



## Joint Development Control Committee

**Date:** Wednesday, 26 January 2022

**Time:** 10.30 am

**Venue:** Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** democratic.services@cambridge.gov.uk, tel 01223 457000

### Agenda

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes

### Miscellaneous

- 4 Deed of Variation to S106 agreement (country park provisions) attached to the outline permissions dated 9 October 2009 (080048/OUT and S/0054/08/0) for the Trumpington Meadows development, Hauxton Road (PAGES 3 - 12)

### Application

- 5 21/04795/FUL - Trumpington (Retail Units at Hobson's Square, Cambridge, Cambridgeshire CB2 9FN) (PAGES 13 - 34)

### Miscellaneous

- 6 Meeting Dates 2022/23 (PAGES 35 - 36)

**Joint Development Control Committee Members:**

**Cambridge City Council:** Cllrs D. Baigent, Page-Croft, Porrer, Smart (Vice-Chair), S. Smith and Thornburrow, Alternates: Flaubert, Gawthroe Wood, Nethsingha and Scutt

**South Cambridgeshire District Council:** Cllrs Bradnam (Chair), Bygott, Chamberlain, Daunton, Hawkins and Hunt, Alternates: Cone, Fane, Howell and J. Williams

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**Report to:**

Joint Development Control  
Committee

December 2021

**Lead Officer:**

Joint Director of Planning and Economic Development

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## **Ward: Trumpington / Parish: South Trumpington**

### **Trumpington Meadows development, Hauxton Road**

Proposal: Deed of Variation (country park provisions) to S106 agreement attached to outline permissions (08/0048/OUT and S/0054/08/0) dated 9 October 2009 for the Trumpington Meadows development for 1200 dwellings and associated infrastructure.

Applicant: Grosvenor Developments Ltd and Universities Superannuation Scheme Ltd

Key material considerations: Planning obligations, Green Belt, development principles

Date of Member site visit: Not applicable

Is it a Departure Application?: No

Decision due by: Not applicable

Application brought to Committee because: Because the item is a Deed of Variation to a S106 Agreement which is not delegated under 1(i) of the Scheme of Delegation of the Joint Development Control Committee (JDCC) .

Presenting officer: Sharon Brown

### **Executive Summary**

1. This submission proposes a Deed of Variation (DOV) to the Trumpington Meadows development S106 agreement attached to the original outline

permissions (08/0048/OUT and S/0054/08/0) for the development of the site dated 9 October 2009. The DOV relates to the country park; the majority of which lies within the SCDC boundary with a smaller area within the City boundary.

2. The S106 agreement dated 9 October 2009 provided that the country park was to be managed by the Wildlife Trust on the basis of a 125 year lease. The management principles are set out in the Country Park Strategy which is an annex to the S106 agreement. The Deed of Variation proposes that the country park be transferred to the Wildlife Trust on a freehold basis. All other key S106 provisions would remain the same.
3. The proposal is acceptable in planning terms since it will provide more greater certainty of continuity of management on a long -term basis. There are no other issues arising from the proposal.
4. The City Council currently has a 125 lease to manage and maintain the allotments and kick about area to the northern end of the country park which lies within the City Council boundary. This would continue and there are no legal implications for the City Council's lease arrangements.

## **Recommendation**

5. That the Joint Development Control Committee authorise the completion of the Deed of Variation to the S106 agreement, with delegated authority to officers to agree the final wording of the Deed of Variation.

## **Relevant planning history**

6. 08/0048/OUT and S/0054/08/0- Outline permissions (City and SCDC) for demolition of existing buildings and structures, redevelopment for approximately 1200 dwellings, two new accesses onto Hauxton Road, primary school, recreation/leisure uses, local facilities including change of use from agriculture to public open space with associated parking, infrastructure and earthworks. **Approved subject to conditions /completion of S106 agreement.**

10/0695/REM and S/1113/10 -Reserved Matters approval for formation of a country park. **Approved subject to conditions.**

There are a number of other Reserved Matters approvals for residential development and for the local centre but these are not directly relevant to this Deed of Variation.

CCC/20/040/FUL -South West Travel Hub County Council planning application submitted in May 2021. Reported to County Council Planning Committee on 29/07/2021 and deferred. Still under consideration by Cambridgeshire County Council.

## **Planning policies**

7. Relevant Development Plan policies  
Cambridge Local Plan 2018:  
Policy 4 -The Cambridge Green Belt  
Policy 14 -Areas of Major Change and Opportunity Areas -General Principles  
Policy 18 Southern Fringe Areas of Major Change  
Policy 68 - Open Space and Recreation Provision Through New Development  
SCDC Local Plan 2018:  
Policy S/4 -Cambridge Green Belt  
Policy NH/6 -Green Infrastructure  
  
Cambridge Southern Fringe Area Action Plan 2008
8. Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations  
National Planning Policy Framework July 2021

## **Consultation and Publicity**

9. None and no publicity requirements.

## **Representations**

10. None.

## **The site and its surroundings**

11. The Trumpington Meadows development is located within the Southern Fringe and straddles the Cambridge City/SCDC boundary, on the southern edge of the City. The development is bounded by the A10/M11 to the south west, Trumpington village to the north and east, Trumpington Park and Ride to the east and Hauxton Road to the south east. The country park lies to the west of the residential development, adjacent to the A10/M11 and is within the Cambridge Green Belt. The residential development of 1200 dwellings which is being built out by Barratt David Wilson Homes is almost complete.
12. The majority of the 60 hectares country park lies within the SCDC boundary but the smaller City part of the country park includes an area to the northern end of the park which contains allotments and a kick about area.
13. There is a retained area of agricultural land to the southern end of the country park.

## **The proposal**

14. This is a Deed of Variation to the 2009 S106 agreement attached to the original outline permissions for the development of the site. The proposal is for

the S106 provisions to be amended to provide for the Wildlife Trust to take on the freehold management of the country park. There are no other changes to the key provisions in the S106 agreement or implications arising.

