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22/02066/FUL | Demolition of nursery building, part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms & ancillary development ('the Application')

Owlstone Croft Owlstone Road Cambridge Cambridgeshire CB3 9JJ ('the Site')

1. As the Council are aware, we act for the Chairman of the Friends of Paradise Nature Reserve, ('Friends of Paradise') an unincorporated association dedicated to the preservation, conservation, and enjoyment of Paradise Nature Reserve ('Paradise') alongside the River Cam in Newnham, Cambridge.
2. We had hoped in our letter of 1 April 2022 (enclosed (pg.11-13, and to be also considered as part of this Friends of Paradise objection) sent prior to the submission and validation of the Application, would have resulted in an application by Queens' College ('the Applicant') that fully identified, addressed, and attempted to mitigate the Application's impact on the surrounding sensitive areas. This is not simply Paradise, but also the local primary school, Newnham Croft, which abuts the site and the residential streets, located within the Newnham Conservation Area.
3. As will be identified below, at times the Application documents seem unaware of the presence and potential implications that the Application will have on these sensitive sites and therefore there is a scarcity/absence of information, or in relation to certain aspects, a conflict, **that prevents any serious consideration of the Application and firmly indicates for its refusal**. On this basis alone, we invite the Council to recommend refusal of the application.

4. Moreover, and as articulated further below, even if further information is provided, an application of such a use with such bulk and form, neighbouring such sensitive areas, is simply inappropriate and in conflict with the Council's Local Plan Policies, including:
 - Policy 7: The River Cam
 - Policy 31: Integrated water management
 - Policy 32: Flood risk
 - Policy 35: Protection of human health and quality of life from noise and vibration
 - 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 61: Conservation and enhancement of Cambridge's historic environment
 - Policy 67: Protection of Open Space
 - Policy 69: Protection of sites of local nature conservation importance
 - Policy 70: Protection of priority species and habitats
 - Policy 71: Trees
 - Policy 73: Community, sports and leisure facilities
 - Policy 81: Mitigating the transport impact of development
5. Notably, the Applicant fails to even consider the Council's policies 7 (the River Cam), 52 (Protecting Garden Land) and 67 (Protection of Open Space) in its supporting planning statement, despite these policies being critical to the principle of the development of this sensitive site.
6. This omission is significant and, as highlighted in our 1 April 2022 letter, the factual and policy landscape is almost identical to the Council's recent refusal to approve development in land adjacent to the Adams' Road Bird Sanctuary, where Policies 52, 55, 56, 57, 61, 67 69 & 70 were found to conflict with the proposal¹. Given the factual and policy similarities this is clearly relevant, and applicable here and should be a key part of the Council's considerations.
7. As the Site's constraints are not fully considered by the Applicant, we request that i) the Application is subject to a full review by the Greater Cambridge Design Review Panel; ii) clarification is sought from the Applicant whether the Application will be solely for postgraduates (as the site is currently used) or to facilitate an increase in the undergraduate population, who currently do not live in Newnham, as suggested in the Design & Access Statement², and iii) all councillors on the planning committee determining the Application have a guided site visit, preferably with the Council's planning officer, ecologist, and environmental health officer present, to assist with any questions as to site impact and assist in their decision making **which we consider can only be refusal**.
8. This objection letter will firstly identify the issues and conflicts with the Council's policies directly relevant to Paradise, and then go on to consider the implications and policy conflicts with the other neighbouring sensitive areas.

Paradise Nature Reserve

9. Paradise is a 2.2ha Local Nature Reserve along the River Cam corridor under the ownership of the Council. It has been historically known to be home to bats, European

¹ 21/01437/FUL Erection of 2no dwellings following the demolition of no.18 Adams Road (Decision Notice enclosed pg. 1-3)

² See, for example, pages 71 & 88 of the D&A statement

Protected Species, as well as rare aquatic and non- aquatic plants and fauna. It is designated in the Cambridge Local Plan as a City Wildlife, County and Local Nature Reserve and Protected Open Space within the Conservation Area and is adjacent to Green Belt Land.

10. Paradise is also a much loved, and well recognised means of access to nature within the city for both able and differently abled residents as facilitated recently by the installation of a board walk by the Council which runs along the Site's boundary. The concern of city residents to this Application, and the precedent this may set, is demonstrated by written objections exceeding 120 (with only 6 supporting) and the petition with signatures currently numbering 1 684³.

Local Plan Policies 69 & 70

11. Paradise and its threatened species are directly protected by the following policies:

- Policy 69: Protection of sites of local nature conservation importance

"In determining any planning application affecting a site of biodiversity or geodiversity importance, development will be permitted if it will not have an adverse impact on, or lead to the loss of, part of all of a site identified on the Policies Map. Regard must be had to the international, national, or local status and designation of the site and the nature quality of the site's intrinsic features, including its rarity"

- Policy 70: Protection of priority species and habitats

...
Where development is proposed within or adjoining a site hosting priority species and habitats, or which will otherwise affect a national priority species or a species listed in the national and Cambridgeshire specific biodiversity action plans (BAPs), an assessment of the following will be required:

...
e. current status of the species population;
f. the species' use of the site and other adjacent habitats;
g. the impact of the proposed development on legally protected species, national and Cambridgeshire-specific BAP species, and their habitats; and
h. details of measures to fully protect the species and habitats identified.

If significant harm to the population or conservation status of protected species, priority species or priority habitat resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused."

12. Given the clear risk of impact from the Application on Paradise, our 1 April 2022 letter sought to highlight this issue and ensure that appropriate consideration and assessment would be carried out by the Applicant.

Bioscan's report

13. Due to the Applicant's paucity of ecology information, particularly in relation to the impact on Paradise and contrary to policy 69 and the Council's Biodiversity SPD, the Friends of Paradise instructed an independent professional ecologist at Bioscan (UK) Limited to undertake survey work, and to review and comment on the light and ecology information

³ <https://www.change.org/p/protect-paradise-nature-reserve-from-queens-college-development-plans>

produced by the applicant. This is also enclosed for the Council's reference and review (pg. 18-26).

14. As detailed in the enclosed report, Bioscan has severe concerns on the evidence provided by the Applicant, particularly on the Application's impact on bats, a species known for its sensitivity to light. To summarise:

Bat surveys

15. In relation to the applicant's ecology report, particularly its bat survey report:

- a. Bioscan strongly disagrees with the Applicant's ecologist's view that the site is of 'negligible' suitability for bat activity (despite the Applicant's ecologist identifying 'high levels of bat activity recorded throughout the surveys'). It is noted, and contrary to Policy 70, that no bat surveys were conducted inside Paradise, an adjacent site.
- b. Bioscan also notes that the reports produced by the Applicant are not to the standard required by the BCT Bat Survey Guidelines, and therefore contrary to the recommendations in the Council's Biodiversity SPD⁴. Only three bat activity surveys were undertaken by the applicant, which is 'insufficient' for a site with even 'low' suitability for bats, let alone for a site with the levels of bat presence recorded.
- c. Bioscan's surveys recorded bat activity levels which *'were noted to be high along the application site boundary'*, and although the surveys were not of the prescribed length, they indicated notable presence of Common Pipistrelle, Soprano Pipistrelle and occasional registrations from noctule bats, Myotis and long eared bats. Importantly, they identified the rare barbastelle bat, a species particularly sensitive to light. This appears to be the first recording of a notable presence of barbastelle bats in Cambridge City. The presence of any legally protected species, including the European Protected Species, as recorded here, is a material consideration for a planning application⁵
- d. Bioscan's analysis also indicates that in terms of suitability for bats the seasonally wet ditch and line of poplar trees (due to be removed as part of the Application) within the site have *'much higher value'* for bat commuting and should be assessed to be *'ecologically contiguous with the nature reserve in terms of bat activity'*. These aspects are not assessed by the applicant.
- e. BioScan's professional conclusion is that: *'the resulting bat data deficiency for this application means that decision makers have insufficient information to be able to adequately assess the impacts on bats arising from the light impacts. It is considered that the application should be supported by an appropriate level of bat survey data provided by the applicant before impacts on bats can be adequately assessed'*.

Lighting impact concerns

16. Given the significant bat presence, Bioscan also considered the applicant's proposed lighting strategy. In summary:

⁴ 5.4.18. 'All surveys must be carried out in accordance with published standards and best practice guidance, as appropriate to the information they are expected to generate'

⁵ GCSP Biodiversity SPD (Adopted February 2022) para. 4.4.1

- a. Bioscan queries the applicant's ecologist's recommendation that lighting does not exceed 0.5 lux at the site boundary. No supporting ecological justification is provided for the 0.5 lux measure relied upon, and this conflicts with the guidance provided by the Bat Conservation Trust 2018, where illuminance is provided below 0.2 lux on the horizontal plane and 0.4 lux on the vertical plane'. This is also the standard recognised and required in the Council's Biodiversity SPD⁶

As the Application has been wholly designed for a 0.5 lux which is an unsubstantiated measurement and higher than recommended by the guidelines, the conclusion that there will be 'no impact' is undermined.

- b. In any event, and even in reliance on a base line that is not substantiated, Bioscan are concerned that the ecologically unsubstantiated measure of 0.5 lux will be exceeded in several places along the most sensitive areas of the site, as identified in their enclosed letter.
- c. Bioscan also identifies that the light transmission factor that the Application is designed to is solely in relation to light passing through window glazing. As stated in the Design & Access Statement, all windows in the development will be designed to be opened⁷. There are also many double-opening glass doors; see for example Terrace 4 ground floor plan, the most proximate building to the boundary of Paradise, which has, in addition to windows, three double opening glass doors on the ground floor.

Given there is no reference to the lighting impact in the survey when the windows and doors are open, Bioscan considers that '*light spill would be greater than that modelled whenever windows were open with lights on (a situation over which little control could be exerted by the applicant)*'.

This again wholly undermines the lighting impact assessment that is provided by the Applicant and therefore the light impact on Paradise has not been determined.

- d. Bioscan also notes the presence of 'courtyards' next to each accommodation block, including at block 4 abutting Paradise, which is described in the Design & Access Statement as '*a communal extension of the postgraduates homes...the focus of the gardens would be a large communal dining table and informal cooking area*'⁸. As identified by Bioscan '*it is considered likely that this would result in regular lighting (and noise) impacts which are not recorded into the lighting model*'.

The logic of situating a 14-seater dining table and BBQ area with multiple means of access and egress adjacent to Paradise, a City Nature Reserve, confounds the Friends of Paradise.

- e. Since the publication of Bioscan's report, the Council's Crime and Prevention Officer has required that '*hedging and planting should be kept down to 1m-1.2m and tree crowns raised to 2m to ensure clear views and surveillance across the site*' and also identified the need for bike security lighting. We query how the

⁶ Ibid. 5.5.11. '*Artificial lighting has the potential to negatively impact on nocturnal species and should be minimised, particularly in areas of natural habitat, woodland edges, hedgerows, and wetlands. Ecological sensitive lighting conditions may be imposed in some cases. The Bat Conservation Trust provide the following Guidance Note on Bats and Artificial Lighting.*'

⁷ Design & Access Statement p. 25 'Openable windows will allow students...'

⁸ see D&A statement, pg. 89

Applicant will be able to balance security requirements alongside mitigation. We simply do not think it will be possible.

