

June 2024

**Delivered by email** to [neighbourhood.planning@greatercambridgeplanning.org](mailto:neighbourhood.planning@greatercambridgeplanning.org)

Planning Policy Team  
Cambridge City Council  
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Dear Sir/Madam

## **SOUTH NEWNHAM NEIGHBOURHOOD PLAN REPRESENTATION ON BEHALF OF QUEENS' COLLEGE, CAMBRIDGE**

This representation has been prepared on behalf of Queens' College, Cambridge ("the College") in response to the South Newnham Neighbourhood Plan Regulation 16 Consultation.

Queens' College's interest within the Neighbourhood Plan area relates primarily to Owlstone Croft, having owned this site since 1988, though the College also owns other property in the area. The Owlstone Croft site currently houses 102 undergraduate and postgraduate students together with a separately run children's nursery. It has also been subject to a planning application and subsequent appeal for works including additional student accommodation which was allowed by the Planning Inspectorate in November 2023 (ref. 22/02066/FUL and APP/Q0505/W/23/3323130).

It is highlighted that this representation follows a previous representation submitted on behalf of the College in response to the Regulation 14 consultation in July 2023, which provided comments on specific policies within the document as well as the lack of consultation with the College. Furthermore, the thrust of the plan which was felt to restrict development rather than promote sustainable development thereby conflicting with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended). The College do not feel that this has significantly changed in the updated version.

In response to the previous representation submitted, the South Newnham Neighbourhood Forum ("SNNF") have provided a letter, dated 3 May 2024. For ease, commentary is therefore provided subsequently on the points raised by the College to date, taking into consideration the SNNF letter and the submitted Neighbourhood Plan.

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## Failure to consult

In the previous representation reference was made to paragraph 47 of the National Planning Practice Guidance on Neighbourhood Planning (“the Guidance”) which sets out that *‘a qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- *is kept fully informed of what is being proposed*
- *is able to make their views known throughout the process*
- *has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- *is made aware of how their views have informed the draft neighbourhood plan or Order’.*

Paragraph 48 of the guidance was also quoted which provides further direction on consultation, including landowners, which ensures that qualifying bodies are better placed to produce plans for sustainable development. Queens’ College retain the view as set out to date that the SNNF have failed to engage with them. Furthermore, despite the offer and willingness from the College set out in the previous representation, no further contact has been received from the SNNF other than then the letter response, which is dated 3<sup>rd</sup> May 2024 and sent to the College on 4<sup>th</sup> May 2024. This was therefore issued following the submission of the Neighbourhood Plan to the local planning authority (15<sup>th</sup> April 2024), with no opportunity or offer to participate further prior to submission, further emphasising the College position on this matter.

In the SNNF’s response letter, they have set out that the claim of lack of engagement is not correct. However, it is very clear that the direct approaches to the College were all made between 2016 and 2018. When the Regulation 14 consultation commenced five years later in June 2023, there was no direct contact with the College. This is despite the fact that the SNNF knew very well that Queens’ College own property in the area, as they were contacted regarding the Owlstone Croft Planning Inquiry and made representations to it.

The College found out about the consultation from one of its Fellows who lives in the area and did receive a leaflet through their letterbox.

## Specific policy comments

### ***SNNP1 – Protecting and Enhancing Biodiversity***

Within the previous representation, the College set out that there was no justification for including Owlstone Croft Gardens as a site of biodiversity value and that inclusion within the Green River Corridor is inappropriate as the habitats within the gardens do not add ecological significance to the corridor. The Neighbourhood Plan has not been amended to reflect this, with the SNNF response setting out that this is because the eastern boundary is alongside Paradise Nature Reserve and in a line of similar spaces along the River Cam. They also reference the Ecology Officer stating that *‘given the habitat and high bat activity recorded along the boundary of the site with the LNR, it would be considered of high suitability for foraging and commuting bats.’*

However, Map 2 on p.34 of the submission document shows the entirety of the current open space at Owlstone Croft as falling into this designation as PG2. Despite this, there is no commentary on PG2 within the Evidence Base for Development Policies document setting out why this area has been designated as such.

