

**LAND EAST OF THE
LAWNS, CAMBRIDGE
GREATER CAMBRIDGE
LOCAL PLAN – ISSUES
AND OPTIONS
CONSULTATION 2020**

Quality Assurance

Site name: Land East of The Lawns, Cambridge
Client name: Gonville and Caius College
Type of report: Regulation 18: Issues and Options Consultation 2020

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Signed

Date February 2020

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Signed

Date February 2020



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1.0 Introduction

Background

- 1.1 These representations have been prepared by Bidwells LLP on behalf of Gonville and Caius College who own Land East of The Lawns, Cambridge (“the Site”) and in response to the Greater Cambridge Local Plan Regulation 18: Issues and Options 2020 consultation (“the consultation document”). Please refer to **Appendix 1** for site location plan.
- 1.2 These representations follow those submitted in March 2019 as part of the ‘Call for Sites’ consultation and provide greater detail on the protected open space status of the land.
- 1.3 The consultation document has been published by Cambridge City Council and South Cambridgeshire District Council as the first formal stage of consultation towards preparing the new joint Local Plan for Cambridge and South Cambridgeshire; the Greater Cambridge Local Plan. Consultation took place from 13 January 2020 to 24 February 2020.
- 1.4 The Greater Cambridge Local Plan is proposed to set out future land use and planning policies for the Greater Cambridge area to 2040 in respect of accommodating growth for new homes, jobs and infrastructure.
- 1.5 The consultation document explores four ‘big themes’ that will influence how homes, jobs and infrastructure are planned. The big themes are:
- **Climate change** – how the plan should contribute to achieving net zero carbon, and the mitigation and adaptation measures that should be required through developments;
 - **Biodiversity and green spaces** – how the plan can contribute to our ‘doubling nature’ vision, the improvement of existing green spaces and the creation of more;
 - **Wellbeing and social inclusion** – how the plan can help spread the benefits of growth, helping to create healthy and inclusive communities; and
 - **Great places** – how the plan can protect what is already great about the area, and design new developments to create special places and spaces.
- 1.6 These representations respond to the relevant questions within the consultation document in respect of Land East of The Lawns, Cambridge and within the context of the four big themes.
- 1.7 Land East of The Lawns is currently designated as Protected Open Space under Policy 67. It is requested that the site’s designation as Protected Open Space is removed as the land has not been used for any recreational purposes since 2003 when it was last used as a hockey pitch. Furthermore, the assessment of the site as protected land is based on outdated information which does not accord with the requirements of the NPPF for planning policies to be based on up to date assessments.

2.0 Land East of The Lawns, Cambridge

- 2.1 It is requested that the designation of Land East of The Lawns, Cambridge as a Protected Open Space is removed from the Local Plan and its proposal map. The Site is 1.2 hectares in size and the extent of the site is shown on the site location plan included at **Appendix 1**.
- 2.2 The site comprises a field that has not been used for any recreational or active purpose since 2003. The land includes an open field with some hedgerows and trees along the site's boundaries.
- 2.3 The site is designated as Protected Open Space under Policy 67 of the Cambridge City Local Plan (2018), a matter rolled-on from previous Local Plans and Supplementary Planning Documents stemming from a time when the land was actively used for sports.
- 2.4 The site is located within a Conservation Area and not subject to any other environmental or policy designations. The site was previously submitted and assessed within the Cambridge City Council's Strategic Housing Land Availability Assessment (SHLAA) (2013), including a larger area of land which comprises the hockey pitches, the Lawn Tennis Club and Emmanuel College Sports Ground. The site was assessed by the Council but was not considered suitable to be included in the Local Plan at that time.

3.0 Themes

Question 6. Do you agree with the potential big themes for the Local Plan?