17. Bioscan's report concludes, that the Application contravenes Policy 69 (Protection of Biodiversity and Geodiversity Importance) due to the adverse effect on Paradise Nature Reserve/its associated bat fauna and Policy 70 (Protection of Priority Species and Habitats) as *'without sufficient survey information, it is not possible to accurately assess the level of impacts expected on protected species (bats, including the rare species barbastelle), in order to determine whether or not the proposed levels of mitigation/compensation are appropriate'*.

18. We agree and the conflicts with Council policies 69 and 70 alone justify refusal.

Further Council Policies directly relevant to Paradise

19. In addition to Policies 69 & 70, the extent of the Application's proposals also result in the following Local Plan Policies being relevant in relation to the protection of Paradise:

a. Policy 67: Protection of Open Space

20. The land on the Site currently laid to garden is open space.

21. Local Plan Policy 67 provides specific protection to Cambridge's open spaces, both protected and undesignated, that are of environmental and/or recreational importance. Cambridge's Local Plan Policy is clear that development will not be permitted which would harm the character of, or lead to the loss of, these open spaces. 'Open Space' is defined in the Glossary of the Local Plan as:

'Areas of land not built on and water bodies such as rivers and lakes, regardless of ownership and access. These areas include parks and gardens; ...'

(emphasis added)

i.e., there is no requirement for the land to be 'vacant'. Gardens, despite private ownership, are open space as defined by Council policy.

22. Although the Site is not officially designated as open space, this is an anomaly along the Cam River corridor. The adjacent school site, although not open to the public, is designated open space. The absence of official designation is presumably because the Council considered that Policy 67 provides the Site protection without official designation. The position of the Friends of Paradise has always been that the gardens adjoining the Sanctuary are 'open space' which warrant protection under policy 67.

23. As most of the Site is open space next to Paradise, the Site meets the criteria as a Site *'adjacent to or an important link to sites with nature conservation designation'*^{9 10} and as such the environmental criteria as stipulated in the supporting text of policy 67 and Appendix I are met.

⁹ See Appendix I criteria for undesignated open space.

¹⁰ Note also Bioscan's reference that the wet ditch and line of poplar trees (due to be removed as part of the application) within the site *'much higher value'* for bat commuting and should be assessed to be *'ecologically contiguous with the nature reserve in terms of bat activity'*

24. We note that the undeveloped open space is specifically and favourably referred to in the Conservation Area Appraisal.¹¹ This amounts to further justification to retain the open space.

25. In short, the land on the Site currently laid to garden is 'open space' which satisfies the requirements for protection under Local Plan policy 67. This clear policy conflict should result in a recommendation of refusal.

b. Policy 31: Integrated water management

26. As the Site is adjacent to the river Cam and within its corridor, with surface water draining into it, Policy 31 requires consideration. Policy 31 stipulates that development will be permitted provided *that 'development adjacent to a water body actively seeks to enhance the water body in terms of its hydro morphology, biodiversity potential and setting'*.

27. The Application's surface water strategy provides that all surface water runoff will ultimately drain into the ditches that bisect Paradise nature reserve and ultimately the River Cam. Notwithstanding the installation of the SUDS system flooding into the Reserve at some stage is highly likely, however, there is no consideration in the Application of the impact of the increased surface water drainage and its water quality, particularly during construction and operation, into the sensitive site and the river. In the absence of information on the impact on the water quality in Paradise and the River Cam, the Application conflicts with Policy 31. This is also raised in the LLFA's consultation response¹².

28. We also draw the Council's attention to the drainage comments (dated 26 June and appended pg. 26) querying the calculations reached by the Applicant's experts on the flow rate calculations. Given the discrepancy in the calculations, it appears impossible for the Council to reach a judgment as to the compliance with Policy 31.

c. Policy 7: The River Cam

29. As land within the River Cam corridor, Policy 7 applies which requires that development proposals along the River Cam corridor should:

i. *preserve and enhance the unique physical, natural, historically, and culturally distinctive landscape of the River Cam;*

...

raise, where possible, the quality of the river, adjacent open spaces, and the integrity of the built environment in terms of its impact, location, scale, design, and form

30. There is inexplicably no consideration of Policy 7 in the Applicant's planning statement. However, the lack of consideration of water quality and the anomalous scale, design and form of development on open space next to the River Cam and Paradise places the development in conflict with policy 7 and is a further reason for refusal.

¹¹ see paragraph 8.2 of the Newnham Area Conservation Area Appraisal

¹² LLFA letter 21.6.22 '*Pollution Control Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*'

d. Policy 71: Trees

31. Policy 71 requires that: *Development will not be permitted which involves felling, significant surgery (either now or in the foreseeable future) and potential root damage to trees of amenity or other value, unless there are demonstrable public benefits accruing from the proposal which clearly outweigh the current and future amenity value of the trees.*
32. The Application requires the felling of several trees within the Application Site, including a group of mature poplar trees on the land that borders Paradise.
33. Given that the trees form part of the existing wildlife and amenity buffer between the Site and are considered in Bioscan's report as '*ecologically contiguous with the nature reserve in terms of bat activity*' there is no justification for the loss of trees of clear amenity and ecological value. Given the conflict with policy 71, refusal should also be recommended.

Impact on Newnham Croft Primary School & Existing Site Nursery

34. Although the Friends of Paradise are primarily concerned with the impact on the nature reserve, they are also aware of the impacts on other sensitive areas. This includes the loss of the onsite nursery (which provides pre-school education to Newnham residents children as well as those connected directly to Queens' College) and the impact upon the 230-student capacity primary school, Newnham Croft, that abuts the Site.
35. The presence of the school, a sensitive site, appears almost absent in the Applicant's documents. This disregard for Newnham's state primary school has resulted in unconsidered impacts. These include overlooking and privacy, noise and disturbance (both to the school children and the Site's future residents). This is contrary to the following council policies:

a. Policy 35: Protection of human health and quality of life from noise and vibration

36. Policy 35 provides that development only be permitted when it is demonstrated that

- a) *It will not lead to significant adverse effects and impacts, including cumulative effects and construction phase impacts wherever applicable, on health and quality of life/amenity from noise and vibration; and*
- b) *Adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures secured through conditions or planning obligations, as appropriate.*

37. We have not seen a Noise Impact Assessment (although there is reference to one, but it is not on the Council's system at the time of writing) that addresses the issues for the Council to confirm compliance with Policy 35. In its absence, the following comments are made:

Construction noise impact

38. In relation to construction, the Applicant's '*outline construction traffic management plan*¹³, suggests a construction programme of 'approximately 72 weeks'¹⁴ with vehicle movements during the school's opening hours. It is therefore anticipated that there will be

¹³ PJA Owlstone Croft, Cambridge Outline Construction Traffic Management Plan (April 2022)

¹⁴ Ibid, para. 3.1.1

demolition and construction work for around 1.5 years adjacent to an education facility and to Paradise.

39. Furthermore, although it is noted that the Applicant has indicated that the nursery would not be demolished until a suitable alternative¹⁵ is operational, there is no constraint as to any associated demolition/construction works of the other buildings whilst pre-school children are present and prior to the demolition of the existing nursery, and it is suggested by the Applicant that this could be allowed under condition. It is therefore possible under the current Application proposals that both children's' education facilities will be directly impacted by construction noise from this proposal.
40. Given the proximity to education facilities, it is surprising that there has been no noise or air quality assessment of the impact of the construction works, which are expected to be every weekday for 1.5 years. There is no identification of possible mitigation to minimise the impact on pre-school and primary school children.
41. This is contrary to policy 35. In the absence of such information, there is simply inadequate information for the Council to consider the Application.

Operational noise impact

42. The Application, should it be constructed, is promoting further noisy activities on the site. For example, the Application proposes a gym, with opening windows and with amplified music installed (alongside the study rooms and café) at the location closest to, within metres of, the main school buildings (see the Applicant's site plans).
43. The Applicant's noise expert has confirmed that there will be amplified music in the gym¹⁶ but with no consideration of the impact on the primary school children studying metres away. The Application also actively encourages the use of the external areas¹⁷ whilst opening windows on all accommodation overlooking the school increases the risk of other noise breakout next to the school. This would also be a source of nocturnal noise source potentially impacting Paradise (which neither the school nor the nursery cause).
44. Finally, when the primary school is considered in the applicant's documents, it is only in relation to the noise impact of the noise of children's playing on the potential residential students in the proposed new development. The only suggestion that is proffered as mitigation by the Applicant's noise expert is to 'close windows'. In the absence of other mitigation measures, this mitigation potentially falls foul of supporting text para 4.47 of policy 35.
45. For these reasons, the Application conflicts with Policy 35 of the Local Plan and should be refused.

b. Overlooking and privacy

46. The potential for overlooking and privacy are a material consideration in decision making. Furthermore, as the development is in an existing garden, Local Plan Policy 58 Protecting Garden land and the subdivision of existing dwelling plots' is relevant. Sub paragraph (c) '*the amenity and privacy of neighbouring, existing and new properties is protected*'.

¹⁵ Although query suitability of location to be used by Newnham located parents,

¹⁶ Max Fordham Noise Impact Assessment – technical note (dated 12 May 20220

¹⁷ D&A p. 89

47. The Application's Block 1 is mere metres from the boundary of the school and playing field. All windows of the adult facility, at 2.5 storeys height, overlook the school and the primary-aged children's playing area. The windows are not obscured and the hedgerow forming a barrier to the site is deciduous so there will be months where there is no visual barrier in place.
48. The Application fails to consider the impact of the overlooking or the impact on the existing amenity and privacy impact of the Application on the children's playing field:
- a. In the Applicant's 'verified views' there are no sight views from inside the school playing fields so that the impact of the overlooking can be interpreted.
 - b. Further, the daylight and sunlight report fails to take any measurement of the impact of constructing such a tall building next to the school boundary and on an amenity (and protected green space). No explanation is given for this.
49. There has simply been no consideration by the Applicant of this material consideration and planning policy 58 and so the Application should be refused.
- c. Policy 73: Community, sports and leisure facilities
50. The Application will result in the loss of a nursery facility, used by existing Queens' students and staff, but also Newnham residents with no connection to the College. Although there is reference to the Applicant seeking replacement nursery facilities, there is no firm commitment to replacement facilities and reference to alternatives is speculative. Given the imminent loss of these facilities, should the proposal be approved, there needs to be clear provision of a facility of similar size, quality and within the local area to satisfy Policy 73. This is not currently provided by the Applicant.

Other additional issues & impacts

- a. Policy 32: Flood risk
51. Contrary to the Applicant's documentation, the Environment Agency's statutory consultee response (dated 22 June 2022) states that:
- 'the site is partly located withing Flood Zones 2 and 3 on our Flood Map for Planning... please note that some parts of the proposed new buildings are located within Flood Zone 2. '*
- ...
- 'In accordance with the National Planning Policy Framework (NPP) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has been applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF'.*
52. As a non-allocated site of a higher risk development, with ground level sleep accommodation and in Flood Zone 2, a sequential test is required. However no sequential test appears to have been carried out by the Applicant. Any Sequential Test produced would presumably recommend that the location of the development be carried out elsewhere.
53. On this basis, the Application is also in breach of Planning policy 32 and NPPF para 162.

b. Conservation Area impact

54. The Site is located within the Newnham Conservation Area. The latest Conservation Area Appraisal states:

8.2 Protection of the setting of the Conservation Area

The setting of the Conservation Area is provided on several sides by open green spaces including Sheep's Green, the mill leat, the River Cam, playing fields, and the water meadows leading towards Grantchester. Lammas Land, a large public park, and The Paradise Nature Reserve also lie within the Conservation Area. Together these provide the Conservation Area with an attractive setting and a rural ambiance which is one of its main characteristics.

