

# **INDEPENDENT REVIEW OF 'THE MARQUE' SCHEME, CHERRY HINTON ROAD/HILLS ROAD JUNCTION CAMBRIDGE**



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February 2015**

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## **INDEPENDENT REVIEW OF ‘THE MARQUE’ SCHEME, CHERRY HINTON ROAD/HILLS ROAD JUNCTION CAMBRIDGE BY BARRY SHAW ASSOCIATES**

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## 1.0 Introduction

1. Cambridge is going through a period of unprecedented growth and this is putting great pressure on the planning services. The development management section alone processes 1400 planning applications per year. Building higher and more densely in the inner suburbs is one aspect of the pressure being experienced. There is pressure from the private sector on development teams to get decisions taken quickly and for guidance on what is acceptable. Major projects like The Marque development are extremely time consuming, requiring professional judgement at all stages of the process, including pre-application, post-submission, and post decision amendments. Rising land values and an articulate local community add to the pressure on the planning function.
2. In September 2014 Cambridge City Council Planning Committee agreed that an independent review should be carried out into the planning processes that led to the approval and completion of The Marque scheme. The Marque is a prominent new development on a very visible road junction to the south of the City.
3. The Review has focused on what might be learned from the process in order to help officers and councillors have a better understanding of future complex proposals, especially where there are key issues about design. The focus is on:
  - 1) What can be learnt from the processes and decisions that led to the final design and construction of The Marque.
  - 2) How have improved processes been implemented since the first Marque application in 2005 and how would they deal with
    - (i) Improved delivery on major development particularly tall buildings; and
    - (ii) How such improved processes will support delivery after Local Plan adoption.
  - 3) Are the circumstances of this case unique (in comparison to other similar schemes in the city) or are further measures needed to assist the council in delivering successful major developments and tall buildings in future?
4. Following a site visit and initial discussion a timeline was established to identify the key stages in the decision making process. It sets out the dates of the various planning applications and helps focus relevant related issues such as changes to the local plan. I

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have also carried out additional targeted research and interviews to provide a view of differing perceptions of the process.

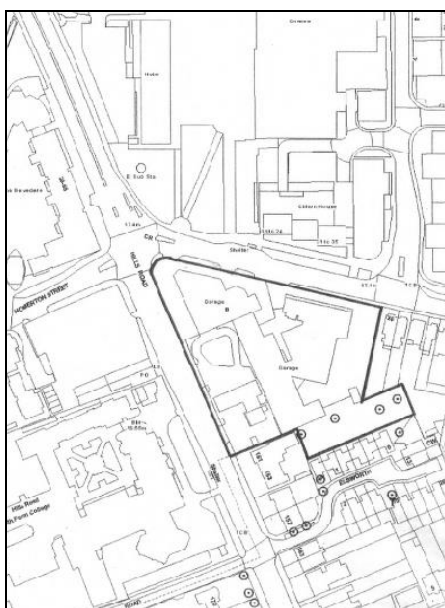
5. The Review has been informed by the help and cooperation from a range of interested parties including members, staff, members of the Design and Conservation Panel and representatives of local residents and the developers. The Review has also drawn on best practice advice from government and its agencies as it operates now and as it applied at the various points in the decision making process.
6. It is important to point out that this Review was not charged with performing the role of a planning inspector whose job it is to determine whether an application should be approved or refused. It also needs to be noted that two matters were outside the scope of the Review:
  - 1) The purpose of this report is to consider the effectiveness of the planning processes and it does not evaluate any organisations or individuals.
  - 2) The Review is not an Inquiry as undertaken by the Planning Inspectorate. It does not therefor alter the decision to approve the application by Cambridge City Council.
7. I am grateful to all those who made time available to speak to me to discuss this Review. I hope that I have recorded fairly what I have heard and what I have read. If I have not, the fault is mine and I am sure readers of this report will be quick to correct any factual errors and misunderstandings. A list of those I have interviewed is included in the appendices. I would particularly like to acknowledge the support given by Glen Richardson (Urban Design and Conservation Manager) and Tony Collins (Principal Planning Officer).
8. The Marque scheme is a 10 storey, mixed use development consisting of 132 residential units, retail and business space. The scheme has a long, complex planning history and the quality of its final form and construction has been subject to criticism locally and nationally.
9. The scheme (previously known as Living Screens) involved a number of novel design and construction aspects. Over time, responsibility for the delivery of the scheme has passed through a number of consultants. The scheme has had a complex planning history, with requests for changes and development of the original design concepts spanning a number of years.
10. While the local planning authority is not aware of any breach of planning control, local residents and others have raised sustained concerns about the quality of the final scheme. The scheme has been delivered over a number of years and many of the individual members and officers involved at various stages have now changed.

