



To: Executive Councillor for City Centre and Public Places

Report by: Head of Streets and Open Space

14/11/2014

Relevant scrutiny committee: Community Services Scrutiny

Wards affected: Market

## **LICENCE TO GRANT THE TEMPORARY USE OF PART OF PARKER'S PIECE TO FACILITATE THE DEMOLITION AND REBUILD OF THE UNIVERSITY ARMS HOTEL**

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### **1. Executive summary**

To facilitate the redevelopment of the University Arms Hotel the developer (Melford Capital) has asked to use a small section of Parker's Piece (2% of its total area) as a site compound for a 2 year duration. This is partly to address health and safety issues but also to speed up the redevelopment period and therefore reduce the disruption period. This is a large project and will be disruptive to the surrounding area due to noise, traffic disruption (pedestrian, vehicular, cycle) on Parker's Piece, Park Terrace and Regent Street as well as the visual appearance. Projects of this nature in any city centre are challenging.

Following this approach the Council published a notice on 26<sup>th</sup> September 2014 to advertise the possible granting of a licence in order to facilitate the developer's preferred compound and sought comments to this proposal. During the two week notification period there was also a public meeting to show the proposed compound, and the extent of the land to be used.

With concerns raised that the proposal should receive ample opportunity for thorough evaluation a report was taken to West Central committee on October 29<sup>th</sup> 2014. The purpose of the report was to update on comments received and recommend that the period for feedback be extended until November 7<sup>th</sup> 2014 to provide an opportunity to review, respond and add to the details of the report.

The University Arms Hotel closed on 29<sup>th</sup> September 2014 in order that the preferred contractor (McLaren Construction) could undertake enabling works to ready the hotel for demolition. The contractor has also successfully discharged planning conditions 15 and 24 relating to their

Environmental issues by Construction and Demolition and also Traffic Management.

After the extended period which provided opportunity for public comment on the granting of the licence this report summarises the key feedback and makes a response to each of the issues raised. The report is taken out of cycle given the commencement of enabling works and decision required by the developer on the use of the land.

## **2. Recommendations**

The Executive Councillor is asked to:

- a) Note the points raised through the public consultation and how these have been clarified and addressed.
- b) Instruct Officers to proceed with the granting of the Temporary Licence for use of the defined section of Parker's Piece on the Heads of Terms as set out in Appendix A.

## **3. Background**

Officers' have reviewed all comments received for the consultation period up to and including 7<sup>th</sup> November 2014, these also include comments noted on the night of West Central committee on 29<sup>th</sup> October 2014. A summary of the main points and re-occurring issues raised follows along with an informed response to each.

### **3.1 Concern expressed by councillors and residents that the proposal has had insufficient time for adequate evaluation.**

A public notice regarding the licence was advertised in the Cambridge Evening News on the 26<sup>th</sup> September 2014 and the 3<sup>rd</sup> October 2014 inviting comments by the 17<sup>th</sup> October 2014. Two public drop-in sessions, with visual display, took place on 9<sup>th</sup> October 2014. The Executive Councillor requested that the consultation remain open until 7<sup>th</sup> November 2014 to provide further opportunity for comment after West Central committee on 29<sup>th</sup> October 2014.

### **3.2 Concern over the pinch point narrowing by a third (Pizza Hut/corner of current hotel building).**

Issue: The exit/entry point to the park is pressured at present and the hoarding line will mean that the current width is narrowed by a third.

Response: By discharge of planning conditions 15 and 24 of the application and by County Highways consent this pinch point will be present for the duration of the rebuild regardless of any licence consent for use of the park.

Issue: The closure of the diagonal foot and cycle paths and the resulting impact & the proposals will heighten tensions between pedestrians and cyclists.

Response: There will be no closures of the diagonal footpaths, with or without the permission to use a small part of Parker's Piece.