These landscape features are already protected by being open spaces in public ownership, but some land, including private gardens, is not under public control and there will inevitably be pressure for new development including the sub-division of plots or the addition of over-large extensions. These must be strongly resisted although the redevelopment of neutral or negative 20th century buildings, and their replacement with a building of similar size and bulk, might be acceptable subject to the usual controls.

(emphasis added)

55. In this context, the loss of private open area, as specifically referred to and warned of in the Conservation Area Appraisal, is unlikely to enhance the Conservation Area, and therefore conflicts with Policy 61, as well as the statutory duty under s.72 of the Listed Buildings Act 1990. We are surprised that the Council's conservation officer has not considered the appraisal text in the context of providing their comment.
56. As an alteration to an existing building, Policy 58 is also applicable. The Applicant has failed to show that the Application 'a. *'Do[es] not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features'*.
57. Given the above identified harm to the conservation area and the important wildlife features, the Application conflicts with policies 58 and 61 as well as policies 55, 56 and 57 of the Local Plan.

c. Policy 81: Mitigating the transport impact of development

58. As identified in the South Newnham Neighbourhood Forum consultation response appended (pgs.28-33), there are factual inaccuracies as to the current transport infrastructure and there has been a failure to consider the implications of construction traffic on a private road (one shared by recreational walkers from the nature reserve with no provision of a pavement). It has been recognised that access is problematic, via narrow streets and an unadopted highway. Clarification re the ownership of this was requested by the Council (see pre-application report, enclosed pgs. 4-10), and a traffic assessment was required as part of the application to enable a construction management plan to be agreed with Highways. None of these requirements have been met in this application. There also seems to be no consideration on the impact of taxis and other delivery service impacts from the increased resident population. For the reasons articulated in the

appended detailed response this means that any traffic impact consideration is inadequately addressed.

59. As articulated in the detailed transport response appended, the Application conflicts with policy 81 and should be refused.

d. Equality Impact Duty

60. Although flagged in our 1 April 2022 letter, the Applicant has declined to address or attempt to mitigate the impact on users of the boardwalk i.e. those with impaired mobility who seek central City access to nature as advertised by the Council¹⁸. The Applicant has said:

‘...
Clearly those people using the Nature Reserve will form their own opinions as to whether they feel the proposed development is a positive neighbour or not, but it is difficult to understand how someone with impaired mobility would be impacted more acutely by development on an adjacent site.’

(emphasis added)

61. As indicated in our email of 7 April 22 to the Council (enclosed, pg. 14-16), with the reference to the case of LDRA Ltd v Secretary of State for Communities and Local Government [2016] EWHC 950 (Admin), the board walk specifically allows access to nature to people with impaired mobility. The visible built form with the associated noise and light pollution identified above will have its greatest impact at the boundary with Paradise which is where the board walk is. It will therefore impact a portion of the population more than others. It is the Council’s responsibility to consider and assess this uneven impact on specific sector of society in its considerations so that the Council can exercise its responsibilities under the Act.

Conclusion

62. As iterated in our letter of 1 April 2022, there are significant similarities to the Application which impacted the Adam’s Road Bird Sanctuary (enclosed, pg. 1-3), which the Council refused on the grounds that (emphasis added):

1. *The application site is located within the West Cambridge Conservation Area and adjacent to the Adams Road Bird Sanctuary, which is identified as a Protected Open Space and County/City Wildlife Site. The Conservation Area is characterised by generous buildings located within substantial gardens with mature trees and planting. The proposal, which seeks to subdivide the site in order to create two dwelling plots in a tandem layout, would result in a form of development that would be at odds with this spacious character. Additionally, by virtue of the scale, mass, design, lighting impacts and siting of the northernmost dwelling, the development would have a significant adverse impact upon both the character of the Conservation Area and upon the special character, and recreational and amenity value of the ARBS. The proposal would result in moderate less than substantial harm to the Conservation Area and paragraphs 202 and 203 of the NPPF 2021 would therefore be engaged. The public benefit, in*

¹⁸ The riverside path through the reserve is prone to flooding in winter. There are boardwalks at the rear to allow access when flooding occurs. The boardwalk is wide enough for wheelchairs and prams’
<https://www.cambridge.gov.uk/paradise-local-nature-reserve> (accessed 1.7.22)

contributing one additional dwelling to the housing stock, is considered to be modest and does not outweigh the harm resulting from the development. Consequently the proposal would be contrary to Policies 52, 55, 56, 57, 61 and 67 of the Cambridge Local Plan 2018 and to the NPPF 2021.

...

3. *The site lies adjacent to the Adams Road Bird Sanctuary (ARBS), which is designated as a County/City Wildlife Site and is known to host protected species including nesting birds, bats, great crested newts and invertebrates. Due to the proximity of the built form to the ARBS and the significant loss of garden to built form and hardstanding, the proposal would have a major negative impact upon biodiversity within and adjacent to this designated site, and it has not been demonstrated that this can be adequately mitigated against or compensated for. Consequently the development would be contrary to Policies 69 and 70 of the Cambridge Local Plan 2018, paragraph 180 of the NPPF 2021 and Natural England Guidance.*

63. Given the similarities between the two applications, and for consistency, this Application should be refused for the same reasons. The grounds for refusal are even clearer in this Application given the size of the development and the proximity to the sensitive sites.

64. In addition, and as articulated above, even should further information be supplied, the impugned Application is not consistent with, and is in conflict with, 7 (The River Cam); 31(Integrated water management); 32 (Flood risk); 35 (Protection of human health and quality of life from noise and vibration); 52 (Protecting Garden land and the subdivision of existing dwelling plots); 55 (Responding to context); 56 (Creating successful places); 57 (Designing new buildings); 61 (Conservation and enhancement of Cambridge's historic environment); 67 (Protection of Open Space); 69 (Protection of sites of local nature conservation importance); 70 (Protection of priority species and habitats); 71 (Trees); 73 (Community, sports and leisure facilities) and 81 (Mitigating the transport impact of development) as well as the Council's recently adopted Biodiversity SPD.

65. We look forward to the Council's confirmation that refusal will be recommended with a site visit to be attended by the planning committee prior to any committee decision. Please let us know if you require any further information.

Yours faithfully

Richard Buxton Solicitors.

Richard Buxton Solicitors
Environmental, Planning & Public Law

Enc:

- Decision Notice for 21/01437/FUL Erection of 2no dwellings following the demolition of no.18 Adams Road (dated 7 December 2022) (enclosure pages 1-3)
- Cambridge City Council Pre-Application Advice (9th March 2022) (pg 4-10)
- Richard Buxton Solicitors letter (dated 1 April 2022) (pg.11-13)
- Richard Buxton Solicitors email correspondence 7 April 2022 (pg.14-16)
- Surface Water drainage comments (dated 26 June 2022) (pg. 17)
- Bioscan UK Ltd letter (30 June 2022) (pg.18-27)
- South Newnham Neighborhood Forum transport consultation comments (pg. 28-33)



Refusal of Planning Permission

Reference 21/01437/FUL
Date of Decision 7 December 2021

Mr John Mason
Carter Jonas
One Station Square
Cambridge
CB1 2GA

The Council hereby REFUSES Planning Permission for:

Erection of 2no dwellings following the demolition of No.18 Adams Road
at

18 Adams Road Cambridge CB3 9AD

in accordance with your application received on 30 April 2021 and the plans, drawings and documents which form part of the application for the following reason(s):

Reasons

- 1 The application site is located within the West Cambridge Conservation Area and adjacent to the Adams Road Bird Sanctuary, which is identified as a Protected Open Space and County/City Wildlife Site. The Conservation Area is characterised by generous buildings located within substantial gardens with mature trees and planting. The proposal, which seeks to subdivide the site in order to create two dwelling plots in a tandem layout, would result in a form of development that would be at odds with this spacious character. Additionally, by virtue of the scale, mass, design, lighting impacts and siting of the northernmost dwelling, the development would have a significant adverse impact upon both the character of the Conservation Area and upon the special character, and recreational and amenity value of the ARBS. The proposal would result in moderate less than substantial harm to the Conservation Area and paragraphs 202 and 203 of the NPPF 2021 would therefore be engaged. The public benefit, in contributing one additional dwelling to the housing stock, is considered to be modest and does not outweigh the harm resulting from the development. Consequently the proposal would be contrary to Policies 52, 55, 56, 57, 61 and 67 of the Cambridge Local Plan 2018 and to the NPPF 2021.
- 2 The northernmost house would be located in close proximity to the southernmost dwelling. As a result, the latter dwelling would gain little benefit from light, space and views to the north. The application fails to consider the impact that shading from the retained trees would have on the usability of the outside space of the southernmost property. The proposal would therefore result in unreasonable future pressure for additional tree removals to improve light to the property. The application also fails to demonstrate that adequate mitigation can be secured to compensate for the loss of 9 trees proposed to be removed in order to accommodate the development. Consequently the development would be contrary to Policy 71 of the Cambridge Local Plan 2018 which resists the loss of trees of amenity or other value unless there are demonstrable public benefits that would outweigh the current

and future amenity value of the trees.

- 3 The site lies adjacent to the Adams Road Bird Sanctuary (ARBS), which is designated as a County/City Wildlife Site and is known to host protected species including nesting birds, bats, great crested newts and invertebrates. Due to the proximity of the built form to the ARBS and the significant loss of garden to built form and hardstanding, the proposal would have a major negative impact upon biodiversity within and adjacent to this designated site, and it has not been demonstrated that this can be adequately mitigated against or compensated for. Consequently the development would be contrary to Policies 69 and 70 of the Cambridge Local Plan 2018, paragraph 180 of the NPPF 2021 and Natural England Guidance.
- 4 By virtue of the loss of substantial areas of garden land to built form and hardstanding, the proposal fails to minimise the ecological harm resulting from the proposed development nor has it satisfactorily demonstrated that it could secure biodiversity net gain and achievable compensatory measures. Therefore, the development would be contrary to Policy 70 of the Cambridge Local Plan 2018 and paragraph 180 of the NPPF 2021.

Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
1939_000	29.03.2021
1939_200	29.03.2021
1939_201	29.03.2021
1939_300	29.03.2021
1939_301	29.03.2021
1939_302	29.03.2021
1939_303	29.03.2021
1939_304	29.03.2021
1939_305	29.03.2021
1939_306	29.03.2021
1939_307	29.03.2021
1939_308	29.03.2021
1939_309	29.03.2021
1939_400	29.03.2021
1939_401	29.03.2021
1939_402	29.03.2021
1939_403	29.03.2021
1939_404	29.03.2021
1939_405	29.03.2021
1939_407	29.03.2021
1939_408	29.03.2021
1939_406 A	30.04.2021

Authorisation

Authorised by:



SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Date the decision was made: 7 December 2021

Our Ref: 22/50060/PREAPP

Portal Ref: PP-02250060

9 March 2022



Dr Jon Burgess
Turley
8 Quay Court
Colliers Lane
Stow-cum-Quay
Cambridge
CB25 9AU

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

www.scambs.gov.uk | www.cambridge.gov.uk

Dear Sir

CAMBRIDGE CITY COUNCIL
Application for Pre-application advice

Site address: Owlstone Croft Owlstone Road Cambridge Cambridgeshire

Your client: C/o Agent

Overall Response: **The application requires amendment, further information, or a site visit**

Proposed development

3rd pre-app meeting/written response: Demolition and enhancement of existing buildings within the site including four accommodation blocks comprising three storeys and relocation of children's nursery.

Actions

I have sought specialist advice from the following officers:

Conservation Section

Drainage

Urban Design

Street And Open Space

Landscape Architects

Nature Conservation Projects Officer

Sustainability Officer

Site Constraints

The response below is in relation to the proposed demolition and enhancement of existing buildings within the site including erection of four accommodation blocks comprising three storeys for the purpose of providing additional postgraduate accommodation.

The pre-application submission is the 3rd pre-app response which forms part of a PPA (pending formalisation) and has been subject to a meeting and formal consultation with the following specialist officers...

Conservation, Urban Design, Trees, Landscape, Sustainability, Ecology and Drainage, comments of which form part of this pre-app response. A subsequent workshop with a focus on landscaping and T10 has also taken place and forms part of these written comments.

The Owlstone Croft Queens' College site is situated within the Newnham Croft Conservation Area. The Lodge is identified as a Building of Local Interest (BLI) and Block A is listed within the Newnham Croft Conservation Area Appraisal. The site is located immediately west of the Paradise Nature Reserve, a Local nature reserve, protected open space and County Wildlife Site. The site is also adjacent to existing Cambridge Green Belt land. The site is mostly within Flood Zone 1 and partially within Flood Zone 2 towards the east. An area of statutory protected trees (TPOs) are situated on the northern boundary of the application site whilst a number of trees are situated along the eastern, northern and southern boundaries. Vehicular access is via residential streets, leading from Barton Road.

Pre-application Planning advice

I have assessed your pre-application proposal against relevant policies, the site history and from my understanding of the site constraints and its opportunities. I summarise my response to the key issues in the table below:

Issue	Summary response	RAG
Context, design and external spaces	The design and materiality of blocks 1-4 and retention of storage buildings is welcomed. Site sections have now been provided and concerns remain with regards visual overbearing impacts on the LNR from its proximity to this boundary and proposed height which should be explored further and verified views provided in the next workshop meeting. Extensions/alterations to Owlstone House and Block B are supported subject to further details.	Amber
Biodiversity impacts	Potential direct and indirect impacts of lighting/noise upon the LNR and its species. Strong concern with windows facing these protected spaces. In addition, bat survey information and lighting reports should be provided prior to the next pre-app meeting to satisfy lighting impacts upon bats.	Amber
Tree Impacts	Tree T10 should be retained as agreed and more planting encouraged to soften built form.	Green
Drainage/SuDS	SUDs strategy is acceptable subject to modelling and supporting information.	Amber
Other Matters	Refuse provision is acceptable. EIA not required. Conditions could be reworded slightly to allow for certain works – further discussion on this. Information should be provided regarding the nursery relocation site and a condition could be attached as suggested. Construction access routes are a concern and details should be finalised prior to application	Amber

	submission.	
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Green: Acceptable

Amber: Requires amendment, further information and/or site visit

Red: Unacceptable in principle or lacks essential information to make an assessment.

Detailed Response

Context, design and external spaces

Impact upon the Local Nature Reserve

During the pre-app meeting held on the 18th January, distances from the boundary and the boardwalk to blocks 1-4 were presented. From the boardwalk itself these were estimated to be between 15-25 metres. Whilst it was agreed that the applicant has worked to soften and minimise the roof forms along the eastern and southern boundaries which has resulted in a less assertive form that is more domestic in scale, concerns were raised with regards the blocks' overwhelming impact upon the LNR and scaled sections showing levels were requested as it appeared from the spot heights and topology, the level in which the blocks would be situated were higher than the LNR boardwalk. Sections and verified views would inform this impact as the relationship between the scale and massing of the proposals and the adjoining Paradise Local Nature Reserve will be important to the acceptability of the scheme.

Following this meeting, a further meeting was held on the 3rd March to principally discuss landscaping issues. It was also advised that during the meeting, concerns remained with regards the proposed blocks' impact upon the LNR following site sections. Concerns were strengthened given that the total heights of the buildings would be approximately 10.5 metres in height and be sited approximately 1.5 metres above boardwalk level. More natural screening and a different approach to the landscaping was therefore encouraged along Blocks' eastern elevations adjoining the LNR boundary to lessen the built form impact whilst keeping the avenue and the view towards Owlstone House fairly open.

Following a formal consultation with the Council's Landscape Architect, it is advised that there should be increased tree and native shrub planting to soften the development from the LNR apart from one framed view northwest along the northernmost swale. To enable this, more space should be allowed on the southeast side of the ditch than suggested on the planting at present to gain more planting space. We suggest that a thinned version of the native boundary hedge mix is also added to the northwest side of the ditch but still allowing space for the damp meadow mix particularly on the south side of the swale banks, i.e. so that it appears less of a hedge and more of a loose woodland edge.

The currently suggested native boundary hedge planting mix should also include Alder glutinosa, and perhaps change Prunus avium to Acer campestre (better suited to shady location in damp ground). The Quercus robur suggested for near the LNR entrance should be moved away from buildings and reconsidered because of OPM.

It is further advised that the boundary with the LNR is planted as soon as possible after any ground remodelling is carried out to give it a chance to establish before the buildings are occupied. The planting size of the tree species along the LNR boundary should be a minimum of 14-16cm and, as suggested, some multi-stemmed. We would also suggest that some of the shrub species in the mix such as the Corylus are planted at a larger size. Half a dozen mature, specimen Corylus along the boundary would create an effective start to the low-level screening.

However, concerns were again raised (as highlighted and concluded in the 2nd pre-app written advice and previous meeting) with regards Block 4 and its close proximity to the LNR boundary and advised that foreshortening the eastern section would lessen the harm to the openness of this area of the boundary and allow for more soft planting to further mitigate harm. Although some planting is outside the site which

reduces the existing nursery's impact at present, these cannot be relied upon, and following a site visit during the winter from the Council's Planning Officer and Landscape Architect, views of this block would be apparent and although sections would be slightly set back from the nursery, its eastern extent would be sited extremely close to this eastern boundary.

Block 4 is where there is the closest development proximity to the LNR and this is where there will be most visual impact on the LNR on account of the impact of urban development upon the rural and wild characteristics of this adjacent space. The southern corner of the new building would be approximately 17m from the boardwalk but would be taller than the existing nursery building. Whilst it was pointed out that the colours will be more muted and recessive than the nursery, the LNR vegetation at this location consists of mature clear stemmed trees and a herbaceous layer that dies down in the winter months. This allows clear views into the site.

Moreover because of the proximity of the building to the boundary fence there is little space for meaningful mitigation planting. The narrowest point between the external terrace and the boundary fence is approximately 2.5 metres. A native hedge has been suggested for this boundary but to have any softening effect on the impact created by the building, the boundary planting would need to be able to grow to at least 5-6 metres and possibly more to mitigate light spill. For a hedge to grow to that height, more width would be required or risk creating a very hemmed-in view from the building and problems maintaining it.

The key winter verified views would enable the Council to better understand the relationship with this very sensitive location and it is understood that this will be available for the next workshop meeting.

Design and materiality of buildings T01-T04

The gable treatment addressing the entrance court is considered to result in a much softer appearance. The brick detailing on the ground floor of the new housing gives texture and individual character to these blocks with the brick splays of the windows considered to be a good detail.

It was also confirmed during the meeting that the UKPS can install a substation in the existing outbuildings behind the lodge and therefore these buildings will be refurbished and not replaced. This is welcomed.

Extensions to Owlstone House (Block A) and Block B

The removal of existing unsympathetic extensions is welcomed and will return the original form to the main elevation to a great extent.

The lightweight character of the new extensions would be an enhancement to the building, however, an overlay of the existing and proposed would be helpful in comparison of the scale between these.

A study centre is proposed which would consist of a mono-pitch roof, that slants away from the entrance. This is considered to articulate the proposed study centre whilst remaining subservient to the original façade.

With regards Block B, café and cycle store, it is advised that these buildings need to give a welcome sense of arrival and improve on what is already there. The new café needs to ensure that it does not affect any other works to Block B (improving thermal efficiency and aesthetics in the future – not within the scope of these works).

The continual row of splayed columns around the cafe successfully holds this edge of the entrance space whilst the combination of glazing and openings creates a welcome level of transparency between the café and communal areas. The cycle store demarcated with the use of perforated brickwork creates a textured detail to the entrance threshold and allows for light, ventilation and visibility into this space.

Further detail is needed to see how the proposed cafe is intended to intersect with Block B and the existing stairwell that is accessed from this side of the building. How is this stair core/fire exit used and is there the opportunity to create a more open & integrated stairwell here?

Demolition of Block D

The applicant is advised to include information in relation to whole life carbon and embodied carbon as part of the application given that the scheme does involve some demolition.

Parking and access routes

It was explained that due to drop off parking spaces being used infrequently, the use of reinforced grass system would help to soften the appearance of these parking spaces, rendering them less noticeable.

Trees and Biodiversity Impacts

As explained during the last written response, the preference would be to focus on additional wet woodland planting to reduce the impacts of lighting upon bat species and provide screening for the blocks. Additional planting as suggested would benefit bat foraging routes along the LNR edge.

Following a further meeting held on the 3rd March, T10 was discussed and both Trees and Landscape Officer expressed strong concerns for any proposed removal. It was agreed during the course of the meeting that this tree would remain and culverting water from the southern swale outside the RPA of this tree would be a possibility instead.

As discussed in the last pre-application meeting, the overall impact of lighting upon the bat species should be informed by how bats currently use the development site to inform the built forms of these blocks. A bat survey is therefore essential. It is understood this will be provided prior to the 4th pre-app meeting.

The survey lighting methodology, which captures the proposed external and internal lighting has been agreed with the Biodiversity Officer. Combining this with the findings of the bat surveys and a precautionary principle to avoid light spill onto the LNR will be critical to avoid negative impacts with reference to Policy 69 and 70 of the Local Plan 2018. The Environmental Health Officer has also recommended vertical predictions also be made at 1st (approx. 4m) and 2nd floor window height (approx. 6m) due to surrounding properties to establish vertical illuminance values.

In terms of tree impacts, it was agreed during the meeting held on the 3rd March that tree T10 should be retained and included as part of the landscaping plan. Twenty years is a significant timeframe and the addition of other tree losses towards the east of the site would have a material impact on the character of the area, especially the adjacent LNR. It would further damage the verdant screen that is required to mitigate the impact of the built forms on the LNR and public amenity.

Drainage/SUDs

More details have been provided concerning drainage information. It was agreed with the Council's Drainage Officer that the drainage strategy was acceptable subject to further modelling and supportive information.

