

## **Delegated Report**

### **Site Description and Area Context**

The application site lies on the west side of the Green, close to Park Parade. It is a triangular area, 70m long and 48m wide across its south-west edge, bounded to the north-west by the grass tennis courts, to the east by the footpath from Jesus Lock to the end of Portugal Street, and to the south-west by the railings along Park Parade.

The area lies wholly within the City of Cambridge Conservation Area No.1 (Central). It is defined as Protected Open Space in the Local Plan. There is an avenue of cherry trees from Jesus Lock to the end of Portugal Street. Three of these trees lie within the application site, as do three other trees fronting Park Parade.

### **Description of Development**

The application proposes a site compound to be in place for eighteen months, in connection with work to renew the electricity substation in Thompson's Lane. The application proposes the area be surrounded by a 2.4m-high plywood hoarding, to be painted olive green. Within this would be space for storage of materials and plant, ten car or van parking spaces, and four demountable buildings in two stacks of two, to provide office space and toilets. At the south-west end of the site, a lay-by for delivery vehicles would be created alongside Park Parade, separated from the trees by a post-and-rail fence. The whole area would be surfaced with hardcore.

At the end of the period of work on the substation, the site area would be recovered with topsoil and seeded with grass, and the whole avenue of cherry trees to Jesus Lock felled and replaced with new flowering cherry trees.

### **Site History**

None relevant

### **Central Government Guidance**

PPS1 Delivering Sustainable Development (2005)  
PPG15 Planning and the Historic Environment (1994)

### **Development Plan Policy**

#### **East of England Plan 2008**

ENV6 The historic environment  
ENV7 Quality in the built environment

#### **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context

3/7 Creating successful places  
4/2 Protection of Open Space  
4/4 Trees  
4/11 Conservation areas  
4/16 Development and Flooding  
8/10 Off-street car parking

### **Material Considerations**

Open Space Strategy (2006)

### **Consultations**

#### **Cambridgeshire County Council (Engineering):**

Level of car parking provided is unnecessarily high. Informatives requested.

#### **Cambridgeshire County Council (Archaeology):**

Recommend that a programme of archaeological investigation be required by condition.

#### **Historic Environment Manager:**

The impact of the proposal on views across the Green is a concern. It will reduce the quality of the area as an open space and reduce the views from and to the River Cam. This will have a negative effect on the character and appearance of the Conservation Area. Refusal recommended.

#### **Principal Arboricultural Officer:**

Original proposal to locate compound close to Park Parade unacceptable because of impact on lime trees. Resulting revised location close to the tennis courts (as submitted) results in conflict with the cherry trees. This is considered expedient as the life expectation of the trees is limited. EDF were invited to fund the replacement of the entire avenue with new Great White flowering cherries.

#### **Head of Environmental Services:**

No objection. Conditions recommended regarding working hours and site lighting.

The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

### **Publicity**

Advertisement:	Yes
Site notice:	Yes
Adjoining occupiers:	Yes

## Representations

The owners/occupiers of the following addresses have made representations (an asterisk indicates that more than one representation has been received from the address in question) :