If permission is granted to use Parker's Piece it would be agreed to divert the path that runs in front of the University Arms Hotel to ensure that cycle and footpath users remain able to easily pass the site compound. Officers have concerns that pedestrians and cyclists will create desire lines across the grass in front of the University Arms creating wear scars that will become muddy in wet periods. The City Council would not be able to recover the costs of repair from the developer.

### **3.3 A substitute foot and cycle path should be created.**

A licence condition will ensure that the path that runs in front of the University Arms Hotel will be diverted to ensure the cycle and footpath users remain able to easily pass the site compound.

### **3.4 Visual intrusion for a long period of time.**

There will inevitably be disruption and visual intrusion with or without the use of Parker's Piece. By consenting to use Parker's Piece we can influence the hoarding and screening the compound and therefore reduce the developments visual impact. The planning permission already includes the use of the footpath on Regent Street, a 10m extension across the egress from Parker's Piece, and scaffolding on Park Terrace to allow safe demolition. The hotel elevation fronting onto Parker's Piece will be scaffolded and screened irrespective of the use of Parker's Piece.

### **3.5 The use of Parker's Piece must be temporary; & what provisions are there for reinstatement?**

The terms of business will be explicit if we give consent and will state this is a temporary licence and will be conditional that the land is fully reinstated to its previous condition on completion. We will hold a bond to cover costs of rectification should the developer default on the agreement.

## **Parker's Piece is Common land.**

Parkers Piece is not registered Common but does have statutory protection by virtue of planning policy. Officers' recognise the importance that local people give to Parker's Piece and we believe a compound will best protect users of the space through the creation of safe, identifiable and consistent routes around the development.

### **3.6 The use of Parker's Piece will only assist the developers & other developments can build from their own footprint.**

The hotel can be rebuilt within its own footprint but this will significantly increase the build time by up to 18 months. The two key reasons for this are;

- a) Highways will not permit deliveries at peak time (whereas access to the compound on Parker's Piece will permit this off road). This will slow the build process as there will not be sufficient materials delivered in a timely manner to facilitate continuous construction.
- b) The job will need to be broken down into smaller sections due to the limitation of physical working space, this will ultimately extend the project time. A major element of the construction is the concrete pour. With a compound a static pump can be on site and speed up the process. Without a compound a large quantity of vehicle deliveries will be required and will encounter issues outlined in point a).

Additionally, not having the use of Parker's Piece will still require the need for a hoarding line outside the perimeter scaffolding zone, specifically for safe demolition of the perimeter external retaining walls, scaffold erection / dismantle, safe means of access for construction workers surrounding the scaffold, transportation of materials and hoarding bracing support projecting into the construction zone. Highways have approved and issued the appropriate licences in respect of this.

Demolition and key new construction elements will almost certainly require the need of a footway closure to the pinch point area, in order to maintain public health and safety.

Due the complexity and layout of the existing pinch point area, it will be challenging to maintain safe cycle / pedestrian segregation widths outside these construction activities.

The proposed hoarding / footway reconfiguration will provide a static and safe environment for both construction works and residents of Cambridge. This conclusion has been reinforced by Cambridgeshire County Highways.

Without a compound, more frequent temporary road closures would be expected in order to deal with larger deliveries and health and safety issues throughout the construction period.

### **3.7 This decision to use a small part of Parker's Piece will set a precedent.**

Officers understand the concerns expressed about precedent, however, on every occasion where there is proposed use of open space, each request would be considered on an individual basis.

### **3.8 There are alternative sites nearby.**

Officers' from the City and County Council have discussed the use of other sites with the developer which could be used to minimise the disruption to the City. All of these options have now been discounted apart from two, one to rebuild on site and two, to allow the temporary use of a small part of Parker's Piece.

### **3.9 Lack of clarity on licence period, the developer quotes the job as lasting 129 weeks.**

This was a question at West Area Committee on 29<sup>th</sup> October 2014. For clarity, the 129 week period includes discreet enabling works which do not require use of Parker's Piece (asset removal and soft strip from building, asbestos investigation and removal, other necessary structural surveys, decommission of plant and highways enabling).

