

**Application Number** 13/1435/FUL **Agenda Item**

**Date Received** 30th September 2013 **Officer** Mr Tony Collins

**Target Date** 25th November 2013

**Ward** Coleridge

**Site** The Marque Vinci Construction Site Cherry Hinton Road Cambridge Cambridgeshire

**Proposal** Installation of a Public Art Scheme within the first floor podium level.

**Applicant** C/o Agent

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The wall and floor designs proposed respond positively to the context and would help to create a high-quality environment</li> <li><input type="checkbox"/> The proposal would have no impact on residential amenity</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The development site within which this proposal would be installed lies in a very prominent location between Cherry Hinton Road and Hills Road where the two roads meet. It faces the Levels development and Hills Road Sixth Form College across Hills Road, and the Cambridge Leisure square across Cherry Hinton Road. The space to which the application refers, an open area at first-floor level, is part of the mixed-use development (now entitled 'The Marque' by the applicants) granted permission under 06/0007/OUT and 08/0505/REM. This first-floor open space is to be accessible by staircases on both sides of the building, and by a lift on the Cherry Hinton

Road side. It is described in the reserved matters approval as a 'public viewing deck', and the permission was granted subject to a condition requiring a management plan to be submitted for public access to the site, including this space. The 'Marque' building is currently under construction; the main shell of the building has reached its full height, and the external cladding has been partly installed. This proposal would be located on the walls of the first-floor space, and would be visible from the street in Hills Road and Cherry Hinton Road, and from the Cambridge Leisure square.

- 1.2 The site is allocated for housing in the Cambridge Local Plan (2006). It is not within a local centre in the 2006 Plan.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks consent for the installation of a public art project, which has been submitted in accordance with the Section 106 agreement attached to the outline permission 06/0007/OUT

- 2.2 The artefact proposed consists of two elements created by the artist Jennifer Tee, a wall 'drawing' and floor tiling. Both elements comprise two-dimensional coloured designs in red, blue, white and gold, incorporating floral motifs. The wall 'drawing' would be glazed on top of the wall tiling using digital printing techniques and firing at 800°. The floor work would be inlaid on the floor of the deck using Victorian-style tiles and brass stainless steel. The wall design would feature nine-sided 'nona' leaves, and the white and gold sections would carry drawings of poppies and other plants taken from Darwin's collection in the Herbarium at the Botanic Gardens

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
05/1359/FUL	Redevelopment to provide 150no flats/retail space (722 m <sup>2</sup> ), ancillary health and fitness gymnasium (110 m <sup>2</sup> ), basement and surface car parking (154 spaces), cycle parking (306 spaces), new	Refused; Appeal later withdrawn

	means of access and hard and soft landscaping.	
06/0007/OUT	Outline application for residential development, ground floor commercial uses and related ancillary elements including car parking, cycle parking, new means of access and landscaping.	Approved with conditions
06/1026/REM	Redevelopment to provide 113 flats, retail space (533m <sup>2</sup> ), ancillary gymnasium (52m <sup>2</sup> ), basement and surface car parking (111 spaces), cycle parking (263 spaces), new means of access and hard and soft landscaping.	Approved with conditions
07/1075/REM	Redevelopment to provide 133 flats, retail space (1065m <sup>2</sup> ), car and cycle parking, landscaped areas and a publicly accessible sitting and viewing deck.	Refused
08/0505/REM	Redevelopment to provide 133 flats, retail space (1065m <sup>2</sup> ), car and cycle parking, landscaped areas and a publicly accessible sitting and viewing deck.	Approved with conditions
09/0653/FUL	External freestanding plant room for affordable flats and external freestanding refuse store for retail units	Approved with conditions
09/0760/FUL	Proposed use of first floor deck within approved development (outlined permission 06/0007/OUT and reserved matters approval 08/0505/REM) for Use Classes A1, A3, A4, B1/D1	Withdrawn