- 3.1 Agree.
- 3.2 The four big themes for the Local Plan are considered suitable and all are considered to be important in the consideration of the spatial distribution of growth in the district, and for the determination of planning applications. The four big themes will generate a new way of planning, this may require a different way to make decisions; to allow other impacts to happen in order to achieve these four priorities. The Local Plan policy framework will need to allow for a clear planning balance to take place to assess and prioritise impacts.

Question 7. How do you think we should prioritise these big themes? Rank the options below 1-4 (1-Most Preferred 4-Least Preferred)

- 3.3 The four big themes are all considered to be important aspects to achieving positive development. All four themes should be used to inform the spatial strategy within the Local Plan in terms of distributing growth and determining planning applications to deliver growth. It is therefore not considered necessary to rank the options in order of preference.

Theme 2 Biodiversity and Green Spaces

Question 12. How should the Local Plan help us improve the natural environment?

- 3.4 This Local Plan must deliver effective policy which protects and enhances natural capital. It must be a robust and up-to-date policy framework to be effective. By example, the on-going protection of the field east of The Lawns, Clerk Maxwell Road under the strict protection applied by the adopted policy 67 undermines the validity and robustness of the network of protected open spaces.
- 3.5 The Local Plan should establish a policy basis to protect those spaces that are particularly important to Greater Cambridge. The application of what appears as a blanket designation of the majority of open spaces does little to convey a robust and carefully selected protected open space. This is represented by **Appendix 2** to this representation which shows all the currently Protected Open Spaces and their 400m isochrone to reflect the 400m described in adopted Cambridge Policy 67. This arises through an assessment criteria that is too broad and essentially forms a 'catch all'. The City is largely covered by such spaces.
- 3.6 The land east of The Lawns has not been actively used since 2003, yet it retains the full protection of Policy 67 to the same degree as the most valuable open spaces in Cambridge; that cannot be appropriate or reasonable.

Question 15. Do you agree that we should aim to increase tree cover across the area?

- 3.7 Yes. With the right trees, in the right areas. A policy framework to seek tree cover increase but allows for a planning balance within decision-making to enable the benefits and impacts of each development to be assessed.
- 3.8 This could be part of an on-site/off-site solution, which could generate notable s106 funds to achieve significant, meaningful and long-term planted and ecological areas. Ecological outcomes rather than an unconditional focus on native species should be considered in new planting.
- 3.9 The presence of boundary trees should not itself be sufficient to protect, and designate as such, an entire area of land as Policy 67 Protected Open Space. The policy approach must be commensurate. This is highlighted by the land east of The Lawns, Clerk Maxwell Road, which has the whole site protected for environmental purposes, because there is some boundary planting, this is not a reasonable or commensurate policy response. The designation should be removed, to give validity and strength to policy by protecting only those whole sites that require that full protection.

4.0 Any Other Issues?

Question 49. Do you have any views on any specific policies in the two adopted 2018 Local Plans? If so, what are they?

'Protection of Open Space' (Policy 67) Cambridge Local Plan 2018

- 4.1 Policy 67 of the Cambridge Local Plan (2018) currently requires the following when considering development proposals on areas of land protected as open space:

“Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless:

a. the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost; and

b. the re-provision is located within a short walk (400m) of the original site.

In the case of school, college and university grounds, development may be permitted where it meets a demonstrable educational need and does not adversely affect playing fields or other formal sports provision on the site. Where replacement open space is to be provided in an alternative location, the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.”