The licence period will be for 2 years with provision for a possible further extension of up to 6 months but at a penal rate.

### **3.10 There will be a lot of inconvenience around the area and also dangerous for locals & two years is too long for loss of amenity.**

It is accepted that the use of the Parker's Piece will be disruptive and impact on the amenity value of that area of Parker's Piece during the works. This is likely to be the case anyway due to the nature of construction works. The request for the licence reduces the construction period to as short a time as possible by the provision of the site compound. The area involved will not interfere with any of the usual planned activities that take place on Parker's Piece but inevitably informal space will temporarily be lost during the period.

### **3.11 There are no gains or benefits for residents arising from the development.**

The licence to use part of Parker's Piece will be on a commercial basis and this has been negotiated in a parallel process to the consent to use Parkers Piece, by the City Council's Property Section. The fee payable and agreed is £200,000 for a 24 month duration, penalty clauses are within the licence and will be triggered should the project overrun, this comparative to the fee charged for a similar land use scheme in the city at Coe Fen.

The terms proposed seek to address the issue of gain and benefit by reducing the construction period to as short a time as possible by the provision of the site compound and this in turn limiting extended disruption to city residents and businesses in the area.

### **3.12 The contractor wants an easy option to save money.**

Officers' from the City and County Council have discussed the use of other sites with the developer which could be used to minimise the disruption to the City. These discussions have been based around ensuring the health, safety and welfare of both the staff on the development and members of the public. These discussions have not been based on finance and indeed the negotiations relating to the commercial fee have been managed by parallel processes by Property Services of the City Council.

Development within a City Centre is always challenging, especially on the scale of this project. Any decision will be made on the grounds of the benefit to residents and not the contractor.

### **3.13 There are relatively few open spaces in the centre of Cambridge and these should be treasured and not treated as spare bits of land & Parkers Piece is intensively used in the summer months.**

Officers accepted that the use of the Parker's Piece will be disruptive with a loss and impact on the amenity value of that area of Parker's Piece during the works. However, the area of land used is 2% of the total area, and is on an area of Parker's Piece less well used because of its proximity to the Hotel and its narrow land profile. This already limits the range of activities that takes place there.

The Council has had very few examples of open space used in this way in the past. More recently, part of Coe Fen was used by a College to enable it to undertake works. When these do arise, they are for relatively short periods of time.

### **3.14 Where will the money go, the money should be spent on park improvements?**

Half of the money will be ring fenced for use on Parks and Open Spaces.

### **3.15 Does the use of Parker's Piece as a site compound require Planning permission?**

The proposal to use Parker's Piece as a construction compound for the development on a temporary basis would not need formal permission.

This would have permitted development rights under the Town and Country Planning Act (General Permitted Development Order) 1995 (as amended) Part 4 Class A, these specific conditions are detailed in Appendix B.

## **4. Implications**

### **(a) Financial Implications**

A Commercial fee is applicable to the licence for the use of Parkers Piece.

### **(b) Staffing Implications (if not covered in Consultations Section)**

There is a staffing requirement to prepare the licence including legal fees, as well as Officer time from Streets and Open Spaces to monitor works, including the reinstatement. These costs will be met from the fee collected, associated with the Licence.

### **(c) Equality and Poverty Implications**

An equalities impact assessment was completed and highlighted access issues for those with disabilities. These issues have been addressed in the main body of this report relating to access to/ from and around Parker's Piece with those of limited mobility as a consequence of the proposed redevelopment of the University Arms Hotel.

### **(d) Environmental Implications**

The climate change rating to the recommendation and proposals is:-

+L: to indicate that the proposal has a low positive impact, in that the use of Parkers Piece will reduce the build time of the redevelopment and therefore the length of time of disruption.

### **(e) Procurement**

There are no procurement implications associated with this report.