## **Planning assessment**

15. At the time the original outline permissions were granted for the Trumpington Meadows development in 2009, the applicant, the Trumpington Meadows Land Company (TMLC) had proposed to retain freehold ownership of the country park element of the development. However, management and maintenance of the country park was to be carried out by the Wildlife Trust under a 125 year lease arrangement in accordance with the Country Park Strategy which is an annex to the S106 agreement. In addition, Cambridge City Council was to take on management and maintenance of the allotments and kick about area to the northern end of the country park, again, under a 125 year lease.
16. The above arrangements were secured through the S106 agreement and implemented in accordance with the S106 agreement. The Wildlife Trust has been managing the country park since it was first opened and the City Council has taken on management responsibility for the allotments and kick about area.
17. The Deed of Variation proposes no changes to the day to day management arrangements but provides for the freehold transfer of the country park land from TMLC to the Wildlife Trust. This requires some minor changes to relevant definitions/clauses within the S106 agreement. The changes would make no difference to the City Council's ongoing 125 year lease arrangement which would remain in place.
18. TMLC (Grosvenor Developments and the University Superannuation Scheme) would retain ownership of the agricultural land to the southern end of the country park.
19. In terms of planning policy considerations, the proposal would be consistent with the Green Belt policies as set out in Policy 4 of the Cambridge Local Plan 2018 and Policy S/4 of the SCDC Local Plan 2018 as the country park would remain as Green Belt in accordance with the original outline permissions for the development of the site.
20. The proposal retains all the other obligations in the S106 agreement relating to the management of the country park and the proposed freehold management by the Wildlife Trust provides more assurance for the Councils and the local communities that the country park will be managed in the long - term by an experienced organisation for the benefit of the local community and those in the wider City and SCDC areas. This accords with the policies set out in the SCDC Southern Fringe Area Action 2008 Plan and in the policies 14 and 18 of the City Council Local Plan 2018 which set out the principles for

Southern Fringe/ the urban extension developments including Trumpington Meadows.

21. Cambridgeshire County Council is still considering the South West Travel Hub planning application that affects the land to the southern end of the country park, however this is completely separate to this Deed of Variation.

## **Conclusion**

22. In conclusion, the proposed Deed of Variation is considered to be acceptable in planning terms for the reasons as set out above.

## **Recommendation**

That the Joint Development Control Committee authorise the completion of the Deed of Variation to the S106 agreement, with delegated authority to officers to agree the final wording of the Deed of Variation

## **Appendices**

Appendix A -Site plan

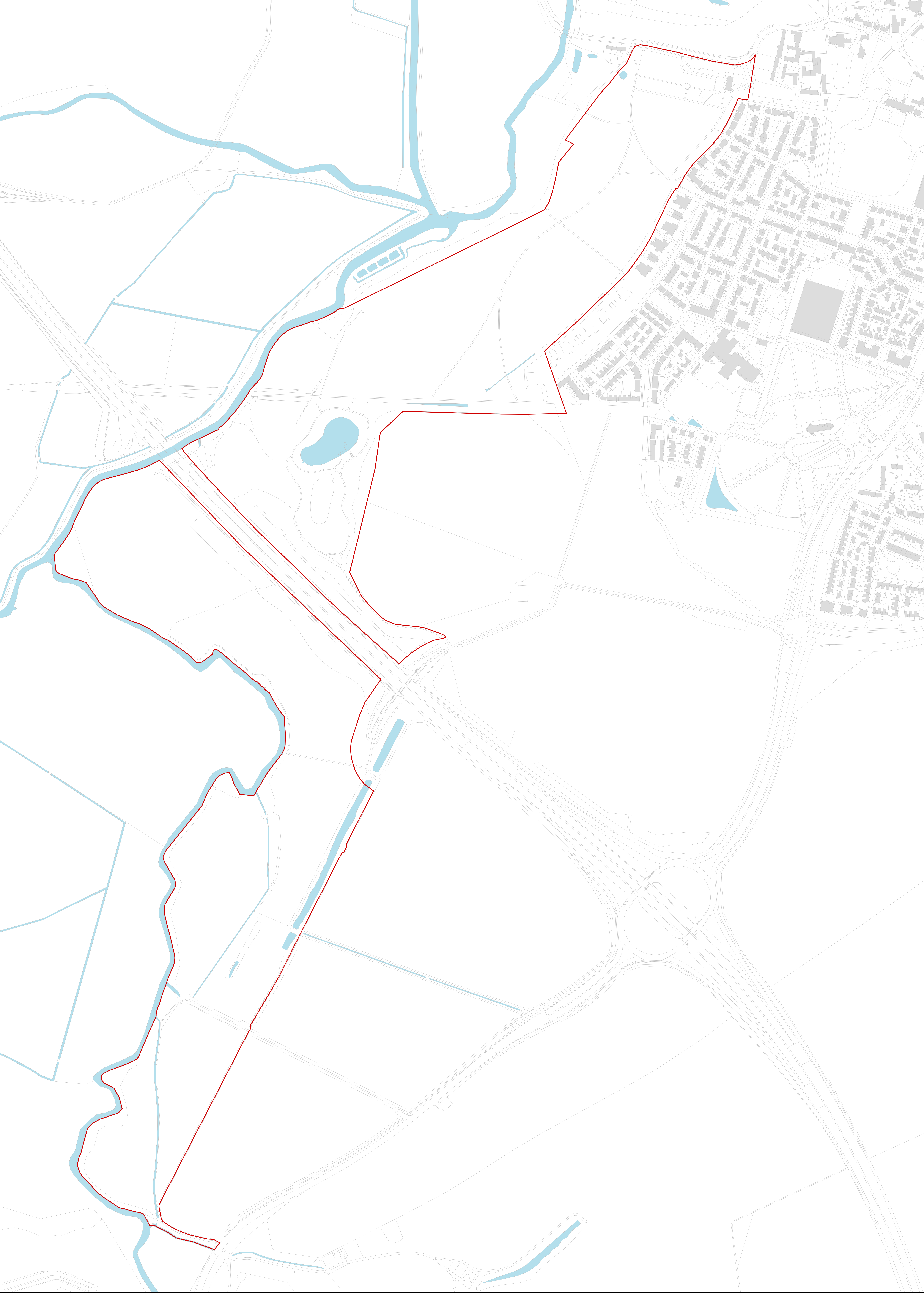
Appendix B -Country park reserved matters site plan with demarcated City/SCDC boundary