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11. The Review addresses a series of key questions:

- The processes that led in between 2005 and 2008 to the original approval for the screen and building design, and what was actually agreed, including given the different views about whether the final building is consistent to that approval;
- The role of the Conservation and Design Panel, the planning case officer and the Urban Design Team in such applications;
- Technical advice on innovative construction options, in this case the screen design and planned material and support management of multi-year applications including when developers undertake major renegotiation and value engineering, and where sites with planning applications are sold on;
- Delegation and delivery on 'non material amendments', including in this case the Judicial Review and the impact of multiple NMAs e.g. on the east facing side of the building;
- Impact of the design on future residents of The Marque including those with restricted views, and future screen upkeep costs;
- S106 delivery of public art to ensure value for money public benefit from developer-controlled 1% schemes;
- Difficulties in delivering 'Management Agreement' conditions including public access; and
- Member involvement transparency and scrutiny from 2005 to 2014.

## 1.1 The Planning Context



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12. The Marque Scheme is located on a 0.81 hectare triangular site at the junction of Hills Road and Cherry Hinton Road just beyond the Hills Road railway bridge. It is situated at the edge of one of Cambridge's key regeneration zones centred on the mainline train station seven minutes' walk away. It was formerly a small industrial estate occupied by a Ford and then a Peugeot and Chrysler dealerships, with associated workshops and a petrol filling station. It is now at the interface between a mostly two-storey late nineteenth century residential area and the newly emerging inner ring of city scale development forming around the historic core. It is outside the central conservation area.
  13. Part of the north side of the site forms the southern edge of the city's largest purpose-built leisure area, the Cambridge Leisure Park, which incorporates a cinema, Travelodge, retail, residential and food uses around a central square. To the south is 151 Hills Road, in bed and breakfast use, two-storey houses on Elsworth Place and a bungalow on land to the rear. To the west are the Hills Road Sixth Form College and a predominantly residential development on the Homerton Triangle site. To the east is The Belvedere. The area is seen as one of the gateways to the city.



Aerial view of the site at the beginning of the planning process

14. A series of planning applications have been made for the site. The first detailed application for 150 flats, (referred to as Scheme 1) was refused consent at the same time that an outline application for residential development, from the same applicant, was approved by March 2006. The next set of applications were made against the outline consent and went forward as a series of reserved matters applications, and consequently triggering a timetable for approval of reserved matters. A reserved matters application for 113 flats and retail space was approved later in 2006 (referred to as Scheme 2 Living Screens); a reserved matters submission for 113 flats incorporating extensive changes was refused in 2007 (referred to as scheme 3). A revised reserved matters application for 113 flats was approved with reserved matters in 2008 (referred to as scheme 4). A start was made on site in 2010; a 'decoupled' application whereby changes to the elevation including balconies and screen were removed from an application for approval of details and treated separately; with revised details of the elevations finally approved in 2013.

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15. The planning process raised concerns about building height and overlooking; about the quality of detailing and materials; about the quality of the public realm; and about the effectiveness of planning in dealing with the development. In particular issues were raised internally within the planning authority about the use of delegated powers to approve significant amendments without recourse to Planning Committee, leading to an application for a judicial review.
  16. More general questions emerged about the way design in planning was managed by the local planning authority. In particular questions arose about the role of specialist advisers and of the Design and Conservation Panel; the effectiveness or otherwise of 1996 and 2006 Local Plans in providing development guidelines, especially for tall buildings; and the use and extent of conditions attached to schemes approved by Planning Committee.

## **1.2 Policy background**

17. The various planning applications were assessed against changing background circumstances in the planning policy context from one local plan to its replacement, specifically relating to the affordable housing requirement. A critical change in the context of the Marque concerned the requirement for affordable homes, rising from 30% in the 1996 Local Plan to 40% in the 2006 Local Plan. There was a fundamental issue in the timeline for the final scheme as built, triggered by the deadline for commencement on site; otherwise the relevant approval would lapse. This was the key to a number of actions that needed to be taken by the developer and decisions such as the discharge of conditions made by the local planning authority.
18. The context for decision standards was influenced particularly by the introduction of national policy changes with the introduction of Planning Policy Statements (PPSs) and Guidance in 1997; and later by the National Planning Policy Framework (NPPF) in 2012. Guidance on tall building was introduced by CABI and English Heritage in 2007, with revised guidance currently being consulted upon by the Design Council and English Heritage in the light of the introduction of the NPPF.
19. PPS1 *Delivering Sustainable Development (2005)* set out the policy for the effective management of planning linking national policies to regional and local development plans (regional spatial strategies and local development frameworks). Where the local development plan contains relevant policies, applications should be determined in line with the Local Plan, unless material considerations indicate otherwise.<sup>1</sup> PPS1 also