Concerns were raised by the Council's Landscape Architect regarding the fluctuations of groundwater in this area. Whilst some drier periods may occur, it was agreed that landscaping works to achieve a damp meadow could be successful.

Other Matters

Construction access and car/cycle provision

Vehicle movements would be reduced by relocating the nursery off-site. It was confirmed during the meeting that the car parking spaces are for DDA and drop off/pickup. It was also confirmed by the applicant that the cycle parking schedule accorded with Policy 82 and Appendix L of the Local Plan 2018. The applicant should provide a cycle parking layout/schedule, to include off gauge cycles, provision of a maintenance stand and visitor parking to demonstrate that adequate space has been allowed for within the site layout.

The access route for construction vehicles should be carefully considered due to the narrowness of the streets within Newnham. This should be confirmed, and details provided at application stage.

Refuse provision

The refuse provision would be in accordance with the RECAP waste guidance. Whilst the study centre may not utilise all of the refuse capacity to be provided, regard should be had to the café proposed and therefore in this instance the number of refuse units looks to be appropriate.

Relocation of the nursery provision

With regards the nursery relocation, I would suggest that details of leasing and management arrangements would be required and a demonstration within the planning statement about how it meets the test of Policy 73. A condition could be attached along the lines of the following... the nursery use shall not cease until a replacement nursery with at least equivalent facilities, capacity and convenience is operational, details of which shall be submitted to the LPA and agreed in writing.

Conditions

With regards the wording of other conditions, I don't see any issues with adjusting the wording slightly to allow works to commence on other parts of the site. We can discuss this further if required.

EIA screening

The site is not considered to lie within a 'sensitive area' as defined by the EIA Regulations. The development would fall within Schedule 2, section 10b (urban development projects) of the Regulations but, as the total area would not exceed 5 hectares or the development itself would not exceed 1 hectare in area, it is considered the proposal would not exceed the thresholds/criteria set out therein and that a request for a Screening Opinion would not therefore be required.

Conclusion/summary

The design and materiality of blocks 1-4 and retention of storage buildings is welcomed. Site sections have now been provided and concerns remain with regards visual overbearing impacts on the LNR from its proximity to this boundary and proposed height which should be explored further and verified views provided in the next workshop meeting. In addition, bat survey information and lighting reports should be provided prior to the next pre-app meeting to satisfy lighting impacts upon bats.

Extensions/alterations to Owlstone House and Block B are supported subject to further details. Refuse provision seems to be appropriate.

Tree T10 should be retained and more tree planting to soften views from the east towards the new student blocks. The drainage strategy is considered to be acceptable.

Additional Information

Occupiers of neighbouring properties have not been formally consulted. Any advice provided in relation to residential amenity impact is therefore subject to change following a consideration of any consultation responses received as part of any planning application.

Where a site visit has not taken place the comments provided may not address all relevant planning issues. As part of the consideration of any planning application, the case officer will visit the site.

It is strongly advised that you discuss the proposal with any adjacent neighbours to resolve any issues that they may have prior to an application being made. This is good practice and can avoid unnecessary delay in processing a planning application.

This pre-application advice is given for purposes relating to the Town and Country Planning Acts and for no other Council function and is given without reference to statutory or other consultees, except where stated. The Local Planning Authority will not be responsible for any errors resulting from inaccuracies in that information. The advice relates to the policy framework at the time the advice is given which may subsequently be affected by external factors (e.g. new government guidance, local appeal decisions, policy review). The Local Planning Authority seeks to provide the best advice possible on any enquiry received, however, the advice is without prejudice and does not bind the authority to any particular decision on any planning application that may subsequently be submitted which will be the subject of publicity and consultation.

Further advice

If you require further advice please contact me using the details above. The pre-application charging scheme allows for additional advice including from specialist officers to be provided on an hourly rate basis as a follow-up to this pre-application response. We would normally expect you to provide a written commitment to meet these costs in advance and then invoice you for the necessary payment after any subsequent advice is given. Any significant change to the proposal may require a further pre-application submission.

Yours faithfully

Tom Gray
Senior Planning Officer

Email: tom.gray@greatercambridgeplanning.org
Direct dial: 07704 018476

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Greater Cambridge Shared Planning
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PO Box 700,
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Attn: Ms Lorraine Casey, Area Manager

By email only: lorraine.casey@greatercambridgeplanning.org
planning@cambridge.gov.uk

Our ref: HLB/GAT2/1
Email: hbrown@richardbuxton.co.uk
ptaylor@richardbuxton.co.uk

1 April 2022

Dear Officers

Queens' College student accommodation proposal at Owlstone Croft, Newnham

We act for the Friends of Paradise Nature Reserve ('Friends of Paradise'), an unincorporated association dedicated to the preservation, conservation and enjoyment of Paradise Nature Reserve alongside the River Cam in Newnham, Cambridge.

The 2.2ha Local Nature Reserve is owned and managed by Cambridge City Council to provide benefits for both people and wildlife. Protected species include the eight species of bats, water voles and the rare Musk Beetle. Regular bird sightings include tree creepers, garden warblers, chiff chaffs, black caps, song thrushes, herons and kingfishers. Butterbur has also been known to have grown on this site for 400 years. It is also a much loved public space.

We have been instructed by the Friends of Paradise due to their justified concerns that the current pre-application proposals by Queens' College for development at the gardens at Owlstone Croft, would be likely to harm the protected area. Although, and unfortunately, there is a sparsity of clear drawings on the proposal website¹, the current density and configuration indicate that there would be student dwellings abutting the nature reserve, with the associated night-time light spillage, noise disturbance and loss of amenity and serenity that is currently enjoyed at Paradise². Furthermore, there is a risk that allowing development in such proximity to the nature reserve would set a dangerous precedent for other adjoining land, currently set to gardens and school playing field.

As we understand an application is likely to be submitted to the Council soon, we would like confirmation from the Council that to meet the validation requirements, any application would have to be supported by the following documentation. This request is to ensure that there is

¹ <https://www.owlstonecroft.co.uk/>

² It is noted that the Council's ecology officer has also raised similar concerns, particularly given Paradise's established bat population.

sufficient information for the proposals to be understood by the Friends of Paradise, as well as the general public.

a. Ecology assessment

Given the proximity to a City Nature Reserve and the River Cam, an ecology assessment will be required with the requisite surveys and detail as required by the recently adopted Greater Cambridge Biodiversity SPD. It is noted the Council's ecology officer has concerns about the biodiversity proposals as currently suggested by the applicant.

b. Heritage assessment

The site is one of the largest developments in the Conservation Area and is next to a Locally Listed Building. A comprehensive heritage assessment will therefore be required.

c. A flood risk assessment

Although the quality of the flood map is poor, it appears that part of the application site, is in zone 2 and potentially zone 3. A flood risk assessment is therefore required.

d. Equalities Impact Assessment evidence

As the Council is aware the footpath that would be most impacted is the boardwalk, installed by the Council to improve accessibility to nature, something which is regrettably difficult in many nature reserves in the City. The introduction of the proposed buildings near the boardwalk, would be likely to have a greater impact on members of the public with impaired mobility, compared to the wider public. This needs to be addressed by both the applicant and the decision maker.

e. Justification for the removal of the nursery

Oddly, the proposal also intends to demolish the recently constructed nursery. There is no explanation or justification for the removal, or the potential impact of the loss of the local, city-based provision. Given the Council's commitment to the Climate Emergency, there needs to be quantification and justification for both the nursery's demolition and reconstruction.

f. Transport assessment

There is scant evidence in the pre-application submissions on the construction and operational transport impact. The potential removal of a car park does not address the likely additional transport impact with the greater number of people on site, and the associated increase in deliveries, taxis etc. The introduction of a café would also need to be assessed.

g. Necessity of student accommodation

Given the well-publicised issues surrounding the number of sites allocated for student housing, the development of further student housing abutting an important public nature reserve requires justification. We would expect any verified application to include information about the selection process and consideration of alternative sites which are available to the applicant, e.g. Eddington etc.

We would be grateful for the Council's confirmation that the verification process will ensure that these reports will be required.

Separately, and as the Council will be aware, we were recently instructed by the Friends of Adams Road Bird Sanctuary to oppose a very similar proposal, to the one being suggested here. In short:

- a. Both the Bird Sanctuary and Paradise are city wildlife sites, within a conservation and are areas of protected open space;
- b. Both application sites are in a conservation area;

- c. Both sites currently provide non-developed buffer to a City Nature Reserve & Protected Open Space;
- d. Both involve the demolition of habitable buildings; and
- e. Both the application proposals, from the evidence presented, to impact protected species.

We therefore remind officers of the Councillors' clear reasons for refusal of the Adams Road development³, following a unanimous vote, are also highly relevant to the current pre-application proposals. The Adams Road decision notice is appended for ease of reference. Should any application be submitted, and as advised for the Adams Road development, an accompanied site visit by the full planning committee is requested.

We look forward to hearing from you. This letter is copied to the applicant and ward councillors.

Yours faithfully

Richard Buxton Solicitors.

Richard Buxton Solicitors

Environmental, Planning & Public Law

cc. Owlstone Croft contact@owlstonecroft.co.uk
Dr Mohamed El-Erian, President of Queens' College pres.sec@queens.cam.ac.uk

Cllr Markus Gehring markus.gehring@cambridge.gov.uk
Cllr Lucy Nethsingha lucynethsingha@icloud.com
Cllr Niamh Sweeney Niamh.Sweeney@cambridge.gov.uk

³ 21/01437/FUL Erection of 2no dwellings following the demolition of No.18 Adams Road

Hannah Brown

From: Hannah Brown
Sent: 07 April 2022 13:42
To: Toby Williams
Cc: Paul Taylor; Tom Gray
Subject: RE: Queens' College student accommodation proposal at Owlstone Croft, Newnham

Follow Up Flag: Follow up

Dear Toby

Thank you for your email and apologies for the slightly delayed response.

You have asked for further comments on Equalities Impact Assessments, specifically for validation purposes. You have said that you are not aware of EqlAs being necessary in order for applications to be determined as valid.

You will be aware of the duties that s.149 (1) of the Equalities Act 2010 imposes on a public authority. Whilst there is no specific requirement to request an EqlA at the validation stage of a planning application, it seems to us that the duties under the Act apply at each stage that a LPA exercises its functions and that must include the validation stage. Similarly while there is no statutory requirement for an EqlA, given that large parts of the development will be adjacent to the boardwalk and are therefore likely to impact in particular upon members of the public with impaired mobility, we suggest that it will be necessary for those impacts to be properly assessed so that the Council can exercise its responsibilities under the Act.

The case of *LDRA Ltd v Secretary of State for Communities and Local Government* [2016] EWHC 950 (Admin) is relevant in the context of this application. A Planning Inspector had granted planning permission on appeal for an office and warehouse building which would replace a car park which was regularly used by disabled people to access a riverside, despite clear evidence that the development would make further access very difficult, if not impossible for disabled people. The Court was not satisfied that the Inspector had any regard to the impact on disabled people following the loss of the car park, and as a result the planning permission was quashed.

Do let us know if we can be of any further assistance.