### **Report Author:**

Sharon Brown - Assistant Director Delivery  
Telephone: 07725 751708

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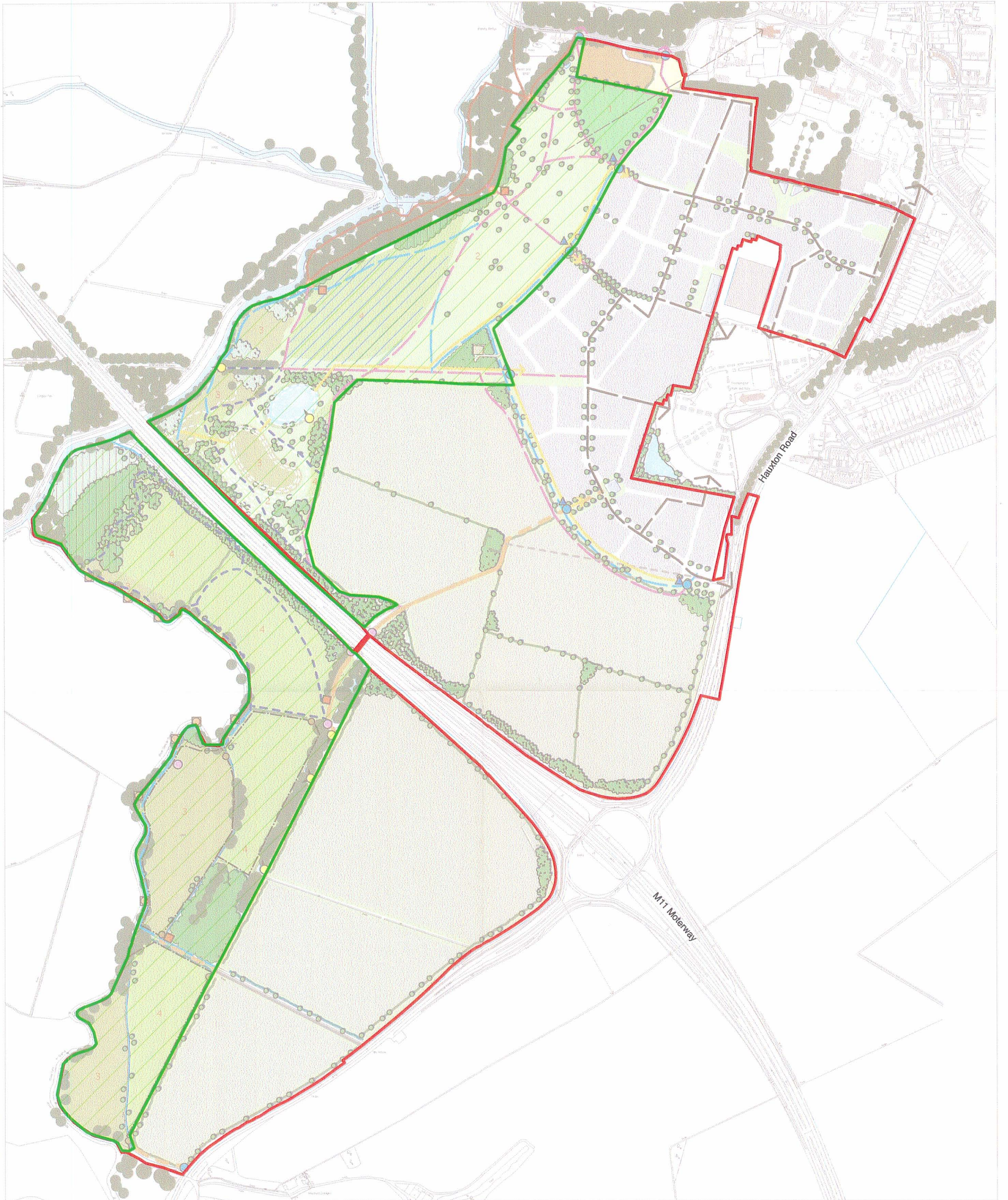






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- Combined application boundary
- Reserve matter submission - country park

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# **TRUMPINGTON MEADOWS - RESERVE MATTER COMBINED BOUNDARY**

TRUMPINGTON MEADOWS LAND CO LTD



date: JULY 2010  
scale: 1:5000@A2  
drg no.: 173601M/P/001

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**Report to:** Joint Development Control Committee 26 January 2022  
**Lead Officer:** Joint Director of Planning and Economic Development

**21/04795/FUL – Trumpington (Retail Units at Hobson’s Square, Cambridge Cambridgeshire CB2 9FN)**

**Proposal:** Amalgamation of two retail units (consented within parcel 8B under reserved matters approval 15/0844/REM), to create a single convenience store, amendments to the servicing layby and details of operating hours for the retail units, at Parcel 8B of the Clay Farm Site

**Applicant:** Countryside Properties (UK) Ltd

**Key material considerations:**

1. Principle of development
2. Context of site, design and external spaces
3. Impact on local centre
4. Use Class
5. Residential amenity
6. Highway safety

**Date of Member site visit:** n/a

**Is it a Departure Application?:** No

**Decision due by:** 4 February 2022

**Application brought to Committee because:** There are third party representations on planning grounds that are contrary to the officer recommendation for approval that cannot be addressed by condition.