Whilst Queens’ College therefore maintain their comments that this is inappropriate given the current modified grassland of low ecological value which does not contribute to the corridor, it is also of significance that this site now has planning permission for development. As evidenced by the submission of conditions applications, this scheme is moving forward, and as such this policy and accompanying plan is inconsistent with the permission and therefore provides an incorrect account of the site. Therefore, the College suggest that the Neighbourhood Plan should be updated to recognise the future development of the Owlstone Croft site.

In previous comments, the College set out that the hedgerow along the northern boundary of Owlstone Croft Gardens/Newnham Croft Primary School (AH2) is not ancient or species rich and the understorey comprises laurel and privet planted relatively recently. In response to this the SNNF have advised that following discussion with the local planning authority, the description as '*species rich and protected*' has been revised on Map 1, but that the relevant hedgerow has been included again as '*it contains five or more native woody species as noted in section 7.1.3*'. Firstly, this is an incorrect reference as Map 2 shows the hedgerows, and this labels AH2 as '*ancient hedgerows*'. It is also noted on p.15 of the Evidence Base for Development Policies document that reference is falsely made to AH2 being ancient. The College therefore still maintain the position that this is an incorrect label to be given to the hedgerow.

Finally on this policy, the College previously commented that it was inappropriate and unjustified under the commentary for '*Owlstone Croft Gardens (PG2)*' to refer to the trees along the boundaries as being '*important habitat*' for bats as there are likely to be far more important habitats for bats within the plan area, for example the River Cam or Paradise Local Nature Reserve. In response to this the SNNF have referred to three Poplar and two Ash trees along the area of Protected Open Space as well as previous survey work as part of their justification. However, as part of the approved development of Owlstone Croft, the trees referenced will be felled, therefore once again the document has failed to take this into consideration.

### ***SNNP2 – Delivering Biodiversity Net Gain***

The College are pleased to see that revisions have been made to this policy following the previous representation, although would still query the need for this policy at all given that it is covered by legislation. The policy refers to householder applications and other proposals exempt from BNG still being expected to provide an element of biodiversity gain. It is suggested that to avoid confusion in terminology it would be more appropriate to refer to this as enhancement given the subsequent measures suggested are not counted under BNG. This would also be more consistent with the local planning authority approach.

### ***SNNP3 – Reduce and maintain low levels of light pollution***

Although it is noted that revisions have been made to this policy, the College remain of the view that the suggestions within the policy of certain measures for external lighting are not based on evidence and go further than any existing requirements in local or national policy without justification. The Evidence Base for Development Policies document does not provide any elaboration as to why the specific measures suggested are included and the Basic Conditions Statement does not set out in any detail why the SNNF feel that the specific measures accord with relevant policies. In their response the SNNF refer to the appeal case at Owlstone Croft, but this does not provide adequate justification for the whole plan area and the College are of the view that the policy remains too prescriptive.

The College also remain of the view that it is unclear how the '*harm*' referenced is measured and who deems whether lighting is '*necessary*', therefore the policy is unworkable, unduly restrictive and does not adequately address circumstances where lighting is necessary, but harm cannot be avoided. In line with the NPPF, in such circumstances, if harm cannot be avoided, it should be adequately mitigated or, as a last resort, compensated for.

### ***SNNP6 – Improving and Enhancing Neighbourhood Community Assets***

The College previously expressed concerns that there was inconsistency between this policy and Policies 72 and 73 of the Cambridge Local Plan (2018). SNNP6 refers to proposals for the change of use of shops or commercial units being resisted unless their continued use is no longer viable in accordance with the methodology under Policy 72. However, Policy 72 relates specifically to development and change of use in district, local and neighbourhood centres of which there is only a small part of the Neighbourhood Plan Area subject to this designation on the Local Plan Policies Map. The tests for loss are also different to those set out under Policy 73 which could lead to uncertainty,

For example, Policy 73 allows loss where the facility will be reprovided or where it is no longer needed whilst SNNP6 requires a use to be unviable - a more significant test which is overly restrictive.