Kind regards

Hannah

Hannah Brown
Senior Solicitor

Richard Buxton Solicitors
Environmental, Planning & Public Law
Tel. 01223 328933
DD: 01223 848759
email: hbrown@richardbuxton.co.uk
web: www.richardbuxton.co.uk

Authorised and regulated by the Solicitors Regulation Authority

From: Toby Williams <Toby.Williams@greatercambridgeplanning.org>
Sent: 01 April 2022 20:39
To: Hannah Brown <hbrown@richardbuxton.co.uk>
Cc: Paul Taylor <ptaylor@richardbuxton.co.uk>; Tom Gray <Tom.Gray@greatercambridgeplanning.org>
Subject: RE: Queens' College student accommodation proposal at Owlstone Croft, Newnham

Hannah

Thank you for your letter.

I will consider the points raised, many of which appear valid and discuss with the case officer regarding the pre-app and whether the Council has discussed validation requirements regarding the pre-app proposal and conformity with the topic areas as listed in your email.

I am on leave for the next week but will ask Tom to prepare a draft response for my return. Of those criteria – a – g, I am drawn to the specificity of d) EIA and would be grateful in the interim as to any signposting as to where in planning legislation such a specific requirement would be necessary for validation purposes? Accessibility issues are generally covered in D&A statements but I am not immediately aware of EIA's being necessary in order for applications to be determined as valid?

Advice appreciated.

Toby

Toby Williams | Area Development Manager

(Pronouns he/him)



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<https://www.cambridge.gov.uk/planning>

Greater Cambridge Shared Planning: a strategic partnership between Cambridge City and South Cambridgeshire District Councils

From: Hannah Brown <hbrown@richardbuxton.co.uk>
Sent: 01 April 2022 17:12
To: Toby Williams <Toby.Williams@greatercambridgeplanning.org>
Cc: Paul Taylor <ptaylor@richardbuxton.co.uk>
Subject: FW: Queens' College student accommodation proposal at Owlstone Croft, Newnham
Importance: High

Dear Mr Williams

Following receipt of Ms Casey's ooo, I would be grateful if you could please address the attached in her absence.

Kind regards

Hannah

Hannah Brown
Senior Solicitor

Richard Buxton Solicitors
Environmental, Planning & Public Law
Tel. 01223 328933
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email: hbrown@richardbuxton.co.uk
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Authorised and regulated by the Solicitors Regulation Authority

From: Hannah Brown
Sent: 01 April 2022 17:10
To: lorraine.casey@greatercambridgeplanning.org; planning@cambridge.gov.uk
Cc: contact@owlstonecroft.co.uk; pres.sec@queens.cam.ac.uk; markus.gehring@cambridge.gov.uk;
lucynethsingha@icloud.com; Niamh.Sweeney@cambridge.gov.uk; Paul Taylor <ptaylor@richardbuxton.co.uk>
Subject: Queens' College student accommodation proposal at Owlstone Croft, Newnham
Importance: High

Dear Officers

Please see attached letter. We would be grateful if you could please confirm safe receipt.

Yours faithfully

Hannah Brown
Senior Solicitor

Richard Buxton Solicitors
Environmental, Planning & Public Law
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Owlstone Croft Drainage – 26 June 2022

These comments are largely based on what is listed as Part 1 and Part 3 of Flood Risk and Drainage Strategy Report (DSR) by Smith and Wallwork, augmented by other documents in the application.

1. Surface water generated from the proposed development will discharge into a watercourse on the eastern perimeter of the site. The Proposed Surface Water Drainage Calculations (Appendix G of DSR) are for storms with return periods of 1, 30 and 100 years. Without understanding the calculations, which seem to rely on a computer program, it seems that the system will work adequately for the annual storm. Some manholes will be surcharged and there will be a flood risk at one swale and outfall during the storm with a return period of 30 years. Several manholes will be surcharged and there will be flood risks at three swales (low moist depressions in the land) for the storm with a return period of 100 years.
2. On page 10 of the DSR it is stated that the development will be categorized as minor (< 1 ha). Queens' College website says the area of the whole Owlstone Croft site is 2.5 acres, ie 1 ha (ha = hectare). The surface drainage system seems to rely on some temporary storage of storm water in roof gardens and swales. The schematic drawing of the surface water drains seems to cater for runoff from only 3380 m² (0.34 ha). The area of roof gardens is 2320 m², pavement area 770 m² and attenuation basins/swales 290 m². The volume that could be stored in the swales is shown as 86 m³. Check dams with orifice plates are included on the Below Ground Surface Water Drainage (schematic) for each Attenuation Basin to control the speed of water runoff into the existing ditch draining to river via the LNR. The annual storm is presumed to deposit 50 mm of rain. If the area of the site is 1 ha this corresponds to 500 m³ of water.
3. There are some things in the DSR that might almost be designed to deter the reader. Appendix A to Appendix H (rather confusingly not Appendix A to the main report) of the DSR refers to foul and surface drainage drawings, which might be very relevant. All I have found are standard details (Appendix F), which don't help much in assessing the overall system. None of the plans have North signs. It would be helpful to have physical scales as well as saying 1:250 at A1, when the drawing may or not have been reduced to A4.
4. There are many pages of calculations but not much clear interpretation of the results.
5. On page 15 of DSR it is stated that the existing drainage is generally in good condition albeit some minor defects. The survey by Amethyst of the existing drains (Appendix B) reports several severe defects, including:

Run	From	To	Severity	Description
14	MH51	MH39	4	Drain broken
22	MH39	MH40	5	Drain collapsed
27	MH36	MH37	4	Drain broken
29	MH38	MH39	5	Drain collapsed
33	MH40	MH39	5	Drain collapsed
32	MH10	MH24	4	Hole in drain

Severity is measured from 1 to 5, 5 being the most severe. I have not found a drawing that shows where each manhole is situated.

6. Anglian Water Authority say their drainage system is able to take the sewage flows but the foul drainage from this development is in the catchment of Cambridge Water Recycling Centre which currently does not have capacity to treat the flows from the development site. This is not mentioned in paragraph 7.68 of the Planning Statement. Anglian Water would take the necessary steps to ensure there is sufficient treatment capacity.
7. The local Flood Authority are a statutory consultee and should be consulted as soon as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial to all concerned organisations.

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30th June 2022
Our Ref: 22/E2139/01

Dear Sirs and Madams,

**PLANNING APPLICATION 22/02066/FUL
ECOLOGICAL CONCERNS RELATING TO IMPACTS ON BAT
ACTIVITY IN PARADISE LOCAL NATURE RESERVE**

Further to your instruction on 13th June 2022, please see below our comments relating to anticipated impacts on bats arising from planning application 22/02066/FUL. The below is informed by a review of the relevant planning documents, a site visit and dusk bat survey on 15th June 2022, and a remote bat survey carried out over 9 nights between 15th June 2022 and 24th June 2022.

Potential Impacts on Bats from Lighting

The Preliminary Ecological Appraisal for Queen's College, Owlstone Croft (MKA Ecology, 21/04/2022) states in association with Recommendation 6: 'It is vital that lighting directed towards Paradise LNR does not exceed 0.5 lux given the ecological sensitivity of the site'.

Bioscan could not find any supporting reasoning given for the use of the 0.5 lux figure, so considers it more appropriate to use the guidance provided by Bats and Artificial Lighting in the UK (Bat Conservation Trust, 2018). These guidelines state: 'Where 'complete darkness' on a feature or buffer is required, it may be appropriate to consider this to be where illuminance is **below 0.2 lux on the horizontal plane** and **below 0.4 lux on the vertical plane**'.

The Lighting Impact Assessment for Owlstone Croft, Cambridge (Hoare LEA, April 2022) indicates that these cut-off levels will be exceeded by the resultant illumination (total value post development) at the following development site edge locations highlighted in green on the figure below (taken from the Lighting Impact Assessment, with highlighting added):

Location 3 (north east edge of site by tree line): 13.64 lux horizontal and 2.75 lux vertical post development
Location 12 (eastern edge of site by tree line): 0.47 lux vertical post development
Location 18 (eastern edge of site by tree line): 0.24 lux horizontal and 2.98 lux vertical post development
Location 21 (wooded area): 0.45 lux vertical post development



It is noted in passing that the most significant lighting impact occurs at location 3, where there is light spill of 13.64 lux horizontal, greatly exceeding the recommended 0.2 lux horizontal cut-off, though this report will focus on impacts on the Local Nature Reserve boundary.

The greatest lighting impact along the Local Nature Reserve boundary is at location 18, where vertical lighting impacts of 2.98 lux vertical are expected, greatly exceeding the recommended 0.4 lux vertical cut-off (by a factor of x7.4), and also exceeding the recommended horizontal lighting limit.

Lighting impacts in excess of the recommended levels were also measured to occur at location 21 along the Local Nature Reserve boundary, and at location 12, which falls very close to the Local Nature Reserve boundary (and comprises a line of poplar trees and seasonally wet ditch which are assessed to be ecologically contiguous with the Local Nature Reserve in terms of bat activity).

Such lighting impacts would be expected to impact upon bats on the western side of Paradise Local Nature Reserve, and could potentially even sever bat commuting routes along this edge of the woodland.

[It is also important to note that at location 19 (south eastern edge of site by tree line), the lighting impact report cites a moderate beneficial effect by reduction of existing lighting levels, and at location 18 existing lighting levels

already exceed recommended levels (though will worsen as a result of the proposed development). However, this must be viewed in the context that 'existing' light levels include floodlighting in front of the nursery. The Friends of Paradise Nature Reserve have previously contacted Queen's College to note that lighting levels here were not appropriate along the edge of the nature reserve, with the result that the floodlighting had been turned off for a long period, but for an unknown reason started to be turned on again recently. In contrast to the existing situation where floodlights could potentially be turned off or removed, with the post-development lighting situation it is considered unlikely to be possible to reduce light levels any further than has already been accounted for in the lighting calculations, and as such would be expected to represent a long-term impact on bat commuting.].

As additional observations on lighting:

- The lighting report employs a LT (light transmission factor) of 0.65 for the calculations based on light passing through window glazing. However, the Design and Access Statement states that all rooms will be ventilated via opening windows. On this basis, light spill would be expected to be greater than that modelled whenever windows were open with lights on (a situation over which little control could be exerted by the applicant).
- The blocks incorporate 'courtyards', described by the Design and Access Statement as '*A communal extension of the postgraduate homes ... The focus of the gardens would be a large communal dining table and informal cooking area*'. For block 4, this is situated immediately adjacent to Paradise Local Nature Reserve. Again, it is considered likely that this would result in regular lighting (and noise) impacts which are not incorporated into the lighting model.

On the basis of the two points above, it is considered that the modelled light spill on the reserve edge may well be an underestimate of the real situation.

Information on Bat Activity Provided by Applicant

Having demonstrated that there will be lighting impacts at three of the sampled locations along the edge of Paradise Local Nature Reserve, one must then review the available information on receptors – i.e. the levels of bat activity along the reserve edge in each season, and the bat species composition.