**Recommendation:** Approval

**Presenting officer:** Julia Briggs (Planning Officer, Strategic Sites)

## **Executive Summary**

1. The proposal is for the amalgamation of two retail units to create a single convenience store, minor amendments to the servicing layby, and extended operating hours for the convenience store and other retail units at parcel 8B of the Clay Farm site.
2. The site is within the new area of Trumpington referred to as Clay Farm that was granted outline consent in 2010 (07/0620/OUT). The site is within parcel 8B that was granted reserved matters approval in 2016 (15/0844/REM). The reserved matters approved 5 retail units as well as residential dwellings in parcel 8B that form part of the local centre. The current full application seeks an alternative permission for the retail units to make them more marketable.
3. The current proposal is in accordance with the relevant development plan policies and other material considerations. The proposal is within acceptable parameters for retail use in an urban environment and would not have a significant impact on surrounding users.
4. The recommendation is that planning permission is granted, subject to conditions.

## **SITE DESCRIPTION/AREA CONTEXT**

5. The application site is in the centre of the Clay Farm development in Trumpington on the southern fringe of Cambridge city. The site is part of one of several multi-storey buildings surrounding Hobson's Square and makes up part of the Clay Farm Local Centre.
6. The site is the retail portion of parcel 8B and is bordered to the north by Hering Road, to the west by apartment blocks and to the south by Lime Avenue and Hobson's Square. To the east is the Cambridgeshire Guided Busway. The site contains retail units on the ground floor of two mixed use multi-storey apartment buildings, with residential dwellings above the retail units. Between the two buildings runs a pedestrianised street connecting Lime Avenue to Hering Road.
7. The Clay Farm development is nearing completion with the final residential and commercial parcel 8A and 8B, subject to this full application, currently under construction.
8. The site is allocated as an Area of Major Change (R42a) in the Cambridge Local Plan (2018). The site does not fall within a Conservation Area or contain a listed grade/Building of Local Interest. The site is outside the controlled parking zone and the Cambridgeshire County Council is the process of adopting the highways. The site is not in a flood zone, but is an area affected by surface water flooding.

## **THE PROPOSAL**

9. The retail units subject to the application are currently consented as a convenience store of 381 square metres (sqm), three retail units of 120, 150 and 110 sqm, and a café/restaurant of 200 sqm, approved under the Clay Farm reserved matters application 15/0844/REM for parcel 8B. The parcel is under construction.
10. The proposal is a full planning application for the amalgamation of the convenience store and one of the retail units to create a single convenience store of 496sqm, and amendments to the servicing layby and to the operating hours for the retail units at Parcel 8B of the Clay Farm Site.
11. The application is accompanied by the following supporting information:
  - Planning Statement
  - Design and Access Statement
  - Waste Storage Calculation
  - Transport Statement
  - Flood Risk Assessment
  - Plans and drawings

## SITE HISTORY

Reference	Description	Outcome
07/0620/OUT	Residential development of up to 2,300 new mixed-tenure dwellings and accompanying provision of community facilities; sports and recreation facilities and landscaped open spaces including 49ha. of public open space in the green corridor, retail (A1), food and drink uses (A3, A4, A5), financial and professional services (A2), non-residential institutions (D1), a nursery (D1), alternative health treatments (D1); provision for education facilities; and all related infrastructure including; all roads and associated infrastructure, alternative locations for Cambridgeshire Guided Bus stops, alternative location for CGB Landscape Ecological Mitigation Area, attenuation ponds including alternative location for Addenbrooke's Access Road pond, cycleways, footways and crossings of Hobson's Brook.	Permitted
07/0621/OUT	Residential development of up to 2,300 new mixed-tenure dwellings and accompanying provision of community facilities; sports and recreation facilities and landscaped open	Appeal dismissed

spaces including 49ha. of public open space in the green corridor, retail (A1), food and drink uses (A3, A4, A5), financial and professional services (A2), non-residential institutions (D1), a nursery (D1), alternative health treatments (D1); provision for education facilities; and all related infrastructure including; all roads and associated infrastructure, alternative locations for Cambridgeshire Guided Bus stops, alternative location for CGB Landscape Ecological Mitigation Area, attenuation ponds including alternative location for Addenbrooke's Access Road pond, cycleways, footways and crossings of Hobson's Brook.

14/1201/REM	The approval of access, appearance, landscaping, layout and scale of the site (the reserved matters) pursuant to the outline planning permission 07/0620/OUT for Parcel 21 of the Clay Farm Site for the development of 208 residential dwelling (including affordable housing) and 540sqm of A1, A2 and A5 uses, plus associated open space, infrastructure and car parking.	Permitted
15/0844/REM	Reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline planning permission 07/0620/OUT for the development of 251 mixed tenure dwellings including 40% affordable housing, 967 sqm of retail floorspace, public open space, drainage and associated infrastructure on Parcels 8A and 8B of the Clay Farm development site.	Permitted
19/0553/FUL	Erection of two additional residential units and additional cycle store in place of consented plant room and concierge facility, within Parcel 8B of the Clay Farm Site	Permitted
15/0844/NMA6	Non-material amendment on application 15/0844/REM for alterations to internal floorplans of retail units 1, 2 and the café, and changes to floorplans and elevations to introduce a separate commercial cycle store.	Permitted

## **PUBLICITY**



12. Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

## POLICY

### 13. Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1. Presumption of sustainable development 2. Spatial strategy of employment 6. Hierarchy of centres and retail capacity 14. Areas of Major Change 18. South Fringe 27. Site specific development 32. Flood risk 34. Light pollution 35. Noise 40. Development of business space 41. Protection of business space 55. Responding to context 56. Creating successful places 58. Altering existing buildings 64. Shopfronts 65. Visual pollution 72. District, local and neighbourhood centres 80. Sustainable access 81. Mitigating transport impact 82. Parking management

### 14. Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents (SPD)	Greater Cambridge Sustainable Design and Construction SPD
Material Considerations	<u>City Wide Guidance</u>

	<p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p>
	<p><u>Area Guidelines</u></p> <p>Southern Fringe Area Development Framework (2006)</p>

## CONSULTATIONS

### Cambridgeshire County Council (Highways Engineer)

15. No objection. No significant adverse effect upon the Public Highway should result from this proposal.

### Environmental Health

Initial comments 25 November 2021

16. No objection.

17. The hours of operation and deliveries for 15/0844/REM were proposed by the applicant, and there is no objection to the proposed hours for this application.

18. There is no objection to the proposed condition relating to service of the commercial units by Heavy Goods Vehicles (HGV) of not more than 12.1m in length. Request delivery hours condition restricting delivery hours to those secured under previous permission 15/0844/REM (condition 9).

19. It is important for the use classes within class E to be specified. It is recommended that only use classes E(a) Display or retail sale of goods, other than hot food and E(b) Sale of food and drink for consumption (mostly) on the premises are permitted. If all class E uses are permitted there is the potential to harm local amenity due most significantly to noise. The commercial units are unlikely to have sufficient noise insulation to protect residents from other class E uses.

20. The outline 07/0620/OUT condition 62 for plant noise remains outstanding for the commercial units. A standard plant noise impact assessment condition is recommended (condition 4) as methodologies / guidance documents have changed since the outline permission. A standard informative regarding the assessment is also recommended.

21. An odour abatement / filtration condition relating to the café/restaurant is recommended (condition 11) to protect local amenity and quality of life.
22. To establish the impact of lighting on the surrounding environment, a condition requiring details of any artificial lighting of the site and an artificial lighting impact assessment is recommended (condition 10).

Additional comment 22 December 2021

23. Night hours start at 23:00hrs but it's not unusual for restaurants to operate until 00:00hrs at weekends. The increase requested is 1 hour of the night hours once a week on a Saturday. It is a mixed-use site so certain elevated noise levels are expected.

Additional comment 13 January 2022

24. Class E uses (d) and (f) are the uses that could cause amenity issues. A condition allowing these uses if an acceptable noise insulation assessment is submitted and approved would address this issue. However, it is likely that noise and vibration effects of some uses within class (d) and (f) would be unable to be mitigated against.

### **Urban Design and Conservation Team**

25. No objection. Recommend signage details condition and compliance condition relating to maintaining transparency of glazing to ensure the convenience store maintains an active frontage, especially on the corner.

### **Sustainable Drainage Officer**

26. No objection. The drainage strategy to this site is unchanged from the approved reserved matters scheme 15/0844/REM and there are no proposed changes to the details that affect the approved drainage scheme.

### **Policy Section**

27. No comment.
28. 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.

### **REPRESENTATIONS**

29. The owners/occupiers of the following addresses have made representations in objection to the application:
- 66 Hering Road, Trumpington, Cambridge
  - 64 Hering Road, Trumpington, Cambridge
  - 54 Hering Road, Trumpington, Cambridge
  - 70 Hering Road, Trumpington, Cambridge
  - 55 Hering Road, Trumpington, Cambridge

69 Hering Road, Trumpington, Cambridge  
52 Hering Road, Trumpington, Cambridge  
72 Hering Road, Trumpington, Cambridge  
56 Hering Road, Trumpington, Cambridge

30. The representations can be summarised as follows:

- Object to the restaurant/café due to:
  - Potential for increase in antisocial behaviour and noise pollution from customers and delivery vehicles due to the opening hours proposed.
  - Potential for increase in antisocial behaviour and noise due to the use class as a cafe/bar, late-night bar.
  - There are residential apartment bedrooms above the residential street that the restaurant/café/bar is on, the proposal will affect quality of life for residents overlooking and nearby.
  - Seek restriction to ensure it cannot operate as a bar/licenced premise and to limit the opening hours to those consistent with a residential area (i.e. 0800 to 1800).
  - One objector sought closing time of 9pm at the latest.
  - The restaurant should not have been permitted in a residential side street, and should be on Hobson's Square.
- Object to the proposed opening hours of retail units 1 and 2 due to adverse impact on residential amenity.
- Object to convenience store amalgamation and increase in opening hours:
  - the increase in size of the convenience store will make it the second largest supermarket in south Cambridge/Trumpington and it will attract weekly shoppers
  - there are no additional car parking spaces provided and the current parking is always occupied.
  - reduced retail diversity, impacting NISA and the Trumpington Local Centre
  - increased car traffic will impact on all road users
  - anti-social car parking. There is no parking enforcement on the development yet, proposal does not meet policy 82f of the Local Plan.
  - decreased amenity for residents
  - unacceptable HGV movements, the access roads are single lane in part.
- The economic viability argument for the proposal is not accepted.
- The non-material amendment 15/0844/NMA6 should be determined with this application.

31. 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**

32. From the consultation responses and representations received the main issues are as follows:

7. Principle of development

8. Context of site, design and external spaces
9. Impact on local centre
10. Use Class
11. Residential amenity
12. Highway safety
13. Car and cycle parking
14. Carbon reduction and sustainable design
15. Integrated water management and flood risk

## **Principle of Development**

33. The site is within Clay Farm, allocated as a development area in the Cambridge City Local Plan 2018. Clay Farm is designated for residential use and complementary uses, including local shops necessary for the creation of a sustainable and vibrant community. The outline permission for Clay Farm includes a local centre and a convenience store of up to 500sqm.
34. The proposal does not seek a significant change to the retail area already approved. A minimal increase of 6sqm of retail floor space is incidental to the amalgamation of two units and is considered acceptable. The proposed scheme is acceptable and in accordance with the Clay Farm outline permission and policy 18 of the Cambridge Local Plan (2018).

## **Context of site, design and external spaces**

35. The proposed amalgamation of units would result in minor changes to the entrances and loading entrance; the proposed changes do not adversely impact the design of the elevations and are considered acceptable. A signage condition is recommended to ensure the appearance is appropriate (condition 12). A condition to retain the transparency of glazing on the convenience store has also been recommended to ensure that an attractive and active frontage is maintained (condition 13). This is especially important on the prominent corner.
36. Proposed design changes to the layby are sought to provide an angular rather than curved layout. The changes are not considered to adversely impact on the landscape.
37. Along with the signage and glazing conditions the proposal is considered compliant with Cambridge Local Plan (2018) policies 55, 56, and 58.

## **Impact on local centre**

38. The retail units make up part of the new local centre in the Clay Farm development. The proposal would result in a minor increase in retail floor space. The amalgamation would result in a larger convenience store and the loss of a smaller retail unit. The convenience store will increase from 381sqm to 496sqm and would result in the loss of one 110sqm retail unit.
39. The Applicant has advised that a larger store is sought to secure a leasee for the convenience store, and that this will act as an anchor to secure leases for the

other retail units. The larger convenience store is within the maximum size set out in the Clay Farm outline permission for a convenience store in the local centre and is considered to remain at a local scale.

40. Vehicle access does not connect Trumpington to the local centre directly, therefore the proposal is not considered to adversely impact the vitality and viability of Trumpington local centre.
41. Securing a leasee for the convenience store will support the viability of the local centre. Given that some of the retail units in the adjoining scheme have been vacant for over 3 years, the loss of retail unit 3 in exchange for securing an anchor leasee is deemed acceptable. Retail units 1 and 2 remain as well as the restaurant/café, providing for a diverse local centre.
42. The proposal is considered acceptable and in accordance with policies 6, 18 and 72 of the Cambridge Local Plan (2018).

### Use Class

43. The reserved matters approved the following units/use classes through condition:
- Retail Unit 1 120 Sqm – Class A1
  - Retail Unit 2 150 sqm – Class A1
  - Retail Unit 3 110 Sqm – Class A1
  - Convenience Store 381 Sqm – Class A1
  - Café / Restaurant 200 Sqm – Class A3
44. The Town and Country Planning (Use Classes) Order 1987 (as amended) has been amended since the outline and reserved matters permission was granted. The table below compares the previously consented uses with the corresponding new use classes:

Previous use classes	Current use classes
A1 Retail	E(a) Display or retail sale of goods, other than hot food
A3 Restaurant/cafe	E(b) Sale of food and drink for consumption (mostly) on the premises

45. Changes of use within a use class are allowed through permitted development rights and do not require planning permission. However, paragraph 93 of the NPPF guards against the loss of facilities, services and shops where that would reduce the community's ability to meet its day-to-day needs. The Clay Farm Local Centre is provided for in the Cambridge Local plan. As a local centre it is important that the Clay Farm retail uses provide a balanced range of shops and other services within Class E to meet the day-to-day needs of local residents and that local centres remain vibrant and attractive. A condition is recommended to remove permitted development rights to enable assessment of proposed changes of use through a planning application to ensure an appropriate variety of uses can be retained in the local centre (condition 15).

46. The convenience store will be separately conditioned (condition 14) to ensure it is retained specifically as a convenience store to service the community, as was a condition in the reserved matters.
47. The Environmental Health Officer has recommended conditioning Class E(d) and (f) uses to protect residential amenity. Condition 15 overrides the need for a separate condition, as noise impacts can be assessed and conditioned through the required planning application.

### **Residential Amenity**

48. The principle of the retail uses, including a café/restaurant and the proximity of these uses to the above residential uses, was established in the reserved matters permission.
49. The impact of changing use classes has been discussed above and is recommended to be controlled by conditions (conditions 14 and 15).
50. The hours of operation specified by the reserved matters provide a baseline to assess an additional hours. A comparison table of the hours approved and sought is shown below:

<b>Retail unit</b>	<b>Approved opening hours</b>	<b>Proposed maximum opening hours</b>
Convenience store	Monday to Saturday 0700 to 2300 Sunday and public holidays 0800 to 2200	Monday to Sunday 0700 to 2300
Retail units 1 and 2	Monday to Saturday 0800 to 1800 Sunday and public holidays 0900 to 1700	Monday to Sunday 0700 to 2300
Restaurant/cafe	Monday to Friday 0700 to 2300 Saturday 0700 to 0000 Sunday and public holidays 0800 to 2200	Monday to Friday 0700 to 2300 Saturday 0700 to 0000 Sunday and Public Holidays 0700 to 2300

51. The Applicant has sought opening hours that match the units on the other side of Hobson's Square, to increase the appeal of the retail units to potential occupiers. Those units across the square were approved under 14/1201/REM, and have opening hours of 0700 to 2300 Monday to Sunday for the A1 and A2 uses, (retail, financial and professional services). The adjacent site is also mixed-use development with residential use above retail use.
52. The hours sought would result in an additional two hours on Sundays for the restaurant and convenience store and provide the same hours of operation to retail units 1 and 2. It is usual for retail units to operate some late nights, and

noted that this will impact commercial viability of the units. It is also noted that in a mixed-use development in the local centre, certain noise levels are expected. Third party representations objected to the hours of operation due to impact on quality of life. The Environmental Health Officer does not object to the increase in hours for the application site, if the uses are restricted as recommended. The proposed opening hours are considered acceptable, to be secured by conditions (conditions 5, 6 and 7).

53. The operational plant noise, artificial lighting and odour will be managed through requiring a noise assessment (condition 4), a lighting impact assessment (condition 10) and an Odour Filtration and Extraction assessment (condition 11). Operational deliveries will be secured through a compliance condition (condition 8). Construction hours and activities are controlled through the outline Construction Environment Management Plan and will be secured through a compliance condition (condition 3).

54. The residential dwellings in parcel 8B have private carparking on the ground floor of the multi-storey building. The retail floor space is increasing by 6sqm, and due to the low car design of Clay Farm roads it is not likely that the increased size of the convenience store will put additional pressure on on-street parking. Parking control will be implemented by the Highway Authority once the roads are adopted; this process is currently under way.

55. In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered to be compliant with Cambridge Local Plan (2018) policies 35, 55, 56 and 82.