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<sup>1</sup> PPS1 (2005) *Delivering Sustainable Development*, paras. 7 and 8



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stated that ‘good design was indivisible from good planning’. PPS1 emphasised positive planning – designs that do not make a place better should be refused.<sup>2</sup>

20. In achieving high quality design planning authorities were to have regard to good practice set out in *By Design – Urban Design in the Planning System: towards better practice*; and *By Design – better places to live*. Additional good practice guidance on design relevant to The Marque planning process included the CABI publication *Design Review*, setting out CABI’s method of evaluating design<sup>3</sup> and *Guidance on tall buildings* published in 2007 by English Heritage and CABI.<sup>4</sup>
21. The 1996 Cambridge Local Plan included a percent for art policy (RL26). A separate Public Art Supplementary Planning Document was published in 2004. The guidance provided practical information on how to meet the City’s ‘Percent for Art Policy’ and set out the criteria against which the Council reviewed contributions put forward by developers in association with their planning applications.

## 2.0 Development Timeline

22. The building we see is the result of a process going back at least 10 years to 2005 when the first application was received for the site. The site has changed hands a number of times; there have been four major applications and a large number of revisions and amendments; four sets of architects have worked on schemes for the site. None of this is particularly unusual for a major development but it is a factor in understanding the development process.
23. The information I have been given has been assembled in a detailed timeline (Appendix A) that tracks the planning process leading to the finished building we see today. It is based on committee reports provided by Cambridge City Council Planning Services and includes reference to the proceedings of the Cambridge City Council Design and Conservation Panel. The following extracts provide a summary of the main stages to highlight critical points in the process, which are then reviewed in part three to see what lessons can be learned.
24. Four firms of architects worked on the various phases of the development. The first phase, known as the Highland Trilatera development (Scheme 1), designed by architects John Thompson & Partners, resulted in detailed consent for 113 flats and ground floor retail space. A separate outline application for residential development, for the same site, was granted consent at the same meeting of the Planning

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<sup>2</sup> Ibid. para 34

<sup>3</sup> CABI: *Design Review: How CABI evaluates quality in architecture and urban design*. July 2006

<sup>4</sup> English Heritage and CABI: *Guidance on Tall Buildings*. July 2007

Committee. Following an architectural completion organised by the applicant, a new architect, Gort Scott Architecture and Urban Design, produced a new set of proposals, known as The Living Screens (Scheme 2) that secured reserved matters consent for 133 flats. A third architect, Corporate Architecture Ltd., developed the detailed design of the scheme and secured consent for the elevations (Scheme 3). A fourth architect, Frank Shaw Associates Limited, was appointed when the project became a design and build contract (Scheme 4). It is understood that the developer and site ownership also changed during the development.

## 2.1 Scheme 1: Highland Trilatera

Date of Application	Planning Reference	Activity	Comment
23 Dec 2005	05/1359/FUL	First scheme for 150 flats and retail space submitted for planning consent. Known as 'Highland Trilatera'. Officer recommendation for refusal.  Refused following Planning Committee decision on 30 March 2006. Appeal lodged but later withdrawn.	Not allocated for development in 1996 Local Plan but was mostly zoned for housing in Local Plan Redeposit Draft (2004)

25. The first proposal for 150 flats and ground floor commercial uses was received at the end of 2005. The development was known as the 'Highland Trilatera' (Scheme 1). It was submitted by a special purpose vehicle formed, it is understood, by Highland Homes and Marshalls of Cambridge, who was the landowner of the site occupied by the Marshall Motor Group Ltd and Tim Brinton Cars Ltd. It was designed by John Thompson & Partners, the architect of the Belvedere, another taller building on this junction sitting opposite The Marque and closer to the rail line and Hills Road Bridge. It had an 8 storey tower marking the corner of the junction. The site fell within a 'skyline cone' set out in the 1996 Local Plan.
26. Objections were received from local residents, which were summarised in the report as covering too high density, out of character, out of scale, too high, and an uninspiring design. The site was not allocated for development in the 1996 Cambridge Local Plan, but the Local Plan Redeposit Draft (2004) allocated 0.77 Ha of the site for housing. The new local plan was a material consideration. Reference was also made in the Redeposit Draft to the provision of Public Art as part of new development

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schemes.<sup>5</sup> This scheme was refused consent in March 2006. (An appeal was lodged following the initial refusal but later withdrawn.)

27. The scheme was redesigned and the number of units reduced to 113 with retail space on the ground floor. It was submitted to the Design and Conservation Panel and received an amber response. That is to say the Panel had concerns with the proposal such that it required improvement before being acceptable. Their reservations were reported to Planning Committee in a paper which carried a recommendation for approval.

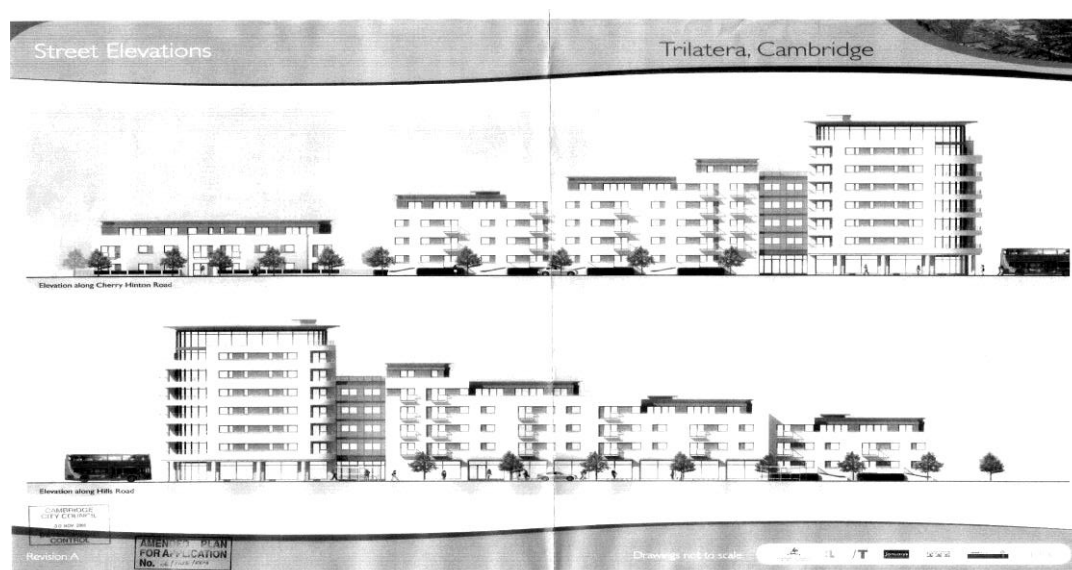
Date of Application	Planning Reference	Activity	Comment
3 Jan 2006	06/007/OUT	Outline application received for second scheme, consisting of residential development, ground floor commercial uses and related ancillary elements. Approved by Committee on 30 March 2006	Applicant: Highland Trilatera Ltd., Marshall Motor Group Ltd., and Tim Brinton Cars Ltd.

28. The detailed application was accompanied in January 2006 by an outline application for the site made by the same group and the same architects. One reason for two almost simultaneous applications was that the 1996 Local Plan was about to be superseded by a new plan that would see the affordable housing requirement increase from 30% to 40%.
29. Both applications were presented to the same March 2006 Planning Committee. The full application was refused while the outline approved. An appeal was lodged but later withdrawn.
30. The outline application established the land use and extent of the development, including the affordable housing allocation, while making time to develop the detailed design. In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, application for the approval of reserved matters, including the elevations, had to be made within three years of the consent notice. The development had to start on site within two years of the approval of the last of the reserved matters. The critical start on site date required to keep the consent 'alive' was 24 June 2010.

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<sup>5</sup> Cambridge City Council (2002) – Provision of Public art as Part of New Development Schemes.

31. The outline consent was accompanied by a S106 agreement, such that any reserved matters approved in respect of the application, including numbers of units and design details were still governed by the same timetable. The S106 also set out the formula by which other planning obligations, such as affordable housing, public open space and public art, would be settled.
32. The rejected design (Scheme 1) was revised and presented to the Design and Conservation Panel where it received an amber response.<sup>6</sup> A revised Highland Trilatera (Scheme1) finally received consent for 113 flats in September 2006 and established the general building mass and disposition of the subsequent development, including the placing of an eight storey residential block on the corner.