In their response the SNNF have set out that the purpose of the Neighbourhood Plan is to develop policies that are specific to the neighbourhood whilst being aligned with national and local policies. Whilst the College do not dispute this, basic condition e. is clear that there should be *'general conformity'* with the development plan. It is considered in this case that the inconsistency would provide a confusing policy context for applicants, and indeed the local planning authority in determining applications. In the Basic Conditions Statement the SNNF set out that the policy intent is to improve and enhance community assets and therefore suggest this conforms to local and national policies, but in actual fact SNNP6 has an emphasis on protection, which may not always be sustainable.

There is also still a lack of justification provided as to why the SNNF feel that this variation from the development plan is appropriate. It is highlighted that the Evidence Base for Development Policies document only lists the facilities within the area and does not provide any commentary on the policy direction on loss.

Furthermore, the policy, its subtext and Map 4 do not have any regard for the approved development at Owlstone Croft, which would result in the relocation of the nursery to the new nursery approved at 26 Barton Road (ref. 22/04976/FUL). Therefore, the College reiterate the suggestion that the Neighbourhood Plan should recognise recent permissions to ensure the mapping and policies are up to date

### ***SNNP10 – Responding to Climate Change and the Risk of Local Flooding***

The policy intent continues to reference the fact that the policy is *'focused on addressing surface water flood risk in the plan area as opposed to fluvial flood'* on the basis that there are national policy requirements on fluvial flooding. It is reiterated by the College that national and local policy also address issues of surface water flood risk so it is unclear why there is a need for an additional policy on surface water management. In their response the SNNF refer to *'good local rationale for including a policy on local surface water flood risk'* although it is unclear what this rationale is.

The College are pleased to see that the SNNF have taken on board previous comments and have revised the wording related to hard surfaces using permeable paving *'where reasonably practicable'* and adding clarification that it is *'flat roofs'* that should explore opportunities for green, brown or biodiverse roofs. With regards to the College's previous comments on flood prevention barriers and loss of vegetation, changes have also been made to this wording which are supported, although allowing mitigation where appropriate could still be added as previously suggested to permit greater flexibility.

The supporting text to assist in implementation states *'in line with national policy, land which falls within the functional floodplain will be kept free from development, other than essential infrastructure and water compatible development'*. It goes on to state that *'for avoidance of doubt, the functional floodplain is defined as land where water has to flow or be stored in times of flood'*. Whilst this is correct (and reference is made to the Greater Cambridge IWMS maps) the College remain of the view that further clarity should be provided in the policy text to specify that the functional floodplain is classified as the 1:20 year flood event. This may avoid any future misinterpretation relating it to more extreme events (flood zones 2 and 3[a]), for which other development types are appropriate.

### ***SNNP11 – Protecting and Enhancing Local Character Through Design-led Development***

As set out in the previous representation, the phrase *'design-led'* in this policy is considered to be meaningless as any proposal based on a drawing could be said to be *'design-led'*.

The College are pleased to see that under principle (a), the need to follow a building line will only be *'where there is a prevailing building line'* which now allows for flexibility and the need for this to be on the basis of character and context.

Part (d) relates to flat roofs stating that those *'beyond the original building line and above ground floor level will be opposed except in exceptional circumstances'* and the College continue to take the view that this makes little sense, as well as being unduly prescriptive.

Furthermore, under (e) and (f) requirements continue to be set out for materials but these are considered to be too limiting for the entire Neighbourhood Plan area which exhibits a range of materials.

The College would also like to reiterate that the wording of this policy is still very much focused on replicating existing design rather than allowing scope for respectful innovative design, which is inconsistent with national and local planning policies. This is evidenced by the comments in the Basic Conditions Statement which set out that the intention of the policy is to provide clarity on *'design expectations'*.