In terms of the requisite levels of bat activity survey, Table 4.1 in Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd edition (Bat Conservation Trust, 2016) specifies the following in terms of site suitability for commuting / foraging bats:

- Negligible Suitability: Negligible habitat features on site likely to be used by commuting or foraging bats.
- Low Suitability: Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
- Moderate Suitability: Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
- High Suitability: Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used by regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

If one considers the application site in the context of the above suitability levels for commuting / foraging bats, while the mown grassland comprising the majority of the site is accepted to have low value for bats in its own right, the seasonally wet ditch and line of poplar trees within the site and immediately adjacent to Paradise Local Nature Reserve are considered to be of much higher value for bats in the context that they are assessed to be ecologically contiguous with the nature reserve in terms of bat activity, as shown by the photographs below. A photograph of the row of large lime trees between the northern edge of the application site and the adjoining school is also included for reference.



Seasonally wet ditch and line of poplar trees within application site (between wooden and mesh fences).



Linkage of above habitats within application site to the edge of Paradise Local Nature Reserve (divided by mesh fence).



Line of large lime trees between application site and adjoining school.

In the context that the site includes some high quality bat habitat along its edge with Paradise Local Nature Reserve (as well as a line of mature trees along its boundary with the school), and that it directly adjoins Paradise Local Nature Reserve (a seasonally flooded wet woodland along the river Cam, which is assessed to comprise exceptionally good habitat for bats, and which forms part of a green corridor running along the river Cam between Cambridge and Grantchester), it is assessed that the application site must be considered to have at the very least 'moderate' suitability for bats, if not higher.

The BCT Bat Survey Guidelines state that for sites with 'moderate' suitability for bats the following bat surveys are recommended to achieve a reasonable survey effort in relation to habitat suitability:

- Transect / spot count / timed search surveys: one survey visit per month (April to October) in appropriate weather conditions for bats. At least one of the surveys should comprise dusk and pre-dawn within one 24-hour period.

AND

- Automated / static bat detector surveys: two locations per transect, data to be collected on five consecutive nights per month (April to October) in appropriate weather conditions for bats.

However, the only bat activity surveys carried out by MKA Ecology were 3 bat activity surveys focused only on investigating whether the site supported any bat roosts, with no automated / static surveys, and inappropriate seasonal coverage (all 3 surveys were carried out in July-August 2021) (Nocturnal Bat Survey, Queens' College Owlstone Croft, MKA Ecology 19/04/2022). As this level of survey effort would be insufficient for even a site with 'low' suitability for bats, this suggests that MKA Ecology consider the site to have 'negligible' suitability for bat activity (a point on which Bioscan strongly disagrees for the reasons set out above), despite the results summary from their bat activity surveys stating 'high levels of bat activity were recorded throughout the surveys, particularly in the wet woodland of Paradise LNR'.

The resulting bat data deficiency for this application means that decision makers have insufficient information to be able to adequately assess the impacts on bats arising from the lighting impacts described above. It is considered that the application should be supported by an appropriate level of bat survey data provided by the applicant before impacts on bats can be adequately assessed.

Bioscan Bat Studies (June 2022)

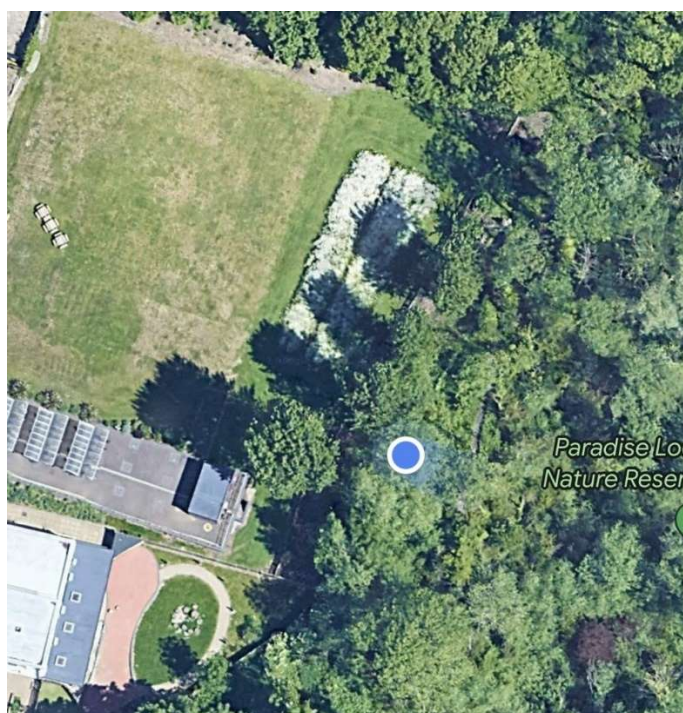
Whilst the onus to provide and pay for an appropriate level of bat surveys should fall to the applicant, Friends of Paradise Nature Reserve were sufficiently concerned about the lack of data on bats that they instructed Bioscan (UK) Ltd to carry out a remote bat survey (and accompanying site visit and dusk bat survey).

Survey Methodologies

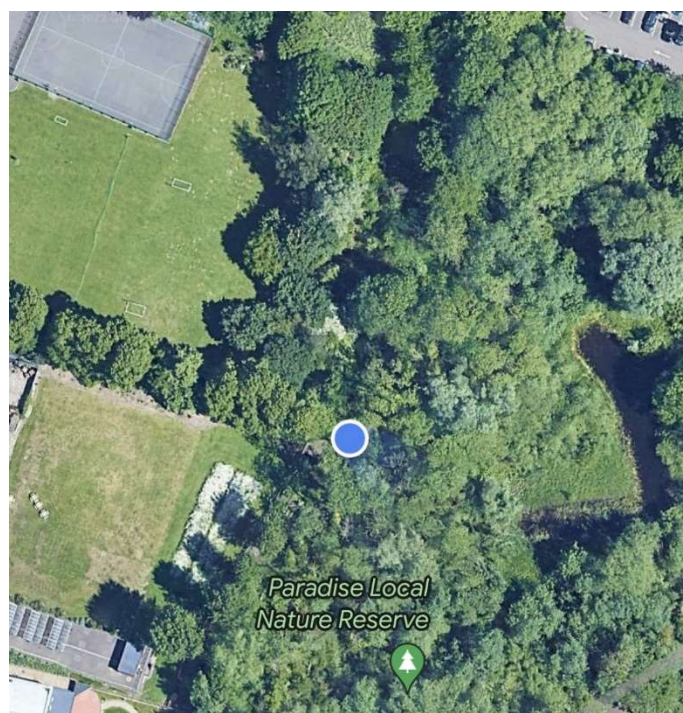
The bat surveys were carried out by Geoff Moxon (senior ecologist at Bioscan UK Ltd, with >15 years of bat survey experience, under Natural England bat class licence WML-CL18 Level 2, registration number 2015-11724-CLS-CLS).

A dusk bat activity survey was carried out on 15th June 2022, from 9.07pm (15 minutes before sunset) until 11.22pm (2 hours after sunset). A Pettersson D240x time expansion and heterodyne bat detector was used in tandem with an Anabat SD1 frequency division bat detector (with internal recording system). The survey focused primarily on the boundary between the nature reserve and the proposed development, and the edge of the Cam was also sampled.

A remote bat survey employed two Anabat Express bat detectors, installed over 9 nights between 15th June 2022 and 24th June 2022. The remote detector locations are shown below.



Remote Detector 1 position, located in edge of nature reserve, facing north into the application site (and along the seasonally wet ditch and line of poplar trees within the application site).



Remote Detector 2 position, located in edge of nature reserve, facing west into application site (and towards the line of large lime trees forming its northern boundary).

The sonograms from the surveys were later analysed using Analook software. Remote detector 2 was a newer model and possible to autoanalyse (with notable bat calls then checked manually), while remote detector 1 was analysed manually.

Weather conditions were generally suitable for bat activity during the above surveys, though the surveys were by necessity (given the planning timescales) carried out during a sustained period of hot weather, which can sometimes suppress levels of bat activity.

Survey Results

The dusk bat activity survey recorded frequent soprano pipistrelle bat activity along the boundary of the application site with Paradise Local Nature Reserve, as well as occasional common pipistrelle activity, and pipistrelle foraging was recorded and observed along the woodland edge at this location. In addition, a single noctule registration was recorded along this boundary. Myotis sp (most likely Daubenton's) bats were recorded foraging over the River Cam later in the survey. The first bat call (a soprano pipistrelle) was recorded at 9.16pm, six minutes before sunset, which is likely to suggest the presence of a bat roost nearby.

The remote bat survey results are set out in the Table below.

Bat Species	Detector 1 (9 nights)	Detector 2 (9 nights)	Total
45 Pip	700	521	1221
55 Pip	2104	1491	3595
45/55 Pip	0	1281	1281
Noctule	0	7	7
<i>Nyctalus/ Eptesicus</i>	81	27	108
<i>Myotis</i> sp	4	11	15
LE Bat	19	18	37
Barbastelle	20	15	35
Total (all species)	2928	3371	

Key: 45 Pip = Common Pipistrelle *Pipistrellus pipistrellus*, 55 Pip = Soprano Pipistrelle *Pipistrellus pygmaeus*, 45/55 Pip = Common or Soprano Pipistrelle, Noctule = Noctule *Nyctalus noctula*, *Nyctalus/Eptesicus* = Noctule or Serotine *Eptesicus serotinus*, *Myotis* sp = *Myotis* species, LE Bat = long-eared bat *Plecotus*.sp, Barbastelle = Barbastelle *Barbastella barbastellus*.

Bat activity levels were noted to be high along the application site boundary (averaging 325 bat passes per night at detector 1, and 375 bat passes per night at detector 2).

Overall, soprano pipistrelle was by far the most common species recorded (57.1% of registrations), followed by common pipistrelle (19.4% of registrations). Occasional registrations from noctule bats, *Myotis* sp bats and long-eared bats were also noted.

Of greatest note is the recording of the rare species barbastelle bat (20 passes at detector 1 and 15 passes at detector 2, which is a significant number of registrations for this rare species). Aside from being rare, this species is also particularly sensitive to light.

Supplementary Information

The paper 'Impact of bat friendly lighting on bat activity and bat species diversity at Coe Fen and Sheep's Green, Cambridge' (Johanna Chesham, 2019) comprises a study of bat activity on land immediately adjoining Paradise Local Nature Reserve to the north, along a cycleway. The bat species list from the most recent (2019) component of the research, comprising 7 nights of static detector coverage together with 8 dusk transects, included soprano pipistrelle (50.1% of registrations), common pipistrelle (44.3% of registrations), noctule (3.4% of registrations), *Myotis* sp (2.1%) and serotine, Nathusius' pipistrelle and barbastelle (cumulatively 0.2% of registrations in 'other' category).

The rare species barbastelle was also recorded by Chesham, though Chesham also recorded another rare bat species: Nathusius' pipistrelle. Given the proximity of the Chesham study to Paradise nature reserve, it is considered likely that a longer-term study may also record this species in this area.

Closing Comments

In closing, it is noted that the above surveys represent only a snapshot of bat activity along the edge of Paradise Local Nature Reserve immediately adjoining the application site. As noted above, the Bat Conservation Trust Bat Survey Guidelines recommend that bat activity and remote survey data is collected each month from April to October for a site of 'moderate' suitability for bats in order to provide a robust dataset to inform decision makers about bat usage of a site at different times of year, including the peak months of August and September. This information has not been provided.