9 Albert Street*	16a George Street	13 Park Parade
18 Albert Street*	32 Gilbert Close	14 Park Parade
20 Albert Street	119 Gilbert Road	15 Park Parade*
27 Albert Street*	3 Hale Avenue	18 Park Parade
28 Albert Street	40 Hawkins Road	20 Park Parade
31 Albert Street	30 Herbert Street	21 Park Parade
Flat, Albert Yard, Albert St	74 Hertford Street	24 Park Parade
28 Alpha Road*	76 Hertford Street	13 Park Street
27 Beaufort Place	1 Holland Street	13 Portugal Place*
28 Beaufort Place	10 Holland Street	21 Portugal Place
31 Beaufort Place	11 Holland Street	22 Portugal Place
35 Beaufort Place*	13 Holland Street	24 Portugal Place
36 Beaufort Place	14 Holland Street	26 Portugal Place
40 Beaufort Place	15 Holland Street	21 Portugal Street
41 Beaufort Place	22 Holland Street	23 Portugal Street
44 Beaufort Place	53 Howard Close	6 Richmond Terrace
4 Benson Street	38 James Street	8 Richmond Terrace
36 Carlyle Road	37 Kimberley Road	10 Richmond Terrace
46 Carlyle Road	63 Maids Causeway	11 Richmond Terrace
52 Carlyle Road	14 New Park Street	14 Richmond Terrace
54 Carlyle Road	8 North Terrace	5 St John's Road
61 Carlyle Road*	21 Orchard Street	16 St John's Road
65 Carlyle Road	1 Park Parade	18 Searle Street
71 Carlyle Road	2 Park Parade	30 Searle Street
81 Chesterton Road	5 Park Parade*	The Old Vicarage, Thompson's Lane
85 Chesterton Road	7 Park Parade	2 Willis Road
86 De Freville Avenue	8 Park Parade	11 Willow Walk
69 Eden Street	10 Park Parade*	80b York Street
3 Fisher Street	11 Park Parade	74 High Street, West Wratting

Representations have also been received from:

- ♣ Park Street C of E Primary School
- ♣ Park Street Residents Association
- ♣ Save Our Green Spaces Cambridge
- ♣ Savills acting on behalf of St John's College

The representations can be summarised as follows:

### Principle of development

- ♣ Loss of open space of recreational importance
- ♣ Harm to the character and appearance of the conservation area
- ♣ Loss of trees, including a memorial tree
- ♣ Difficulty of ensuring proper restoration of the Green afterwards
- ♣ Other sites could be used, such as Park Street car park
- ♣ Work should have been undertaken before 24 Thompson's Lane was developed
- ♣ Site is Common Land

### **Neighbour amenity**

- ♣ Disturbance to neighbouring occupiers from noise, dust and site lighting
- ♣ Loss of privacy
- ♣ Loss of on-street car parking space
- ♣ Hazard from vehicles accessing the compound
- ♣ Hazard from corrosive waste
- ♣ Impact on use of the Green by Park Street School

### **Other issues**

- ♣ Damage to stability of nearby buildings
- ♣ Damage to boundary walls
- ♣ Reduction in house values
- ♣ Flood risk
- ♣ Creation of precedent for other utility companies

The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

### **Assessment**

From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Residential amenity
3. Trees
4. Highway safety
5. Car and cycle parking
6. Flood risk
7. Third party representations

### **Principle of development**

The whole of Jesus Green is Protected Open Space. This area is of recreational importance. The proposal would lead to the temporary loss of a significant area of open space, and would be harmful to the character of a much wider area. The application does not propose to replace the lost open space elsewhere. In my opinion, the principle of the development is in conflict with government guidance in paragraphs 16 and 17 of PPG17 and with policy 4/2 of the Cambridge Local Plan (2006).

The application site occupies a very prominent position in the City of Cambridge Conservation Area No.1 (Central). Its greenness, and its position in front of the backdrop of Park Parade, and the buildings of the city centre, especially the chapel of St John's College, mean that it makes a very significant contribution to the character and appearance of the conservation area, a significance which is heightened by the fact that the pedestrian and cycle routes across the Green from the footbridge at Jesus Lock are used by many people as a route from the north of the city into the centre. The proposal would not enhance or preserve the character of the conservation area, but would result, temporarily, in a very significant erosion of its quality in this area. (I note the concerns of objectors who doubt that the Green would be properly and swiftly restored to its former condition at the end of the works, and I acknowledge that this is a pertinent question, but in my view this concern could be addressed by a relevant condition and vigilant enforcement.) In my view, the application is in conflict with policy ENV 6 of the East of England Plan (2008), policy 4/11 of the Cambridge Local Plan (2006), and government guidance in paragraph 4.10 of PPG 15.