It is further highlighted that the Owlstone Croft site is situated within Street Appraisal Area A. On p.12 specific commentary is provided on Owlstone Croft, but again the document fails to acknowledge the planning permission on the site. It would be appropriate for it to make reference to this future development given that these appraisals are intended to assess context and guide development.

It is also suggested that it would be best to have consistency on the naming of these documents; the supporting text of SNNP11 it refers to the character areas and then the related street appraisals, but it would be clear to name them *'Character Appraisals'* given that each appraisal actually covers multiple streets.

#### ***SNNP12 – Protecting Residential Amenity in South Newnham***

The College remain of the view that the multiple references to *'unacceptable'* within the policy wording are considered to be very subjective and unmeasurable. The SNNF have responded to state that this type of wording is consistent with the Cambridge Local Plan (2018). Whilst a couple of references are noted in relation to noise, the most consistent wording states *'significant adverse effects'* which is noted by the SNNF in their response. As such this is considered to be a more appropriate measure.

#### ***SNNP14 – Protecting the Character of Neighbourhood Garden Boundaries***

The relevance and enforceability of this policy wording is queried given the works to boundary treatments that can be done under permitted development and without the need for planning permission. With specific reference to the text that *'all existing vegetated boundaries (hedgerows, trees and front gardens) shall be retained or enhanced'* this does not allow for any flexibility, for example where such boundaries are in a poor or unsafe condition, which is therefore overly and unnecessarily restrictive.

#### ***SNNP15 – Conserving and Enhancing Existing Views and Street Scenes***

The SNNF have commented in their response that no changes have been made to this policy. The College therefore remain of the view that given the locations and number of *'communal views'* identified on Map 8, this policy is very restrictive of development within the area with an apparent blanket protection. Furthermore, there continues to be a lack of evidence as to why these views have been identified as important and therefore no justification for their inclusion, with no explanation provided in the supporting Evidence Base for Development Policies document other than to simply list views in each area. Indeed Map 8 is not referenced in the document. The supporting text of SNNP15 refers to the fact that the views have been selected due to *'uniqueness'* and value for *'leisure and recreation'* as well as *'ecological'* value but there is no evidence as to why each view exhibits these values.

Within the chapter on **Implementation and Monitoring** it states that in 8.4 that *'the policies are intended to assist in the delivery of appropriate development and seek to support planning applications for initiatives the local community want to see happen and discourage applications for developments that they do not want to happen. By doing so, the Neighbourhood Plan policies aim to protect the special character of South Newnham and encourage development proposals for the benefit of the local community.'* Having reviewed the document in detail it is the Colleges' view that the policies are not positively worded and instead appear to be worded to resist development within the area. The document is very much focused on protection, as noted in 8.4, with numerous references to this through the wording of policies, and little support suggested for new development in the area or shaping necessary change.

This section also sets out in paragraph 8.5 that *'the Neighbourhood Plan policies aim to avoid repeating existing national or local plan policies.'* As referenced above, there are still a number of examples of repetition with existing policies, and indeed instances remain where the policy wording would conflict.

## Summary

The College therefore consider that there is still work to be done to ensure that the Neighbourhood Plan meets the basic conditions, despite the commentary set out in the Basic Conditions Statement. Having reviewed the submitted documents, the College is of the view that the Neighbourhood Plan has not been prepared positively and that in many cases the proposed policies do not support existing local and national planning policy. Instead, the language and prescriptive requirements are worded to effectively resist development within the area and so are focused on protection against perceived threats of development (as set out in the Neighbourhood Plan foreword).

It is also the College's view that the Neighbourhood Plan has not been prepared with sufficient and proportionate evidence, and as a result does not seek to guide development to sustainable solutions. Paragraph 72 of the National Planning Practice Guidance is very clear that *'sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions.'*

I trust that the comments made will be taken into consideration and will prove helpful in the Council's consideration of the submitted South Newnham Neighbourhood Plan. Should the Council like to discuss the content of this representation further, Queens' College would be very happy to do so.

Yours sincerely

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**Associate Director**