(f) **Consultation and communication**

The consideration of the granting of the licence was first publicised on 26<sup>th</sup> September 2014 in the local newspaper. Following extension of the period whereby comments could be made in respect of the proposal comments have been received up to and including November 7<sup>th</sup> 2014. Two public drop in sessions were held on October 9<sup>th</sup> 2014 and the information was also on the Council website for this period. A report to West Central Committee on 29<sup>th</sup> October 2014 provided an update on the comments received and process to date.

(g) **Community Safety**

Officers' and representatives' of the developer have placed paramount importance on the health, safety and welfare of those affected by the use of Parkers Piece as a site compound.

The use of Parkers Piece will reduce the build time and ensure that there is minimal disruption to local traffic, pedestrians and cyclists, and with adaptations to the layout of the paths, avoiding path closures.

It is the intention to create safe routes around the site to aid cyclists and pedestrians. These paths will remain in situ to ensure familiarity and therefore allow established routes for those making daily commutes. These paths will also benefit from being lit.

## 5. Background papers

These background papers were used in the preparation of this report:

- Parkers Piece – Conservation Plan 2001
- McLaren Construction presentation slides
- Site maps
- Planning Committee Report 13/1087/FUL – 6<sup>th</sup> November 2013
- Report to West Central Committee – 29<sup>th</sup> October 2014



## 6. Appendices

### **Appendix A** - Temporary Licence for use of the defined section of Parker's Piece Heads of Terms (Draft)

#### HEADS OF TERMS (subject to contract and approvals)

LICENSOR – Cambridge City Council.

LICENSEE – CUA Property Ltd, Fort Anne, Douglas, Isle of Man, IM1 5PD (008903V).

Gaurantor - CUA Hotel Ltd, 25 Harley Street, London, W1G 9BR (8272676)  
USE – The temporary erection of hoardings and use of the area as a works compound including welfare facilities. Details of set up and use to be agreed in the form of a detailed specification and method statement .

LICENCE FEE (including fees) - £200,000 for 24 months. (Fees - £7,000. The remaining £193,000 will be paid in equal monthly instalments in advance on first day each month for the 24 month period).

DURATION – 24 months (start date to be agreed) with the right for a maximum 6 month extension at £16,084 per month.

INSURANCE/INDEMNITY – The Licensee to insure and keep insured against third party liability (minimum £10 million) and indemnify the Council against any claims. The Council's tenant of the restaurant at Hobbs Pavillion has concerns about possible disruption to his business and loss of trade during the works. The lessee is to indemnify the Council against any claim by the tenant for loss of earnings.

PLAN OF AREA/EXTENT OF DEMISE – See attached plan and also to be shown on detailed plans as part of the method statement.

PROFESSIONAL FEES – The licensee will pay the licensor's surveyor's and legal costs incurred in granting the licence (see above).

SITE SET UP/MANAGEMENT/REINSTATEMENT – The licensee will be responsible to set up, secure and manage the site in accordance with an agreed specification/method statement and to reinstate the demised area on completion to the reasonable satisfaction of the licensor and in accordance with an agreed specification. A full detailed photographic schedule of condition to be taken prior entry.

This is to include details for the temporary footpath on the perimeter of the hoarding and temporary relocation of the cycle racks and other associated approved works on Parker's Piece associated with the development and

associated compound licence (to be provided and approved – part will be submitted in relation to the discharge of planning condition)s.

CONSENTS – The licensee is responsible for obtaining and complying with all necessary statutory consents and legislation.

BOND – The licensee will pay a bond in the sum of £50,000 to be held against any sums outstanding and pending satisfactory reinstatement of the site

**Appendix B** - Town and Country Planning Act (General Permitted Development Order) 1995 (as amended) Part 4 Class A conditions:

**A. Permitted development**

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

**A.1 Development not permitted**

Development is not permitted by Class A if—

- (a) the operations referred to are mining operations, or
- (b) planning permission is required for those operations but is not granted or deemed to be granted.

**A.2 Conditions**

Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

- (a) any building, structure, works, plant or machinery permitted by Class A shall be removed, and
- (b) any adjoining land on which development permitted by Class A has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

**7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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