- 4.2 The designation of protected open spaces within the Cambridge Local Plan is too broad, the policy serves to protect most spaces in the City for recreation and environmental 'importance', using a broad 'catch all' assessment criteria and then applies an overly restrictive 400m distance restriction to any relocation. The 400m restriction does not allow for any balance of the issues, or benefits that may be accrued from a relocation that happened to be over 400m away.
- 4.3 This is highlighted by land East of The Lawns which is identified within the Local Plan as a Protected Open Space and an Outdoor Sports Facility 'Cambridge Tennis and Hockey Club' (ref: SPO 06) (2.41 hectares). The site is identified as having both environmental and recreational importance within the Open Space and Recreation Strategy (2011), however, the Strategy does not set out in any further detail as to how this assessment has been made. It is therefore not clear how the Council have determined that the site is of environmental and recreational importance.
- 4.4 Para 7.48 of the Local Plan requires that replacement sites / facilities should be no more than a short walk (400m) from the site that is to be replaced. As shown on the map included at Appendix 2, the 400 metre radius around the site is heavily constrained and already features residential development, Green Belt land and other protected spaces. There is limited to no opportunity for re-providing the open space within a 400-metre radius of the site, if that was the appropriate response. Major benefits could be achieved, in theory, by providing for a new purpose-built facility that was more than 400m away, but the policy is overly-restrictive to not allow a judgement to be made.

- 4.5 The Appendix 2 Plan shows all the currently Protected Open Spaces and their 400m isochrones to reflect the 400m described in adopted Cambridge Policy 67. This vast protection of spaces arises through an assessment criteria that is too broad and essentially forms a ‘catch all’ approach, protecting whole sites, when for example the environmental ‘importance’ only applies to a part of the site; such as with the land east of The Lawns and its planted boundaries, but yet the whole site is protected.
- 4.6 The approach to recreation protection is also not a robust policy position. The land east of The Lawns has not been actively used since 2003, yet it is given the full protection of Policy 67 for its recreational importance. The Local Plan also requires that replacement sites/facilities should be provided so as not to increase any identified deficiencies in open space in the ward where the site is located. In the case of the land east of The Lawns, the site is located within the Newnham Ward, where no deficiencies are identified within the Open Space Strategy (2011). In this case the site would not lead to increasing deficiencies within Newnham, but this matter is not taken into account in making the designation, nor does Policy 67 allow for the same matter to be taken into account in application decision-making. On a related issue, Policy 67 does not relate well to NPPF paragraph 97 and its criterion (a) which allows for an assessment to be made to ascertain if the open space is surplus to requirements.
- 4.7 Paragraph 7.47 of the Local Plan identifies that there is a ‘clear presumption’ against the loss of open space of environmental or recreational importance, and that:
- “Any proposal involving the loss of open space must include an assessment (using the criteria listed in Appendix I) to determine the important aspects of the site that should be retained within the new development, in agreement with the Council. As part of any planning application, applicants will need to clearly demonstrate how the proposal will minimise its impact on the site’s intrinsic qualities and where possible enhance the remaining part of the site. Due regard must also be given to any potential impact on the character and wider setting of the site.”*
- 4.8 The criteria used to assess open space in Cambridge are currently set out in Appendix I in the Local Plan. The criteria are summarised below alongside an assessment as to why the criteria are not useful in their current state, highlighted by example with land east of The Lawns.

CRITERIA FOR ENVIRONMENTAL IMPORTANCE	OUR ASSESSMENT
a. Does the site make a major contribution to the setting, character, structure and the environmental quality of the city?	The site does not make a major contribution. The site is not referenced in the West Cambridge Conservation Area Appraisal in terms of its heritage contribution to the area. The tree line along the eastern boundary is identified as an important tree group on the Townscape Analysis map in Appendix 3 of the Appraisal, and this tree line can be retained without the need to protect the entire site as open space.

CRITERIA FOR ENVIRONMENTAL IMPORTANCE	OUR ASSESSMENT
b. Does the site make a major contribution to the character and environmental quality of the local area?	The site is inaccessible to the public and is screened by existing trees along the eastern boundary.
c. Does the site contribute to the wildlife value and biodiversity of the city?	An ecological appraisal has not been carried out however the site does not feature any specific wildlife designations.