**Highland Trilatera elevations as approved**

## 2.2 Architectural Competition

33. The developer could have simply got on with the detailed design of Scheme 1 but chose to respond to the criticism, and demonstrate commitment on behalf of the owners to leave behind a legacy scheme, by seeking a bolder design. A limited architectural competition was organised. The developer selected as winner a design which became known as 'Living Screens' in recognition of the lively and contemporary qualities of the external 'skin' of the building, and which then formed the basis of the second set of proposals for the site (Scheme 2).

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<sup>6</sup> The Panel use a traffic light system when commenting on schemes. Green for approval, amber indicated in need of significant improvement and red serious concerns.

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34. I have not seen details of the competition, or of who was invited to enter. Architectural competitions are a recognised way of developing innovative designs and it is a traditional way for talented young architects to build their portfolio. I would note, however, that large scale housing developments are difficult projects to deliver and in this case it was not only a high profile site but there were also additional time constraints. High quality schemes require time to achieve the bespoke detailing required within the budget of the project.
35. The appointment of the architect was a matter for the developer and landowner. The architectural competition is an issue for this Report because of the involvement of the Design and Conservation Panel, and the Panel's subsequent support for the scheme. The competition winning scheme was developed into a planning application (Scheme 2) and submitted in pursuant of the conditions attached to the 2006 outline approval.

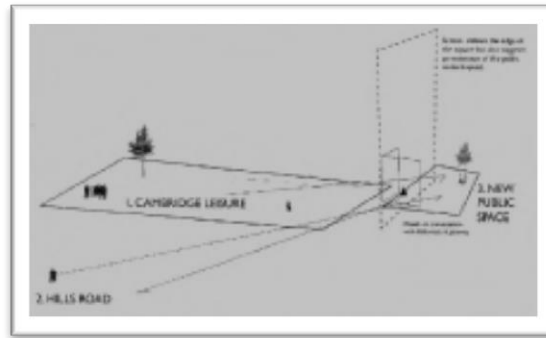
### 2.3 Scheme 2: Living Screens

Date of Application	Planning Reference	Activity
2 May 2007		Living Screens reviewed by Design and Conservation Panel. Described as 'inspiring' and given unanimous green verdict.
14 Sept 2007	07/1075/REM	'Living Screens' first version reserved matters submission for 133 flats and retail space.
5 Dec 2007	07/1075/REM	Refusal of Planning consent following officer recommendation for refusal. Decision notice issued 05.12.2007
30 April 2008	08/0505/REM	Revised 'Living Screens' proposal reviewed by Design and Conservation Panel. Panel repeated 'Green' verdict.
25 June 2008	08/0505/REM	Planning Committee approval of 'Living Screens'.



**Computer generated image of Living Screens**

36. The architectural expression of Living Screens was derived from the concept of animated balconies, with planter boxes, roof terraces and other devices that brought life to the elevations by expressing the activity behind the façade. It was a bold approach to masking the repetitive nature of mass housing design by celebrating aerial living combined with a sophisticated handling of the geometry of the facade.
37. The change of name from Highland Trilatera to Living Screens is believed to have reflected a change of ownership. There was considerable enthusiasm for the new concept. The developer accepted the winning design in preference to the existing scheme that had received detailed consent. Pre-application discussions were commenced and I understand that a pre-application presentation was made to Planning Committee. To my knowledge members' comments have not been recorded.
38. The new design was higher than the previous proposals and centred on a reshaped 10 storey (31m) tower at the corner of Hills Road and Cherry Hinton Road, ('celebrating' the corner) and made a point of addressing the separate identity of each main street. They also proposed a lower section aligning with Hills Road, to complete the public space opposite. Shops were to be provided on the ground floor frontage and a two-level café was proposed at the base of the tower, facing the public space. The upper level would open on to a sheltered terrace. A gym was also proposed that would open on to the same space.



Urban design diagram showing design approach to Cambridge Leisure

## 2.4 Design Review of Scheme 2 Living Screens

39. The proposal was presented to the Design and Conservation Panel in May 2007. One member of the Panel was involved in organising the architectural competition. He did so in his own professional capacity as a teacher and without the knowledge of the chair. The Panel Report correctly recorded the declarations of interest, and the Panel member responsible for organising the competition declared his interest and left the room, not taking part in the discussion. A second Panel member, who happened to employ the winning designer in his architectural practice, also declared an interest and left the room. The Chair of the Panel at the time, who had retired from his teaching role at the Cambridge School of Architecture, declared that he had not taught the architects responsible for the design, or been involved in any way with the competition. He was not aware that the competition had been organised.
40. The Panel welcomed the winning scheme with a good degree of enthusiasm. They championed the scheme for its innovative design qualities. They also pointed out critical areas that could go wrong such as the detailing of the screen.

*'This is an inspiring proposal. In contrast to the approved scheme ... this one faces up to the challenge posed by the disastrously unambitious Cambridge Leisure public square. If built it could transform this part of Cambridge from a 'non-place' into a public space of real quality. Although higher and larger than the previous scheme it appears, because of the clarity of its design, far less obtrusive. No other scheme considered by the reconstituted Design and Conservation Panel has been received as warmly as this one. Nor, it should be remembered, has any scheme been presented at such an early stage of development'*<sup>7</sup>

<sup>7</sup> D and C Panel Report 2<sup>nd</sup> May 2007

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41. The encouragement was matched by critical comments referring to the need for detailed development. The Panel warned of the problems to be faced with the design, as the extract below shows. The conclusion was ‘Green – continue development.’

• *A tall building could have a positive effect, but the designers need to prove that the wider landscape has been considered, and that they can justify the height in this context. (This new scheme is 2 storeys higher than that already approved.)*

• *The relationship of the tower to the bridge, Hills Road and Cherry Hinton Road approaches needs exploration. There were varying views from the Panel on this.*

• *Design of the screen is critical. It is an appropriate proposal. We accept that it is still at a very early stage of the development in terms of its material construction and relation to the flats behind.*

42. The proposal was submitted to Planning Committee as a ‘reserved matters’ submission based on the original outline consent. The Planning Committee report made specific reference to comments made by the Design and Conservation Panel, to the effect that a tall building could have a positive effect, but the designers needed to prove that the wider landscape has been considered, and that they could justify the 5m increase in height in this context. It also included the Panel’s comments that access to the first floor terrace with gym and café needed to be made easier for the public.<sup>8</sup> It was refused permission in December 2007 by the Planning Committee.

43. The reasons for refusal focused on design weaknesses for a building of the combined height, mass and orientation in that context.

*‘As a result of the combination of its height, mass and orientation, and the blankness of the end elevation facing west, the upper part of Block A responds poorly to the context of Hills Road, presenting a ‘rear view’ to the street to the south, and a flank elevation lacking visual interest or liveliness to the street corner at a key intersection and to neighbouring occupiers on the opposite side of Hills Road. These elements of the proposal ignore the characteristics of the locality and would have a negative impact on the townscape in a prominent position on a main route into the city.’*

Further comments focused on the weak fenestration, materials and prominence against the skyline; the east elevation of the highest part of the scheme presenting a blank elevation lacking balance and definition to the street on a key vista into the city; and the combination of height at the southern end, mass and continuous length meant the southern part of the scheme responded poorly to its context.

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<sup>8</sup> 07/1075/REM: Planning Committee Report 5<sup>th</sup> December 2007



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44. Reconstructing, from the minutes, the presentation and discussion that went on in Planning Committee can give less than the full picture, particularly of design discussions. Architects' drawings would have been pinned up and design issues were presented by the case officer who would report the comments made by the Design and Conservation Panel. (They were later attached to the Committee minutes, but that was not always the case at this point.) In this case there were sufficient reservations to refuse consent.

## 2.5 Scheme 2 Living Screens: second application

45. The scheme was revised and presented for a second time to the Design and Conservation Panel. The architects made six principal changes to address the six grounds for refusal. The Panel once again welcomed the scheme in principal

*'It (and in particular, the imaginative screen) provides an appropriate closure to the southern end of the Leisure Park, it places a high building where one should logically have been placed, it provides a 'stop' to the unresolved axis of the Travelodge and makes the best of the situation in which the Belvedere tower already exists.'*

46. The Panel concluded that in terms of height, the apex was lower than the Belvedere and not much higher than proposals coming forward for the station site to the north. They welcomed the permeability of the scheme in contrast to the gated nature of the earlier approved (Highland Trilatera) scheme and considered that in general the grounds for refusal had been addressed.

*The panel encourages officers to consider the recommendation of planning conditions which would clearly signal to the developer the importance placed on material and detail quality in the delivery of this scheme.*

47. The Chair of the Design and Conservation Panel spoke to the Planning Committee in favour of the applications, something that was unusual at that time. The report to Planning Committee recommended approval and included a copy of the Design and Conservation Panel's report. The second Living Screens proposal was granted planning permission in June 2008. Around this time the development climate changed dramatically with the onset of the recession.