### **Highway Safety**

56. The details of routes to be used by refuse and servicing were approved through condition 4 on the reserved matters. This application seeks a change to this route, due to the larger vehicles it seeks to service the convenience store. The current approved service route states that vehicles up to 7.5 tonnes are to enter from the Spine Road by turning right at the northern end of the access and leaving to the South via the Spine Road (a busgate prevents traffic to the north). It is also stated larger HGVs could undertake a three point turn using the northern leg of Hobson's Square access road. The proposal seeks to use the southern leg of the Hobson's Square access road to enable vehicles entering from the south to turn left into Hobson's Square and back into the convenience store access way, then leave to the south. The Highway Authority has no objections to the proposed routes. A condition is recommended to secure the limited length HGV delivery and servicing vehicles (condition 9).

57. The proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car and Cycle Parking**

58. No change to the number of car or cycle parking spaces is proposed with this application. The current proposal results in a minimal 6sqm increase to the retail floor space from what was approved under reserved matters for parcel 8B. The



local centre contains parking to serve the whole centre and an increase in parking is not considered necessary. In addition, requiring further carparking may encourage shoppers from outside the community.

59. The proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Carbon reduction and sustainable design**

60. The energy and sustainability strategy has not changed from the consented scheme 15/0844/REM. An updated Energy Statement was provided for a previous full application to provide an additional 2 units in parcel 8B. This statement considered the energy of the whole parcel and concluded that the carbon reduction target for the parcel was met. The current proposal does not change the details of the approved scheme.

61. The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2018) policy 27 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

### **Integrated water management and flood risk**

62. The proposal does not seek an increase in impermeable areas or change to the drainage infrastructure that was approved through the reserved matters for parcel 8B. The Sustainable Drainage Officer notes this and poses no objection.

63. The proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

### **Third Party Representations**

64. The third party representations have been assessed as follows:

Objection	Assessment
Objection to restaurant/café use, due to potential for increase in antisocial behaviour	The change of use class is assessed above at paragraph 42. It is recommended for the restaurant/café to be restricted to E(b) use. Public houses, wine bars and drinking establishments are classed separately as sui generis.
Objection to restaurant/café hours of operation due to impact on resident's quality of life	Hours of operation are assessed above at paragraph 49.
Objection to the proposed opening hours of retail units 1 and 2 due to adverse impact on residential amenity.	Hours of operation are assessed above at paragraph 49.

<p>Objection to convenience store and retail unit amalgamation due to:</p> <ul style="list-style-type: none"> <li>- additional shoppers the store will attract</li> <li>- additional pressure on carparking and road users</li> <li>- reduced retail diversity, impacting NISA and the Trumpington Local Centre</li> <li>- anti-social car parking. There is no parking enforcement on the development yet, proposal does not meet policy 82f of the Local Plan.</li> <li>- decreased amenity for residents</li> <li>- unacceptable HGV movements, the access roads are single lane in part.</li> </ul>	<p>The impacts of the amalgamation are considered above at paragraphs 37 to 52.</p>
<p>The economic viability argument for the proposal is not accepted.</p>	<p>The assessment of the impact on the local centre is assessed above at paragraph 37.</p>
<p>The non-material amendment 15/0844/NMA6 should be determined with this application.</p>	<p>This application was amended to remove the elements of the current application and approved relocation of commercial cycle parking only. This was determined on 9.11.2021.</p>

## RECOMMENDATION

**APPROVE** subject to the following conditions:

### Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### Approved drawings

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt, and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

## **Construction Environment Management Statement**

3. Development shall only be carried out in accordance with the Clay Farm Site-wide Construction Environmental Management Plan dated September 2011 UK12-15675, except for the construction and demolition hours that are conditioned separately.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2018 policies 32, 35, 36).

## **Noise assessment**

4. No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

## **Hours of operation**

5. Opening hours for the convenience store (identified on drawing 13600-A-8B\_A\_PL\_HWA\_500\_PL07 Block HWA Ground Floor Plan (Part) Convenience Store) hereby approved shall not be outside the hours of:

07:00 – 23:00hrs Monday to Saturday

08:00 – 22:00hrs Sunday and public holidays

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

6. Opening hours for retail units 1 & 2 (identified as 'Retail units 1 and 2' on drawing 13600- A-8B\_A\_PL\_BEB\_370\_PL01 Block East B Ground Floor Plan (Part) Retail Units 1 and 2) hereby approved shall not be outside the hours of:

07:00 – 23:00hrs Monday to Sunday

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

7. Opening hours for the Class E(b) restaurant / café use (identified on drawing 13600-A-8B\_A\_S\_210\_PL00 P8b Retail NMA Site Plan Ground Floor) hereby approved shall not be outside the hours of:

07:00 – 23:00hrs Monday to Friday  
07:00 – 00:00hrs Saturday  
07:00 – 23:00hrs Sunday and public holidays

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

### **Delivery hours**

8. All service collections / dispatches from and deliveries to the commercial units including refuse / recycling collections shall only be permitted between the hours of 07:00 to 21:00 Monday to Saturday and 09:00 to 13:00 Sundays and Public holidays.

Reason: To protect the amenity of the adjoining properties Cambridge Local Plan policy 36.

### **Delivery vehicles**

9. The retail units hereby approved shall not be serviced by Heavy Goods Vehicles (HGVs) of over 12.1 metres in length.

Reason: To protect the amenity of the adjoining properties Cambridge Local Plan policy 36.

### **Artificial Lighting**

10. Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site, and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2018 policy 36.

### **Odour filtration / extraction**

11. Prior to the use of the restaurant / café (use class E(b)), a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours and to discharge at an appropriate outlet height / level shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be installed before the use is commenced and shall be retained as such.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2018 policy 36.