QUESTIONS USED TO ASSESS ENVIRONMENTAL IMPORTANCE	OUR ASSESSMENT
<p>i. Does it make a major contribution to the setting of Cambridge?</p> <p>ii. Does it have positive landscape features and/or a sense of place sufficient for it to make a major contribution to the character of the city?</p> <p>iii. Is the site an important green break in the urban framework?</p> <p>iv. Does it have significant historical, cultural or known archaeological interest?</p>	<p>i. The site does not make a major contribution.</p> <p>ii. The site is not referenced in the West Cambridge Conservation Area Appraisal in terms of its heritage contribution to the area. The tree line along the eastern boundary is identified as an important tree group on the Townscape Analysis map in Appendix 3 of the Appraisal. This tree line can be retained without the need to protect the entire site as open space.</p> <p>iii. The site does not represent an important green break. The site is inaccessible to the public and is screened by existing trees along the eastern boundary.</p> <p>iv. The site is not referenced in the Cambridge Conservation Area Appraisal as being valuable in terms of its heritage status and the site does not contain any buildings or structures.</p>
<p>i. Does it have positive features such as streams, trees, hedgerows or meadowlands which give it a sense of place sufficient to make a major contribution to the character of the local area?</p> <p>ii. Is it an important green break in the framework of the local area?</p> <p>iii. Does it form part of a network of open spaces in the local area?</p> <p>iv. Is it enjoyed visually on a daily basis from public places (e.g. footpaths, vantage points)?</p> <p>v. Does it have local historical or cultural interest?</p>	<p>i. The site does not contain any of these positive features, other than the tree line along the eastern boundary. This can be retained without needing the maintain its designation as a protected open space.</p> <p>ii. The site is not an important green break. It is largely closed off from public access.</p> <p>iii. As above.</p> <p>iv. The site is largely screened from view and is inaccessible to the public.</p> <p>v. The site is not considered to be important in terms of its historical or cultural interest. The site is not referenced in the West Cambridge Conservation Area Appraisal.</p>

QUESTIONS USED TO ASSESS ENVIRONMENTAL IMPORTANCE	OUR ASSESSMENT
<p>i. Does it have any nature conservation designation?</p> <p>ii. Is it adjacent to or an important link to sites with nature conservation designation?</p> <p>iii. Does it contain important habitats or species sufficient to make it worthy of consideration for any nature conservation designation?</p> <p>iv. Is it an important wildlife oasis in an area with limited wildlife value?</p>	<p>i. The site is not designated as a nature site.</p> <p>ii. The site is not adjacent to a nature conservation site.</p> <p>iii. An ecological appraisal has not been carried out however the site does not feature any specific wildlife designations.</p> <p>iv. The site is surrounded by development</p>

CRITERIA FOR RECREATIONAL IMPORTANCE	OUR ASSESSMENT
<p>d. Does the site make a major contribution to the recreational resources of the city?</p>	<p>The site does not make a major contribution to recreational resources of the city.</p>
<p>e. Does the site make a major contribution to the recreational resources of the local area?</p>	<p>The site does not make a major contribution to the recreational resources of the local area.</p> <p>The site is located within the Newnham Ward and whilst a detailed assessment of Newnham's open space provision has not been undertaken, no deficiencies are identified within the Open Space Strategy (2011). It is therefore considered that the loss of the disused hockey pitch on the site would not lead to increasing deficiencies within Newnham.</p>

QUESTIONS USED TO ASSESS RECREATIONAL IMPORTANCE	OUR ASSESSMENT
<p>i. Is it of a size, quality and accessibility such that people would travel to use it for recreational purposes, no matter where they live, work or study in the city?</p> <p>ii. Is it an important part of the network of significant recreational open spaces?</p> <p>iii. Is it part of the sports provision which help to meet demand from people throughout the city, no matter where they live, work or study?</p>	<p>The site has not been used for recreational purposes since 2003. The site is therefore not an important part of the network of recreational open spaces.</p>
<p>i. Is it of a size and accessibility such that people who live, work or study in the local area do or could use it for recreational purposes?</p>	<p>The site has not been used for recreational purposes since 2003 as there is no longer a need for a pitch in this location. The site is</p>

QUESTIONS USED TO ASSESS RECREATIONAL IMPORTANCE	OUR ASSESSMENT
ii. Is it an important part of the network and hierarchy of recreational facilities in the local area? iii. Is it a significant linkage between recreational areas?	therefore not an important part of the network of recreational open spaces.