Underlying the application are two premises: firstly that the electricity substation in Thompson's Lane must be replaced, and secondly that this compound is necessary in order to carry out that work. I must accept the electricity supply operator's judgement that the substation requires replacement, and I acknowledge that in this context, the work involved is vital to the commercial, educational and domestic life of a large area of the city centre. However, I do not feel obliged to accept the applicant's judgement that the creation of the compound sought here is essential to carry out the work.

The compound is sought to provide office space, toilets, parking space, space for the storage of materials, and space for skips and unloading. The design and access statement accompanying the application does not provide a satisfactory justification of why each of these elements is required, nor why any of them cannot be provided in alternative locations or by alternative means. In particular, the following possibilities appear to have been overlooked:

- ♣ Renting office space nearby
- ♣ Using the public car park
- ♣ Using public toilets
- ♣ Disaggregating the compound into a number of smaller spaces which could be accommodated elsewhere
- ♣ Storing materials elsewhere until immediately before they are required

- ♣ Reducing vehicle journeys to the site to a lower level by more public transport use

I acknowledge that in pre-application advice other sites were discussed, and that the applicants were advised that possible locations on the east side of the Green were unlikely to be supported because of arboricultural issues. However, no proper analysis of the shortcomings of the possible site in Castle Street is offered, nor are any other possible sites examined.

The site is Common Land, which is an inhibiting material planning consideration. In my view, the recreational use of the Common Land, which is significant, would be harmed – albeit on a temporary basis - by the erection of the compound.

In my view, the need to maintain the electricity supply is a material consideration in this application, which carries considerable weight. However, it could only outweigh the conflict with policies regarding open space and the character of the conservation area, and the conflict with the Green's status as Common Land, if the need for a compound of this size and nature were unequivocally justified in a rigorous assessment, and the possibility of using a combination of other sites thoroughly examined and eliminated. This application does neither of these things, and in my view therefore, the need to maintain the electricity supply does not outweigh the policy conflicts I have identified above.

### **Residential Amenity**

The proposed compound would be a very negative visual element in views from the neighbouring houses, but this is not a reason for refusal of the application. I do not consider that the proposal would have any impact on the sunlight or privacy of neighbouring occupiers, nor create an overwhelming sense of enclosure. Furthermore, I do not consider that the temporary loss of on-street parking spaces would constitute a reason for refusal.

Although the activity in the compound would create noise and possibly also some dust, I do not consider that these would be at a level which would merit refusal of the application. The Environmental Health department has not objected to the proposal, and I concur with the Environmental Health Officers view that a condition on working hours is sufficient to control this aspect of the proposal.

Similarly, although site lighting has the potential to have a detrimental impact on neighbours, I agree that a condition to control the type and position of lighting is sufficient to resolve this issue.

Objectors raise the issue of hazardous waste, and possible contamination of the Green. If there is hazardous waste from the works in Thompson's Lane, it will need to be dealt with according to other regulatory regimes, whether or not this compound is created. The Environmental Health department has raised no concerns on this matter, and I do not consider it a reason for refusal.

The impact on use of the Green by Park Street Primary School is a very particular

aspect of neighbour amenity. Although many objectors refer to this issue as a reason for refusal, the head teacher does not consider the proposed development itself to be a problem for the school's use of the Green. Her concern is solely about the periods of the compound's erection and demolition. Since the applicants accept that these events must be timed to coincide with school holidays, it is my view that this concern could be met by the use of a condition.

In my opinion the proposal adequately respects the residential amenity of its neighbours, and in this respect, I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/4.