12/1074/ADV	and D2 (in the alternative). Retrospective consent for advertising hoarding along construction site boundaries at Hills Road and Cherry Hinton Road.	Approved
12/1264/NMA	Non material amendment on application 08/0505/REM for various items, including ventilation shafts, wall details, platform lift, gas meter room and electricity substation	Part approved, part refused
12/1491/NMA	Non-material amendment consisting of creation of triplex apartment on 7 <sup>th</sup> -9 <sup>th</sup> floors, and resulting alterations to window positions	Approved
13/0162/NMA	Non material amendment on applications 06/0007/OUT and 08/0505/REM for confirmation of the arrangement and configuration of the windows	Approved
13/0233/FUL	Change of Use of the ground floor retail units from a retail use (A1) to A1 shops, A2 (financial and professional services), and/or a sui generis Car Showroom (in the alternative)	Withdrawn
13/0325/NMA	Non material amendment on application 06/0007/OUT and 08/0505/REM for the provision of a brick wall enclosure with timber gates to surround the electricity sub-station	Approved
13/0648/S73	Section 73 application for the removal of Condition 5 of Planning Permission	Approved with conditions

	08/0505/REM and introduction of a new condition regarding a proposed Heat and Power (CHP) system.	
13/0789/NMA	Additional steel framework and alternative screen material (Petrach).	Approved
13/0855/FUL	Proposed Change of Use of part of the Ground Floor retail space (Unit 2) from the consented A1 Retail Use to A1 and/or A2 (Financial and Professional Services) in the Alternative.	Approved with conditions
13/1075/FUL	Proposed change of use of part of the ground floor retail space (Unit 3) from the consented A1 retail use to a residents' only gymnasium	Approved with conditions
13/1074/NMA	Non material amendment to combine units 94 and 95 to create one three-bedroom unit.	Under consideration

#### 4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

#### 5.0 POLICY

##### 5.1 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4, 3/7

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

Central Government Guidance	National Planning Policy Framework March 2012
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## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No significant effect on the public highway.

### Urban Design and Conservation

6.2 Proposal to occupy the first floor podium and use this to 'contain' the artworks has the potential to create visual interest from outside the scheme at this important junction and also to improve the aesthetic for those people using this space. It may also increase footfall and surveillance of this space which will be to the benefit of the scheme. One concern about future use of the podium space: future commercial use could impact on the art physically and in terms of how public the art remains.

6.3 **Conclusion:** the proposals are acceptable in terms of the integration with, and impact on, the original building design. Application supported.

6.4 The above is a summary of the comment that has been received. Full details of the consultation response can be inspected on the application file.

## 7.0 REPRESENTATIONS

7.1 A representation has been received from the occupier of 32 Cherry Hinton Road. The respondent does not object to the proposal, but raises the same concern about future use of the space as the urban design and conservation team.

## 8.0 ASSESSMENT

### Public art policy

- 8.1 The decision to be made with respect to this application is whether the artefact proposed here is, as a development in its own right, in accordance with development plan policy. This decision is not about whether this submission fulfils the requirements of the relevant Planning Obligation Agreement entered into in connection with the outline planning permission on this site 06/0007/OUT.
- 8.2 Accepting this, it is my view however, as an aside to the assessment of this application as a proposal for development, that, as a public art submission, the proposal is in accordance with the provisions of the Public Art SPD, and, subject to acceptance of the costs submitted by the applicants, will fulfil the public art requirements of the Section 106 agreement associated with the outline permission 06/0007/OUT.
- 8.3 The proposal is clearly both art and public as defined in Section 5 of the Public Art SPD, which states: ' Artwork provided within the private boundary of a site, but fully visible and can be enjoyed by the public, is also considered 'public' - it is important that the art interacts with the space.' In my view the proposal fulfils this rider.
- 8.4 The development of this proposal has complied with the guidelines set out in Section 7 of the SPD. The process has been as follows.
- Public art consultants were commissioned by the developer to devise and deliver a commissioning process
  - This process was approved by Chair and Spokes of Planning Committee
  - A Steering Group was established, incorporating local stakeholders
  - An Artist's Brief was devised by the consultants
  - It was agreed that the screen and the podium space were both possible areas where public art might be included
  - The acceptability of both these spaces as legitimate public art locations was confirmed by Chair and Spokes of Planning Committee
  - Artists were shortlisted

- A public exhibition was held of the three shortlisted artists proposals
- Feedback from the exhibition was collected
- The selection panel interviewed the three artists
- Jennifer Tee was selected

8.5 In my view the proposed scheme would fulfil all the following roles identified as desirable for public art in Part 5 of the Public Art SPD.