4.9 As set out above, removing the site's designation as a Protected Open Space will not lead to the loss of any sports/recreation facilities.

'Community, Sports and Leisure Facilities' (Policy 73) Cambridge Local Plan 2018

4.10 Policy 73 of the Cambridge Local Plan (2018) states the following:

"The loss of a facility or site that was last in use as a community, sports or leisure facility will only be permitted if it is demonstrated that:

i. the facility/site can be replaced within the new development or relocated to at least its existing scale, range, quality and accessibility for its users. For leisure uses, it should satisfy peak period need; or

j. the facility/site is no longer needed."

"In providing evidence that a facility/site is no longer needed, the guidance in Appendix K of the plan should be adhered to. The redevelopment of school sites for other uses will be permitted only if it can be demonstrated that they are not required in the longer term for continued educational use."

4.11 In terms of the site, criterion j is considered to apply given that the site has not been used since 2003 and the facilities are no longer required. Paragraph K.3 of Appendix K requires that:

"Proposals for either replacement or relocated facilities should demonstrate:

a. equal or improved site accessibility to users by all means of transport including foot and cycle; and

b. sufficient spare capacity or agreement to accommodate displaced users at other equivalent community/leisure facilities with similar accessibility for users. For existing leisure facilities, in the absence of a robust district-wide needs assessment/capacity assessment, applicants will be expected to carry out such an assessment at their own cost; and

c. through local consultation, the level of interest in and viability of the continued use of the premises as a community/leisure facility."

4.12 The Open Space and Recreation Strategy 2011 includes an assessment of sites identified on the Policies Map, including an assessment as to whether each site is important for environmental

and/or recreational reasons, according to the assessment criteria listed in Appendix I of the Local Plan. It also identifies those wards with deficiencies in open space provision. The Site is referenced to as site SPO 06 in the Newnham Ward profile, comprising 2.41 hectares. This includes the tennis courts to the south of the site. The site is assessed as having both environmental and recreational importance.

- 4.13 An updated Open Space Assessment is required for Cambridge, in accordance with Paragraph 96 of the National Planning Policy Framework (NPPF) which requires the following:

“Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.”

- 4.14 Paragraph 97 of the NPPF requires the following:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

- 4.15 NPPF Paragraph 97 is considered to be the basis to assess this policy matter. This Policy sets out three criteria, but these are a series of ‘or’, so only one criterion has to be engaged and compliant. The first criterion is the appropriate test for the development proposal because the open space is considered to be surplus to requirements, in that the land has been unused since 2003 and has not contributed to the recreation offer in the area. An NPPF matter not reflected in adopted Policy 67.