### **Trees**

The application proposes the felling of three trees along the avenue of cherries, and a sapling in the middle of the site area. The sapling would be replanted. The Principal Arboricultural Officer (PAO) supports the proposal by the applicants to fell and replace the entire avenue of trees because the current trees have limited life expectancy and a new avenue of Great White Cherries would enhance the quality of the Green for approximately 70 years. Many respondents have expressed vehement opposition to this aspect of the application, but in my view this may arise from a lack of knowledge about the present trees' expected life span. I concur with the advice of the PAO on this issue, and I do not consider the loss of the trees to be a reason for refusal. I do not consider that the proposal is in conflict with policy 4/4 of the Cambridge Local Plan (2006).

### **Highway safety**

The highway authority has suggested that the level of car parking provided in the proposal is unnecessary. I agree with this view, as I have indicated in my analysis of the principle of development. However, I do not consider that the level of traffic resulting from the layout of the compound in the form proposed is, in its own right, a reason for refusal; I do not consider that it would present a hazard to highway safety, nor be so heavy as to cause damage. If individual vehicles were to damage property, the remedy would be through civil law. The Highway authority has raised no other issues, and in my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

### **Car and cycle parking**

The City Council's Car Parking Standards do not set maximum standards for construction sites. The application seeks ten car parking spaces, but the relevant paragraph in the Design and Access Statement does not specify exactly which vehicles will use these spaces, or why they are necessary, and is vague about how the applicants will discourage unnecessary parking. I do not consider that the level of car parking on its own is sufficient to merit refusal of the application, but the absence of a clear justification for the number of spaces underlines my view that no adequate justification for the proposal has been given.

The application does not include any cycle storage space. In order to encourage

travel to and from the site by cycle, some such space should be provided. I am satisfied, however, that were other issues to be resolved, this matter could be controlled by condition. In my opinion, insufficient information is provided to determine whether the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Flood risk**

The application site lies within the Flood Zone as defined in the local plan. The Environment Agency has not commented on the proposal, but in my view, the area has an unacceptable risk of flooding, and the nature of the development (hoardings and demountable buildings) has the potential to affect the flow of flood water elsewhere. In my view, in the absence of more detailed information, the application is in conflict with policy 4/16 of the Cambridge Local Plan (2006).

### **Third party representations**

I have addressed the majority of the issues raised by objectors above. Three remain.

A possible reduction in house values resulting from what is a temporary proposal is not a matter that can be given weight that would justify a reason for refusal.

The application, if approved, would not create a precedent for development by other utility companies, as each planning application must be considered on its own merits.

I cannot assess whether EDF could have carried out this work before the sale of part of the site at 24 Thompson's Lane, or whether had it been done at that stage, the need for a compound elsewhere would have been avoided. Whatever view was taken on these matters, however, I do not consider that the existence in the past of another possible site for the compound would alter the weight of considerations regarding this application in the present.

### **Recommendation**

#### **REFUSE for the following reasons:**

1. The proposal would lead to the loss, for an extended temporary period, of open space of recreational importance which would not be replaced elsewhere. It would also interfere with the recreational use of an area of Common Land. For these reasons, the proposal would be contrary to policy 4/2 of the Cambridge Local Plan (2006) and government guidance in 'Planning Policy Guidance 17 'Planning for Open Space, Sport and Recreation' (2002).

2. By virtue of its large size and untidy and makeshift appearance, the noisy nature of the activity within it, and its impact on views to and from the River Cam



across Jesus Green, and towards the historic core of the city from the direction of Jesus Lock, the proposed compound would have a harmful impact on the character and appearance of the City of Cambridge Conservation Area No.1 (Central), contrary to policy 4/11 of the Cambridge Local Plan (2006), and government guidance in Planning Policy Guidance 15 'Planning and the Historic Environment' (1994).

3. The proposal involves development in an area with an unacceptable risk of flooding, and has the potential to affect flows of floodwater elsewhere. In the absence of detailed information to demonstrate how this might be defended the proposal is contrary to policy 4/16 of the Cambridge Local Plan (2006).

Determined under delegated powers by:

Designation - Principal Development Control Manager

Date: