

# Cambridge City Council

## Development Control Forum

**Date:** Wednesday, 11 November 2020

**Time:** 10.00 am

**Venue:** via Microsoft Teams

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

### Agenda

- 1 Introduction by Chair to the Forum
- 2 Apologies
- 3 Declarations of Interest
- 4 Application and Petition Details (20/03429/FUL / 104 - 112 Hills Rd Cambridge)  
Application No: 20/03429/FUL  
Site Address: 104 - 112 Hills Road Cambridge Cambridgeshire  
Description:
  - 1) The demolition of Betjeman House, Broadcasting House, Ortona House, Francis House, and the rear multi-storey carpark to Francis House, together with existing refuse and cycle stores; to allow for construction of two new commercial buildings of five and seven storeys respectively, providing flexible B1(a), B1(b), A1, A2, A3 uses on the ground floor and Class B1(a) and B1(b) on the upper floors.
  - 2) The construction of basement with mezzanine level to provide for building services, cycle parking and car parking for the proposed commercial buildings, cycle and car parking spaces for Botanic House and services for Flying Pig Public House.
  - 3) The refurbishment of the Flying Pig Public House at 106 Hills Road, including demolition of part single/part two storey outrigger and single storey store, alterations to elevations, construction of extension to enable level access and layout pub garden.
  - 4) Creation of new public realm and landscaping, incorporating segregated vehicular and cycle access

from Hills Road, a new access to service areas and substations, and taxi drop off for both the development proposed and existing Botanic House.

Applicant: Not available  
Agent: Jonathan Bainbridge, Bidwells  
Address: 25 Old Burlington Street London W1S 3AN  
Lead Petitioner: Cambridge City resident  
Case Officer: Phil McIntosh

Text of Petition:

This is a petition to request Cambridge City Council hold a Development Control Forum in respect of planning application 20/03429/FUL

Site address: 104 – 112 Hills Rd Cambridge

on the grounds that:

[according to ‘Probity in Planning for councillors and officers’, published by the Local Government Association and The Planning Advisory Service, it ought to be advertised as a ‘Departure’ application, because:]

The application is not in accordance with the following Local Plan Policies:

Local Plan Policy 14 - Areas of Major Change, states; ‘development shall only be permitted: where the development is based on clearly articulated and justified objectives and approach through the provision of a site-wide masterplan’. and: ‘3.28 Substantial development will not be permitted in advance of the preparation and approval of a site-wide masterplan, strategies and/or other over-arching documents as required by the scale and nature of development’. Masterplanning has not been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012);

Policy 21 states: ‘Station Area West 2 will be subject to masterplanning and detailed transport assessment before any new planning applications come forward.’ Masterplanning has not been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012);

Policy 55 - Responding to context; The proposal ignores the prevailing character of the area in terms of both scale, mass and architectural

detail;

Policy 58 - Altering and extending existing buildings; The proposed alterations to the Flying Pig do not respect the character of the existing building, and will seriously undermine the viability of the pub as a business;

Policy 61 - Conservation and enhancement of Cambridge's historic environment; The Flying Pig is completely dominated by this overbearing proposal and its significance lost by the poor juxtaposition of the new buildings; The University Botanic Garden is overlooked and overshadowed, negatively impacting the skyline as viewed from within the Garden, and the sense of privacy and intimacy currently enjoyed from within the garden.

Policy 62 - Local Heritage Assets; The history of this site not adequately understood: There is considerable new information regarding the history of both the Public House and the wider site, and it's relevance to the development of the city physically, politically, historically and economically, that has yet to be disseminated.

Policy 76 - Protection of Public Houses; The economic benefits have not, and cannot be predicted in the current Covid climate, as acknowledged by the authors of the 'Economic Benefits Statement' submitted in support of this application. No justification for the development has therefore been provided; It has not been demonstrated that the viability of the pub will not be adversely affected; The associated development does not preserve or enhance the character and appearance of the Conservation Area in which it sits; The proposals will result in the garden area (both existing and proposed) being overshadowed during trading hours and thus deprived of sunlight, to the detriment of the flora and patrons. Sunlight is an important factor in its attractiveness to customers, particularly during the most lucrative summer months.

and furthermore, we are also concerned:

That application 20/03429/FUL and supporting documents contain a number of potentially inaccurate statements and premises, on which comments by statutory consultees, and nonstatutory consultees have been made;

That a number of alternative schemes have been illustrated in the 'Design and Access Statement' (Both sets!), but not shown to the local

community at any public consultation for comment or discussion prior to submission and validation of the application;

That the cumulative impacts of some of the other developments that will occur in the vicinity, for example as the CB1 development progresses, have not been adequately assessed or quantified in the EIA process;

That insufficient information has been provided regarding the construction methods proposed to form a view of either the long term danger to the structure of the Flying Pig Public House caused by the proximity of proposed excavation, piling and subsequent building works, or of the danger of sudden collapse during construction works, and that if that were to occur, substantial harm would be done to the character and appearance of the New Town and Glisson Rd Conservation Area, which the Local Authority has a duty to preserve or enhance under the Planning (Listed buildings and Conservation Areas) Act;

That insufficient evidence has been provided ‘...on how the basement [of the new offices] will be protected from groundwater flooding. Further information on the waterproofing strategy is required at this stage to allow us to assess the groundwater flood risk to the proposed development in more detail. The applicant must also demonstrate that the basement will not increase groundwater flood risk in adjacent areas as a result of groundwater displacement.’ The Flying Pig beer cellar will be extremely vulnerable to such floodwater displacement, unless tanked. That either means lining the interior of the existing cellar... to what thickness? Will barrel access be impeded? Or, will external tanking be required, meaning excavating around the cellar exterior, at huge risk to the integrity of the existing (remaining) structure.

That the specified opening hours of the Flying Pig (1500 – 2300hrs Mon – fri, 0700 – 2300hrs Sat-Sun) are hours adopted in response to the Coronavirus crisis, not the hours kept pre-Covid, and which will have a serious impact on the viability of the business when this crisis passes. No opening hours are specified for either offices or other F & B’s;

That the condition proposed to be attached to any permission by Environmental Health, that amplified music and vocal performance in external areas be prohibited between the hours of 1900 – 2300 daily, will have a huge impact on the viability of the pub, as it has proven to

be a popular and essential adaptation to the current crisis.

There's no such specification of the same for other F & B's, and also that the proposal that the first floor windows be upgraded to provide better acoustic transmission properties, to protect future occupants from traffic noise will alter the character of the facade, and thus the character and appearance of the Conservation Area;

That the justifications for denying the Cambridge community its otherwise rightful, meaningful and accountable say in the work up of proposals for the site (masterplanning) require verification (one of them is demonstrably untrue and misleading);

That the description of the proposal (06/0552/FUL, 'the extant permission', which is relied upon as a justification for not masterplanning the site, and which lends credibility to this application, despite it being a completely different scheme) misleadingly states: 'including retention of 'Flying Pig' Public House'. Which means the publicity notices advertising that application were 'recklessly misleading in a material particular'(in our opinion), which is an offence under Section 65 of the Town and Country Planning Act 1990;

The above list of planning concerns is by no means exhaustive.

This is not an outright in-principle objection.

Your encouragement 'to say in the petition what changes might be made to the development to overcome' our concerns, is noted, as are the statements on the Petitions and Development Control Forum Petition page <https://www.cambridge.gov.uk/petitions-and-development-control-forum> that: 'You will be expected to explain what changes you are seeking at the development control forum itself.' and that: 'The aim of the forum is to allow early discussion of the planning issues raised by petitioners and to explore the scope for building consensus and resolving concerns. It is an informal meeting and the forum does not determine the application.'

Specific examples of changes which might be made to overcome our concerns include, but are not limited to (and these are the views of us all):

1. That the bulk of the buildings should be kept below the tree line when viewed from within the Botanic Garden, which suggests a maximum height of three commercial storeys at the southern end of the site, rising to perhaps four/five storeys at the northern end. The proposed heights should therefore be reduced by at least one / two storeys along its western edge.

2. That the heights to the Hills Rd frontage should be restricted to four storeys so that the buildings fit the context. Apart from Botanic House, the prevailing height for office buildings along the west side of Hills Rd is no more than four storeys. Botanic House is an exception because it marks an important junction between Hills Rd and Station Rd. If built as proposed Botanic House would lose its landmark status.

3. That a condition be attached to any proposed grant of permission to the effect that: Any accidental damage that might befall the Flying Pig during construction works that is not envisaged or permitted by any planning permission be re-instated in facsimile [as in the case of The Carlton Tavern, Kilburn] before any further work on site proceeds, or to a schedule agreed by the council before re-commencement of development on the site, and in any case before commission of any new buildings.

4. That Flying Pig trading hours be set at the discretion of the tenants, within the terms of its license and national licensing regulations. The same to apply to the other food and beverage units.

5. That any proposed restrictions on usage of external areas be applied equally to all food and beverage units on the site.

6. That development should aim to be car-free, except for essential disabled parking and access for service (including tenants and musicians) vehicles.

7. That the office building behind the Flying Pig be pulled back such that the existing (Flying Pig) buildings need not be developed in any way, and such that the pub can continue to trade. The developer has said this can be done. The community has been asking for this loudly and clearly for 15 years. There are schemes in the Design and Access Statement illustrating such a scenario. The publicly accessible ground floor of the proposed new buildings will incorporate disabled access toilets. The statement of economic benefits is, according to its authors, out of date, so no justification for any work to the Flying Pig has been offered in this application.



**Development Control Forum Members:** Baigent, Green, McQueen, Page-Croft, Porrer, Smart, Thornburrow and Tunnacliffe

**Alternates:** Bird

### **Information for Petitioners' and Applicants' Representative**

The aims of the Forum are to allow early discussion of the planning issues and to explore the scope for agreement and compromise between all sides.

Up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak for a total period not exceeding 20 minutes.

The applicants' presentation is heard first and applicants are asked to start their presentation with a brief description of the application proposals.

For further information on the conduct of the Forum or the petition process, please see the Development Control Guidelines, a copy of this is available on the Council's website at <https://www.cambridge.gov.uk/petitions-and-development-control-forum> or contact the Council's Committee Section (01223) 457000.

Please let the Committee Manager know if you would like a briefing on the procedures at the Forum, if you have any other queries, or if you require any special facilities

### **Format of the Forum**

The format of the Forum will be as follows for each application:

- Introduction by Chair and declaration of Councillor interests – **up to 5 minutes**
- Presentation of the application by the applicant/agent (up to 3 representatives) principally to address the issues raised by petitioners – **up to 15 minutes**
- Presentation of the views of the petitioners against the application (up to 3 representatives) – **up to 15 minutes**
- Presentation of the views of the petitioners in support of the application (where applicable) (up to 3 representatives) – **up to 15 minutes**
- Presentation by the planning officer – **up to 10 minutes**

- Member questions and issues arising – **up to 30 minutes**
- Summing up by the applicant/agent – **up to 5 minutes**
- Summing up by the petitioners against the application – **up to 5 minutes**
- Summing up by the petitioners in support of the application – **up to 5 minutes**
- Final comments of the Chair

## **Information for the public**

Details how to observe the Committee meeting will be published no later than 24 hours before the meeting.

Members of the public are welcome to view the live stream of this meeting, except during the consideration of exempt or confidential items, by following the link to be published on the Council's website.

Any person who participates in the meeting in accordance with the Council's public speaking time, is deemed to have consented to being recorded and to the use of those images (where participating via video conference) and/or sound recordings for webcast purposes. When speaking, members of the public should not disclose any personal information of any individual as this might infringe the rights of that individual and breach the Data Protection Act.

For full information about committee meetings, committee reports, councillors and the democratic process:

- Website: <http://democracy.cambridge.gov.uk>
- Email: [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)
- Phone: 01223 457000