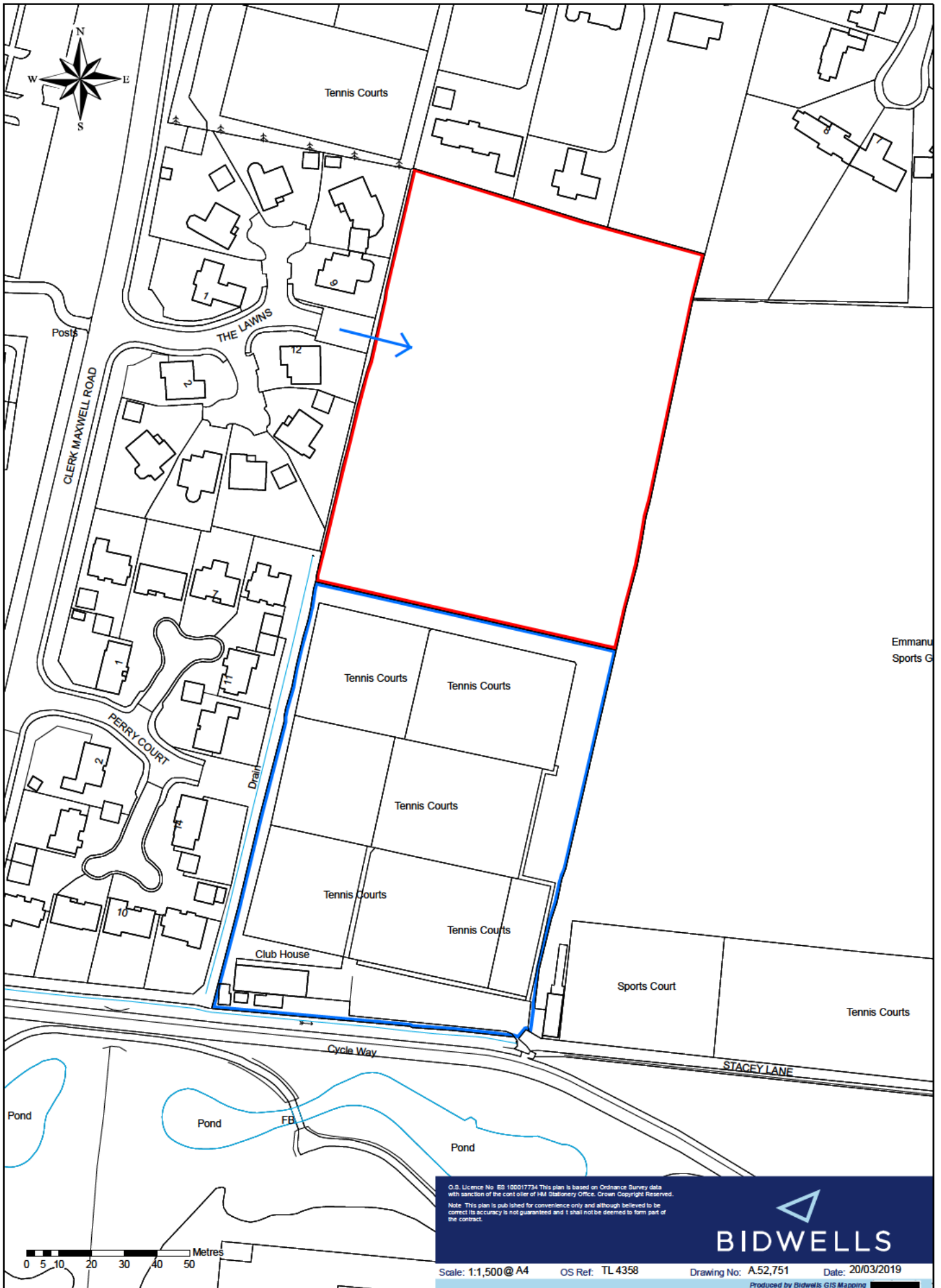
Summary

- 4.16 Policy 67 requires an overhaul so that it allows for a clearer NPPF para 97 structure and criteria assessment and to remove the 400m restriction, which is too onerous and could prevent a planning judgement being made to account for benefits of a relocation. The assessment criteria to determine whether an open space should be designated is based on PPG17 and should have an overhaul to ensure there is a robust assessment criteria, to underpin the Big Theme around biodiversity and green spaces. By example, Land east of the Lawns, Clerk Maxwell Road should not be a protected open space; it has only planted boundaries and has not been used since 2003; its continued designation undermines the policy.