## 2.6 Detailed development of the Living Screens approved scheme

Date	Planning	
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	Reference	
2 March 2009		<p>Letter issued under delegated powers responding to request for post-decision amendments.</p> <ul style="list-style-type: none"> <li>• Formally approved: screen plinth details, glazed screen to rear of 1st floor viewing deck, window types.</li> <li>• Informally supported: changes to balconies on inner face of apex building (numbered drawings requested), screen material (further details required before approval).</li> <li>• Rejected: suggestion to use different bricks on affordable blocks, all three brick types offered, elimination of top east corner of screen, revised balconies on affordable blocks</li> <li>• Confirmed new application required: for plant room and transformers</li> </ul>

48. The next period (broadly from June 2008 – to August 2009) saw the preparation of working drawings leading to detailed discussion with the planning department over post-decision amendments. The economic climate was now hostile to the sort of development costs required to deliver the quality and ambition of the Gort Scott proposal. The detailed development of the screen façade for the Living Screens proposal proved difficult. A further team of architects, Corporate Architecture, was assisting with the detailed design and production of working drawings, something that is not unusual at this stage in a project.
49. Everyone involved was now under pressure to resolve the outstanding details before the outline consent lapsed. It was decided to take the project forward under a design and build contract, whereby the contractor is responsible for the working drawings. Around this time Gort Scott ceased their involvement with project and the design was taken forward for a time on the client side by Corporate Architecture. A fourth architectural practice, Frank Shaw Associates,<sup>9</sup> was appointed later in the process.
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## 2.7 Scheme 3: Artisan Apartments

50. Serious issues emerged concerning the detailed development of Living Screens (scheme 2) arising from the design of core services, the depth of roof structure and most importantly surrounding the suitability of materials chosen for the screen. The detailing of the screen became the focus of a lot of discussions and consultation with

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<sup>9</sup> No relation to the author.

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the Chair and Spokesperson for the Planning Committee and the Design and Conservation Panel.

51. Around August 2009 a revised set of drawings were submitted with a view to agreeing changes to the design (Scheme 3 Artisan Apartments). Subsequent negotiations initiated by the developers resulted in a number of proposed design changes to the building being approved as 'non-material' (i.e. not being significant enough to require formal planning permission) by planning officers, using officer delegated powers, by letter dated 4 September 2009. Officers made the decision in good faith. A number of other changes proposed by the developers were determined as being 'material'.

## **2.8 Concerns over delegated authority**

Date of Application	Planning Reference	Activity
20 Nov 2009		Discussion between the chair of DCP and leader on changes to the scheme.

52. In November 2009 the chair of the Design and Conservation Panel was asked by the leader of the Council to review some of the revised drawings and the changes that had been agreed as non-material, and the chair presented details of a long list of changes. It was his considered opinion that the alterations completely altered the character of the scheme. The logic of the scheme had been lost.

## **2.9 Judicial Review**

Date of Application	Planning Reference	Activity	Comment
Feb 2010		Application for Judicial Review.	

53. The report on the extent of the changes was sufficiently concerning to generate a formal review. Following an internal investigation it became clear that officers had exceeded their authority in coming to the view that the changes were 'non-material', when assessed against their own guidance/protocols that existed at the time; instead, they should have been determined to be 'material' and that if the developers wished to pursue them, they would have needed to submit a fresh planning application for them.<sup>10</sup>

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<sup>10</sup> CCC Press Release

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54. In the light of concern by senior Councillors and the Chair of the Design and Conservation Panel, the officer approved 'non-material' changes were likely to have a serious detrimental impact on the original design vision for the building, the then Leader of the Council decided that the only effective way of preventing the changes going ahead was to seek approval through the Courts, by way of Judicial Review, for that decision to be quashed.
55. The application for Judicial Review was made in February 2010. By this time, the developers had also accepted that the changes should not have been accepted as 'non-material' and conceded, as an interested party to the Judicial Review claim, that the decision should not be allowed to stand. The Consent Order quashing the decision was dated 28 October 2010. The developers agreed to carry out the development as originally designed. All relevant planning conditions were discharged and the scheme was able to go ahead as soon as the developers were ready.<sup>11</sup>

## 2.10 Report and Review of Delegations

Date	Planning Reference	Activity
February 2010		Independent review of delegated procedures