Other Potential Ecological Impacts

Aside from the key concerns set out above relating to impacts from lighting on bat activity, the following concerns are also briefly noted:

- 1) It is understood that the line of poplar trees adjoining Paradise Local Nature Reserve is intended to be removed. As shown by the photos above, this habitat is assessed to be ecologically contiguous with the nature reserve in terms of usage by bats. As such, the removal of these trees and wet ditch would be expected to have a further impact on bat activity (including on rare bat species) in addition to the lighting impacts described above. And again, there is insufficient information on bat activity for the level of these impacts to be assessed.
- 2) The southernmost of the four proposed accommodation blocks is extremely close to the Local Nature Reserve boundary, and comprises a three-storey block which will be far more imposing than the existing nursery building. Aside from the ecological concerns already raised, the positioning of this building is considered incongruous and out of character so close to the LNR and the River Cam green corridor linking Cambridge and Grantchester, and likely to impact significantly on the amenity of users of the reserve (particularly during the winter when the reserve floods and the boardwalk alongside Owlstone Croft is the only means of passage through the reserve).

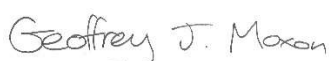
Conclusions

To conclude, it is considered that the above concerns mean that the application contravenes the following policies of the Cambridge Local Plan:

- Policy 69 (Protection of Sites of Biodiversity and Geodiversity Importance)
This policy states: '... development will be permitted if it will not have an adverse effect on, or lead to the loss of, part or all of a site identified on the Policies Map'.
In light of the points raised above, it is considered that the proposed development will have an adverse effect on Paradise Local Nature Reserve / its associated bat fauna.
- Policy 70 (Protection of Priority Species and Habitats)
This policy states: 'Proposals that harm or disturb populations ... should secure achievable mitigation and/or compensatory measures'.
Without sufficient survey information, it is not possible to accurately assess the level of impacts expected on protected species (bats, including the rare species barbastelle), in order to determine whether or not the proposed levels of mitigation / compensation for bats are appropriate.

It is thus hoped that the Council will request both the provision of an appropriate level of bat survey information, and for the applicant to reconsider the appropriateness of the current scheme, given its impacts on bats within the Local Nature Reserve, including the rare and light-sensitive species barbastelle (and potentially also Nathusius pipistrelle).

Yours sincerely,
FOR AND ON BEHALF OF BIOSCAN (UK) LTD



Geoff Moxon
Senior Ecologist

Geoff Moxon

Geoff joined Bioscan (UK) Ltd in 2008, and has worked in the role of senior ecologist since 2012, prior to which he was a surveyor at the Somerset Environmental Records Centre (SERC), and involved in a variety of environmental research projects in Asia, Africa, Europe and Central America. He is a full member of the CIEEM.

Over the past 14 years, Geoff has been responsible for ‘cradle to grave’ management of many large projects, ranging from major housing developments to windfarms to quarries, and involving EIA assessment, preparation and implementation of management plans, ecological monitoring, Condition submissions, habitat creation, site works supervision and European Protected Species licensing. He holds Natural England and Natural Resources Wales survey licences for dormice, bats and great crested newts, and has been named ecologist on numerous dormouse and bat licences.

In his spare time, Geoff is involved with the Ashmolean Natural History Society of Oxfordshire (ANHSO), having previously served 5 years as the society’s field secretary, and in Environmental Education with the ANHSO, Oxford Natural History Museum and Earth Trust.

Owlstone Croft – Planning Application - Ref 22/02066/FUL

Transport Statement and Traffic Management Plan

For the reasons set out below this application should be deferred to give more time for studies and evidence to be provided.

- ***The applicant should be required to carry out longitudinal multi modal traffic surveys and impact assessments with full traffic camera survey, by an independent consultant, of Short Lane and the access lane to Owlstone Croft to establish the actual volume and purpose of pedestrian, cyclists and vehicular traffic using Short Lane and the lane to Owlstone Croft. This should be carried out when Owlstone Croft is fully occupied with students during term time.***
- ***The Construction Traffic Management Plan is a material planning consideration in assessment and determination of this planning application on the grounds of doubt of deliverability, safety, environmental impact and harm to the nature reserve. These issues were material in the recent decisions at Adams Rd and the former Coopers site in Newmarket Road. The construction traffic management plan should demonstrate practical deliverability and measures to ensure safety and mitigate the above survey findings and impact assessment to include among other things size of vehicles, operating hours and prevention of off-site parking.***
- ***Traffic surveys should be carried out on Short Lane and along Grantchester Street.***
- ***Once reliable traffic information is available there is a need to carry out a traffic impact assessment on junctions along Grantchester Street, the access lane, Short Lane and their junctions with the adopted highway and proposals provided for deliverability, mitigation (notably on street parking, operating hours, movement management), safety (notably along Short Lane and at the junctions along Grantchester Street).***
- ***Further studies are needed to establish proper protection of ground water, surface water, water courses and habitat during construction.***

Transport Statement.

Highway Access (P13) The description of the access road (para 3.3.2) is inaccurate. This is not a road. It is a shared lane, serving primarily pedestrians and cyclists.

1. The lane does not just serve the Owlstone Croft site and is used as a main pedestrian route from Paradise Nature Reserve to Grantchester Meadows. Pedestrian movements on the access route are significant and in the region of 1500 in a typical weekend and in the hundreds on a weekday.
2. The lane is not 4.5 metres in width. The narrowest points are 3.5m and it is not possible for two vehicles to pass without much maneuvering. (See photo below) If cars park in this section there can be only 2m width.
3. The access lane alongside no 53 Owlstone Road is only 2.5 metres wide when cars are parked, as they are entitled to do, as there are no yellow lines on one side of the eastern portion. Cars also park on the yellow lines with impunity as, as an unadopted path, the Highway Authority have no powers to enforce parking restrictions on any length of the access lane. (See photo below)
4. Short Lane was not constructed for motor traffic, and when it was first surfaced in 2002 the specification was to the standard of a private drive. The Environmental Improvement layout of Short Lane from Cambridge City Council (attached) clearly shows the proposed widths, and also that the highway boundary ends at Owlstone Road.
5. The footpath referred to (para 3.3.3) is only on the eastern portion of the access lane adjacent to no 53 Owlstone Road, and is in parts only 0.7m wide, below the width of an adoptable footpath and so narrow as to be barely useable as such. Observation reveals pedestrians use the width of the whole lane.
6. Highway Safety (P 19) uses only recorded data of personal injury collisions and does not use any observational data from the actual access lane. There is already significant conflict between vehicles, cycles and pedestrians on the western part between Owlstone Road and Grantchester Street and near misses can be regularly observed.
7. Section 5, Trip Generation, (P 29) uses a broad-brush method of assessing trip generation based on studies elsewhere (Grange Lane Student Accommodation) and fails to take account of actual service, visitor and personal traffic generated by students at this site
 - The majority of this traffic does not enter the site - it stops and turns at the end of Owlstone Road or the access lane. This includes deliveries by parcel delivery companies, grocery delivery companies, take away food delivery companies, taxis for students and visitors by car.
 - Our preliminary surveys have revealed that these movements could number in the region of 50 or 60 per day. The Applicant's model makes no allowance for this traffic.

- Many of these vehicular movements stop and turn at the end of Owlstone Road or return via the western part of the access lane. This is an issue of highway safety as there is clear conflict between the high volumes of pedestrians and cyclists using the riverside route through Paradise and to Grantchester Meadows.
- Visitors by car park in the adjacent streets causing pressure on availability of overnight residents parking spaces. This problem is exacerbated by Queens' policy of acquiring residential properties in the area and turning them into student hostels. It is difficult to see how the Head Porter can 'actively manage parking amongst students' (4.3.10) when existing evidence suggests they are not even aware, let alone managing, this problem.

Outline Construction Traffic Management Plan

There is a complete absence of detailed information within this document which proposes that a plan will be produced later in the process that will conform to the CDM regulations.

It proposes that access will be via Barton Rd, Grantchester St and Short Lane, with inbound traffic continuing to the Newnham roundabout and returning westbound to enter Grantchester St directly. Deliveries will be restricted to the hours 9.30 to 14.30 to avoid children/parents going to/from the school and everything else will be worked up in a detailed plan as part of reserved matters once a principal contractor is appointed.

For the reasons set out below it is essential that this is considered in full now and not left to reserved matters.

1. There are inherent dangers in construction traffic accessing the site. The roads through Newnham Croft are heavily used by pedestrians and cyclists and HGVs represent a significant danger to them.
2. The junction of Grantchester Street with Barton Road/Newnham Road and the Driftway is recognised as dangerous, with a large number of traffic movements and a high level of use by cyclists and pedestrians.
3. Grantchester Street itself is not, as claimed, a two-way road with room for vehicles to pass. There is a residents' parking scheme in Newnham and the functional vehicle width along the length of Grantchester Street is only 3.1 metres due to cars parked in the resident spaces on one side of the road. The footpath on the eastern side is only 1.2m in width and has an extreme camber towards the road. Large construction vehicles will inevitably mount the footpath

to pass. The footpaths in Newnham are also extremely narrow, only 1.2 in places and can be below the width of an adoptable footway.

4. There is often considerable congestion along Grantchester Street, exacerbated by the number of large delivery vehicles servicing the co-op and the other local shops. The Highways Authority has recognized the risks posed to pedestrians and cyclists and traffic calming is installed along the street with a large platform at the junction with Chedworth Street/Merton Street and Eltisley Avenue. This has double yellow lines, but they are seldom enforced and vans and other vehicles are very often parked there making the junction very dangerous with poor visibility.
5. Access from Grantchester Street via the lane is problematic for construction traffic due to the width and the fact that Short Lane has been surfaced to the standard of a domestic driveway not to an adoptable standard required to support heavy vehicular traffic.
6. There is a major safety issue with construction traffic using Short Lane and the access lane as these are both part of a main pedestrian route from Paradise Nature Reserve to Grantchester Meadows.
7. There will be significant impacts of noise, vibration and dust on adjoining properties, especially those fronting the access path.
8. There is an absence of any parking for contractors' staff and experience elsewhere shows that whatever the Construction Traffic Management Plan suggests they will park locally in an uncontrolled manner. (see Kings College development in Barton Road)
9. Grantchester Street is the proposed access route, but it is likely that drivers delivering to the site will also use Owlstone Road, which is not suitable for construction vehicles. How will this be prevented?
10. The Plan states that all vehicles will be washed before they leave the site. This raises the issue of management of surface water discharge during the construction period to ensure that the adjacent watercourses and river will not be polluted with irreversible harm to the delicate ecosystem supporting the current diversity of wildlife.
11. According to the details submitted with the application, Queens' College rights of access only extend along the lane as far as the junction with Owlstone Road. However, they propose to use Short Lane to access Grantchester Street for all construction traffic. Short Lane is jointly owned by the City Council and the adjoining residential properties who have not been consulted on these plans.

Several of these issues were raised in pre-application advice, but have not been addressed:

“With regards the existing access, it would appear that current access arrangements are limited via residential streets and a narrow unadopted highway. Whilst the loss of the on-site nursery may reduce traffic movements at peak times, clarification of ownership of this access road and discussions with local residents and the Local Highways Authority should take place to consider improvements to this access provision and any planning application would need to be accompanied with a **transport assessment plan to demonstrate the traffic movements**. Discussions with Highways should take place on this issue in addition to **ensuring safe construction traffic access**”.



[illegible]