APPENDIX 1

SITE LOCATION PLAN

The Lawns, Wilberforce Road, Cambridge



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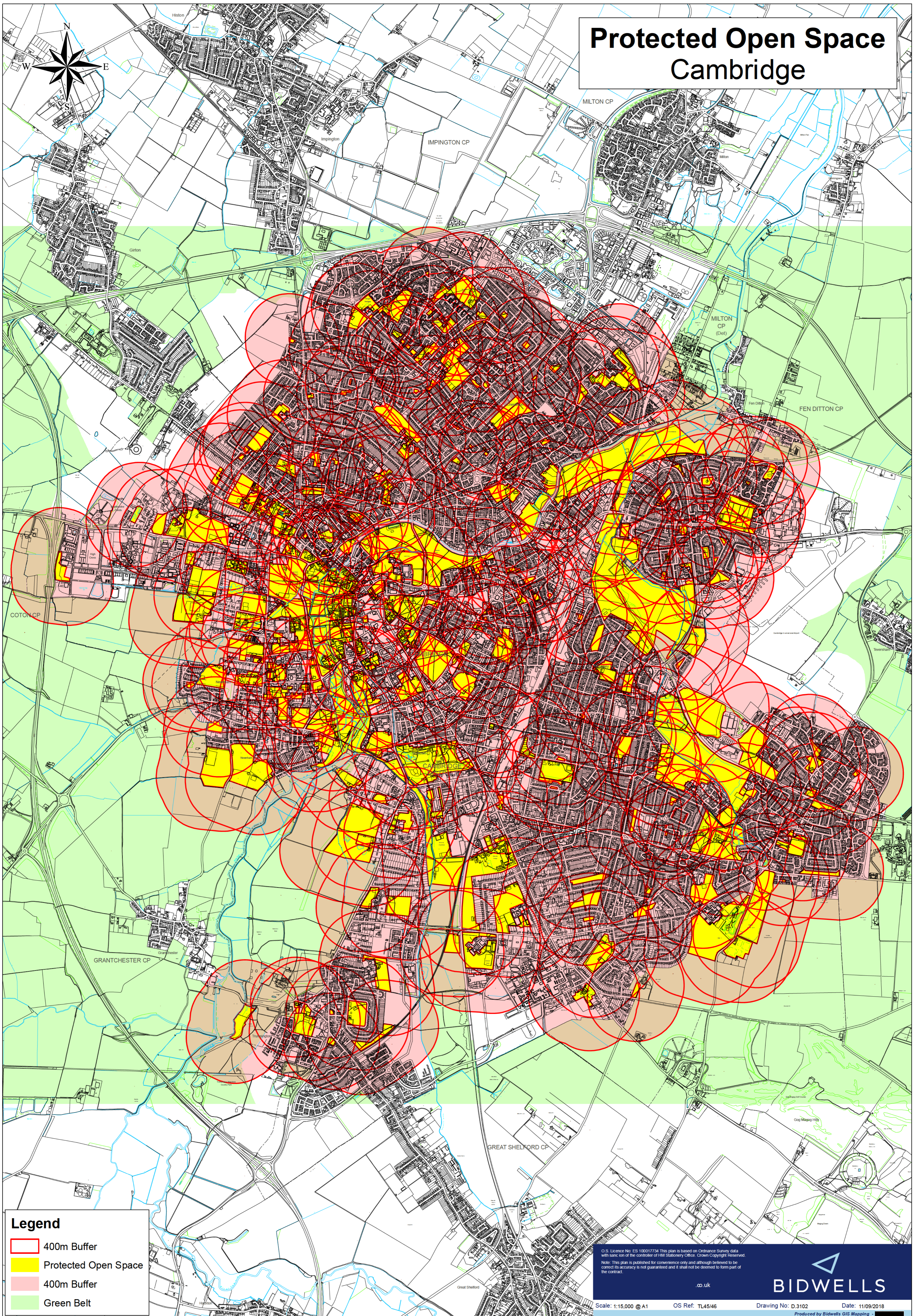
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Produced by Bidwells GIS Mapping

APPENDIX 2

PROTECTED OPEN SPACE MAP

Protected Open Space Cambridge



Legend

- 400m Buffer
- Protected Open Space
- 400m Buffer
- Green Belt

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