## **Signage**

12. Prior to the installation of any external building signage on the approved uses, detailed drawings shall be submitted to and approved by the local planning authority. The scheme shall be in accordance with the Clay Farm design Code 2011 and appendix H of the Cambridge Local Plan 2018 shop front design guide, and shall include:
- a. Signage design
  - b. Proposed materials
  - c. Lighting details

Development shall be carried out in accordance with the approved drawings.

Reason: To ensure that the appearance of the signage is appropriate (Cambridge Local Plan policies 55, 57, 64 and 65).

13. The convenience store and retail units hereby approved must be internally fitted out to retain the transparency of the glazed panels. Internal signage and shelving must not substantially block glazing.

Reason: To ensure active frontages are maintained on the retail units (Cambridge Local Plan policies 56 and 64).

## **Convenience store**

14. The convenience store hereby approved shall be used for convenience store use only and for no other purpose (including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that there are essential amenities available to the residential population to aid sustainable development and to protect the amenity and quality of life of the adjoining properties (Cambridge Local Plan policies 1 and 36).

## **Permitted development rights**

15. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the restaurant / café hereby approved (formerly approved as use Class A3) and the retail units 1 and 2 (formerly approved as use Class A1) shall not be used for any other purpose than Class E(a) or Class E(b) within Class E of

the Schedule to the Town and Country planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Use of these units under any other subcategory of Class E shall not be allowed without the granting of a specific planning permission.

Reason: To ensure that the proposal provides for the day-to-day needs of the local community Cambridge Local Plan policy 72 and section 93 of the NPPF.

## **Informatives**

### **Plant noise insulation**

To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014+A1:2019) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background sound level ( $L_{A90}$ ) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

If noise sensitive premises are located within the site boundary, then the glazing of the premises and/or amenity areas will also be a location for the rating level of all plant not to exceed the existing background sound level ( $L_{A90}$ ).

Tonal/impulsive sounds and other sound characteristics should be eliminated or at least considered in any assessment and should carry an additional correction (rating penalty) in accordance with BS4142:2014+A1:2019. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the **application boundary** having regard to neighbouring premises.

Whilst our requirements are for the rating level not to exceed the background sound level at the application site boundary, if the plant is roof mounted and nearby noise sensitive receivers are in closer proximity than the site boundary and / or the site boundary is afforded shielding from the application building parapet, the nearest noise sensitive receiver would be the required assessment location.

It is important to note that a full BS4142:2014+A1:2019 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; sound sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such

as: number, location, sound power levels, frequency spectrums, directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full acoustic calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

## **Odour**

It is recommended that details are provided in accordance with Appendix 2 and 3 of EMAQ's "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA)" dated September 2018.

It is recommended to aid odour dispersion that the extraction termination is not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen. If this cannot be complied with then the termination point shall discharge no less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Lower discharges will require an exceptionally high level of odour control and ultimately may not be acceptable, depending on receptor locations.

## **Artificial lighting**

It is required in order to establish the impact of lighting on the surrounding environment that details are provided of any artificial lighting of the site and that an artificial lighting impact assessment is undertaken with predicted lighting levels at proposed and existing residential properties. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

The artificial lighting impact assessment will be required to establish lighting during pre and post curfew, in accordance with the ILP guidance notes.

The assessment of light intrusion into receptor windows as vertical lux levels is also required.

A common software assessment technique of this is "The outdoor site lighting performance method (OSP)". This software provides a transparent "shoebox" surrounding the development. It has vertical sides at the boundary and a flat 'ceiling' 10 m above the highest mounted luminaire in the installation or the highest point of the property illuminated. By identifying the location and magnitude of the maximum illuminances on the vertical surfaces of the shoebox, the potential for light trespass can be established.

## Condition Summary Table

*[Case Officer: update table as conditions are discharged with red, green or amber fill and the date of the discharge]*

<b>Date Last Updated</b>	
<b>Reference Number</b>	
<b>Description of Development</b>	
<b>Address</b>	

<b>Condition No.</b>	<b>Condition Name</b>	<b>Consultee Code</b>	<b>Consulted Date</b>	<b>Status</b> Green=Discharged/Agreed Amber=Part Discharged Red=Submission not Discharged RQ=Requires compliance
1	Time limit			
2	Approved drawings			
3	CEMP			
4	Noise assessment			
5	Hours of operation – convenience store			
6	Hours of operation – retail			
7	Hours of operation – restaurant / cafe			
8	Delivery hours			
9	Delivery vehicles			
10	Artificial Lighting			
11	Odour filtration / extraction			
12	Signage			
13	Glazing			
14	Convenience store			
15	Permitted development rights			

Consultee codes:

AWA – Anglian Water Services.

LAN - Landscape

CNE – New Communities (County).

URB – Urban Design

CYC – Cycling and Walking Officer.

DRN – Drainage.

CCA – Historic Environment Team (County)

POL - Policy

CON – Conservation.

ARC – Architectural Liaison Officer

DIS – Disability Access Officer.

ENV – Environmental Health.



FIR – Fire and Rescue Service.  
LAN – Landscape Architects.  
Officer.  
NRA – Environment Agency.  
WST - Waste

HIG – Highways Authority.  
NCON – Nature Conservation Projects  
SOS – Streets and Open Space.

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## Committee Dates – 2022/23

The proposed dates are:

2022/23	Committee Meeting	Development Forum	Control
June	22	As required	
July	20	As required	
August	17	As required	
September	21	As required	
October	19	As required	
November	16	As required	
December	21	As required	
January	25	As required	
February	15	As required	
March	15	As required	
April	5	As required	

Members are requested to contact the Committee Manager in advance of the meeting if they have any comments regarding the above dates.

Please note the JDCC usually falls on the third Wednesday of the month, to fit in with City and South Cambs Planning Committees dates which are usually scheduled on the first and second Wednesday of the month respectively. There are times when this scheduling cannot be followed for example in January, the City Planning Committee is usually pushed to the second Wednesday of the month because of the bank holidays over the Christmas and New Year period, which then impacts on the South Cambs and JDCC meeting dates. Again in March and April dates may be adjusted in view of pre-election periods.

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