11.9 The proposal would truncate the rear garden wall along the boundary with Willow Walk, removing the modern section to facilitate a new car parking space associated with the proposed dwelling being considered under application ref. 26/01309/FUL. The Conservation Officer has been consulted and objects to the proposal on the basis that the removal of part of the wall and the creation of an open parking area would adversely affect the significance of the heritage assets.
- 11.10 Whilst this section of wall is modern, it is physically attached to the property and contributes to the character, enclosure and setting of the site. Consequently, it makes a positive contribution to the significance of the wider curtilage-listed wall. The enclosed garden and formal wall also makes a positive contribution to the setting of the properties on Willow Walk and the character of the Conservation Area. The partial removal of this section would therefore harm the setting and significance of the listed building, the character and appearance of the Conservation Area, and the setting of Nos. 2-17 Willow Walk. The identified harm is considered to amount to a low level of harm to designated heritage assets.
- 11.11 Policy HE6 (1) of the NPPF (2026) sets out that substantial weight should be given to the asset's conservation and that any harm should require clear and convincing justification. Policy HE6 (3-4) sets out that a development proposal that will lead to any harm to a designated heritage asset will be a matter of considerable importance and weight and where harm would result the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Policy HE9(1)(a) sets out that development proposals should retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible.
- 11.12 In terms of public benefits, the submitted information sets out that the provision of a subservient dwelling should outweigh the harm. Third party comments add to this and suggest that the sustainable and accessible

nature of the dwelling as well as the biodiversity improvement should be considered a benefit. The proposed dwelling does not form part of this application and instead is considered as part of the associated full application (ref. 26/01309/FUL).

- 11.13 This application relates to the partial truncation of the garden wall to facilitate a car parking space. The additional car parking space does not result in any public benefits.
- 11.14 Given the statutory duty, under Sections 66 and 72 of the Planning (LBCA) Act 1990 and the weight to be given to an assets conservation in the NPPF, the low level of harm to the character and appearance of the Kite Conservation Area, the setting of No. 49 New Square and the setting of No. 2-17 Willow Walk is not outweighed by this.
- 11.15 It is considered that 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.

## **12. Third party representations**

- 12.1 The representations received largely relate to matters which fall outside the scope of the listed building application. The planning application report addresses materials considerations and the topics raised are largely covered within this report (ref. 26/01309/FUL).

## **13. Planning balance**

- 13.1 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).
- 13.2 Summary of harm
- 13.3 The partial removal of the wall would result in a low level harm to the setting and significance of No. 49 New Square, the character and appearance of the Conservation Area, and the setting of Nos. 2-17 Willow Walk. There are no public benefits that would result from the proposal, and therefore the harm is not outweighed.
- 13.4 Summary of benefits

- 13.5 The proposal facilitates a new car parking space, however this is not considered to be a public benefit of the scheme but rather private and therefore is given no weight in the planning balance.
- 13.6 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.

## **14. Recommendation**

- 14.1 **Refuse** for the following reasons:
1. The proposed partial removal of the garden wall would result in the loss of a feature that makes a positive contribution to the significance and setting of No. 49 New Square (Grade II listed), the setting of Nos. 2-17 Willow Walk (Grade II listed) and the character and appearance of the Kite Conservation Area. The proposal would therefore cause a low level of harm to the significance of designated heritage assets. The identified harm is not considered to be outweighed by the public benefits of the proposal. The development would therefore fail to preserve the setting of listed buildings or preserve or enhance the character and appearance of the Conservation Area, contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 61 of the Cambridge Local Plan (2018), and Policies HE4, HE5, HE6 and HE9 of the National Planning Policy Framework (2026).