- helping people to reflect on the nature of where they live or work or socialise
- encouraging ownership and engagement with spaces and places
- improving community safety in the public realm (through increasing footfall and surveillance in the deck area)
- empowering and involving the community in decision making (through the commissioning and selection process)
- fostering a sense of identity, locally
- animating the place
- improving environmental quality through the creation of artworks that provide visual and emotional delight
- providing opportunities for artists to create work and have it seen by large numbers of people.

8.6 The Public Art SPD also emphasises that projects must strive for high quality. It states that success in this respect will depend on clear objectives for the works, the effectiveness of the commissioning, and putting the artist at the heart of the process. In my view, these three criteria have all been fulfilled in this instance. Part 5 of the SPD also states that to achieve high quality, public art projects must strive to show that:

- (a) the proposed work is of high artistic quality;
- (b) the project supports existing artists;
- (c) the work is innovative;
- (d) the work is sensitive and appropriate to its location;
- (e) the art works are integrated into a broad design strategy;
- (f) there is a defined public benefit for the community;
- (g) arrangements are in place to work with the community and stakeholders;
- (h) the project is technically and financially viable and can be delivered;

- (i) equal opportunities and sound management, are in place;  
and
- (j) the local environment is able to absorb any additional visitors.

- 8.7 In my view the details submitted with the application demonstrate that this project meets criteria (b) (c) (e) (f) (g) (h) and (i) above. Criteria (a) and (d) are matters of judgement, but in my view, they are met by the proposal. With respect to criterion (j), not only can this space accommodate additional visitors, such visitors would in themselves be a positive addition to the parent development.
- 8.8 In my opinion, this submission, and the process by which it has been developed, are both fully in accordance with the Public Art SPD and the requirements of the Section 106 agreement associated with the outline permission granted on this site.
- 8.9 Returning to the assessment of this planning application, I consider that the main issues are:
1. Principle of development
  2. Design and context
  3. Residential amenity
  4. Third party representations

### **Principle of Development**

- 8.10 The principle of installation of public art on development sites is in accordance with part (l) of policy 3/7 and the Public Art SPD.

### **Design and context**

- 8.11 In my view the scale, materials and position of the artefact are appropriate to the space in which it is proposed they be inserted, and they would enhance the appearance of the building and contribute positively to the quality of the environment in the immediate locality, in accordance with policies 3/4 and 3/7 of the Cambridge Local Plan 2006. It would also add to the overall quality of the area over the lifetime of the development, help to establish a strong sense of place, and respond to local history, in accordance with Paragraph 58 of the Framework.

8.12 I note the concern raised by both the urban design team and a member of the public about the impact which future commercial use of the first-floor space might have on the physical fabric and the accessibility of the artefact. Although I am aware that there is a general aspiration for some commercial use in this space, no permission has been granted for it, nor is there any current (nor, so far as I am aware, imminent) application for it. Were a future application for such use to come forward, its impact on any approved and implemented public art scheme in this space would be a material consideration, and the Council would have the opportunity to ensure that the integrity and public quality of the scheme were protected. I do not consider this concern to be a reason for the refusal of permission for the present scheme.

### **Residential Amenity**

8.13 The proposed motifs on the walls of the first-floor space would be illuminated at night so as to be visible from the public realm. The lighted area would be visible from residential properties in The Belvedere and The Levels. However, lights would not be directed towards these properties, and it is my view that the impact of the lighting proposed would be similar to the impact of the internal lighting in the residential and commercial spaces which fill the rest of the building. I do not consider that there would be any harmful impact on residential amenity in these neighbouring buildings. The lighted area would be screened from residential accommodation within the application site itself because of its position and orientation. In my view, the proposal adequately respects the residential amenity of its neighbours and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 3/4.

### **Third party comments**

8.14 I have addressed this issue in paragraph 8.12 above.

## **9.0 CONCLUSION**

9.1 The proposed public art scheme is appropriate to its context and raises no issues of neighbour amenity.

## **10.0 RECOMMENDATION**

**APPROVE subject to the following conditions.**

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 51 of the Planning and Compulsory Purchase Act 2004.

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.