56. The Council then carried out three actions in relation to the mistake that occurred:
- Conducted its own review to understand what could be learned from what happened;
  - Revised its procedures and protocol for determining applications for 'non-material' amendments; and
  - Introduced additional safeguards with regard to applications for non-material variations, where the original decision was made by Committee.
57. A report and review of delegations was approved by Planning Committee on 10 February 2010. The report pointed out that there was, and is, no statutory definition of 'non-material'. The guidance states that this is because it is so dependent on the context of the overall scheme – what may be material in one context may not be material in another. The local planning authority had to be satisfied that an amendment was non material in order to grant an application.<sup>12</sup> Cambridge had in

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<sup>11</sup> ibid

<sup>12</sup> Section 96A of the 1990 Town and Country Planning Act deals with non-material changes to planning permission.

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place an officer protocol that distinguished between non-material changes as being “minor changes to approved plans not requiring the submission of a fresh planning application. ‘Material’ amendments are more major changes requiring a new planning application”.<sup>13</sup>

58. Officers recommended the then existing delegated scheme for planning be amended to include a further ‘exception’ category in relation to the determination of applications for ‘non-material’ amendments to developments approved by Planning Committee. This meant that all future applications under S96A for ‘non-material’ amendments to developments previously approved by Planning Committee, could only be determined in consultation with, and with the agreement of the Chair, Vice-Chair and Spokesperson for Planning Committee. It was estimated that there would be around 20 such applications in any one year.

## **2.11 Internal Audit Review**

59. In March 2010 the Internal Audit team at the City Council conducted a review into the development control processes carried out on the “Living Screens” development.<sup>14</sup> The review covered the following areas:

1. The processes and procedures in place to guide officers in the use of delegated powers in relation to amendments made post-decision and whether they were appropriate.
2. Examining the documentary evidence held on the case file for “Living screens”.
3. Were the appropriate processes and procedures followed in this case, including relevant checks, escalation and/or authorisation obtained?
4. Areas for improvement in the processes and procedures.
5. Acknowledgement that a report had been submitted to the Planning Committee on 10<sup>th</sup> February 2010, outlining changes to process.

60. The review made the following very detailed recommendations for improvement in the internal processing of and determination of non-material amendments and related design issues. As they are relevant to this paper they are set out in full below:

1. A new system to be set up for recording applications for post-decision non-material changes to previously approved plans, including recording Member

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<sup>13</sup> Report by Head of Development Services *Review of Delegation*, 10.2.10; Planning Committee Agenda Item 5. <http://democracy.cambridge.gov.uk/CeListDocuments.aspx?CommitteeId=181&MeetingId=2118&DF=10%2f02%2f2010&Ver=2>

<sup>14</sup> Internal Audit Review Planning-Officer use of delegated powers, March 2010, Cambridge City Council

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- response and response to applicant.
2. The new procedures approved by Planning Committee on 10 February 2010 should be subject to review after 12 months, once a reasonable number of cases had been reviewed under this method. The review was to look to see if the process was obtaining the desired out come and whether it was working in practice.
  3. Management should remind relevant officers of the need to keep sufficient details on the case file to provide a good audit trail of activities. In particular the need to:
    - Keep documents which have been signed off by senior management.
    - Note on file copy of letters of the date and participants in discussions to agree the content of the letter.
    - Record key meetings and telephone conversations held with external and internal parties (particularly internal meetings where key decisions are being taken).
  4. The Joint Urban Design team should be asked to comment on applications for post-decision changes to previously approved plans, where they have commented previously or where the design circumstances of the site or development concept involves significant or sensitive development.
  5. In giving pre-application advice to applicants on potential applications for post-decision non-material amendments, and on receipt of such applications, officers should consider the need for any supporting display material to be submitted to assess the materiality of the proposed changes (for example in the form of an artist's impression or street scene perspective). Officers should take and seek senior management advice and support where needed.
  6. Officers should consider the need to request supporting documentation where a developer is proposing changes based on alleged construction difficulties of that element of a scheme (such as structural engineer's report).
  7. Preparation of a set of management actions to ensure more active supervision of staff and their casework, particularly to ensure that their work is regularly reviewed and appropriate support given.
  8. The need to review the design skills of staff which should also include training so that these skills are combined with a stronger ability to maximise the benefits of representations from the Design and conservation panel, public and members on design issues and how would they deal with:
    - (i) Improved delivery on major development particularly tall buildings, and
    - (ii) how will such improved processes support delivery after Local Plan adoption
61. It is understood that these recommendations have been acted upon by the Planning Services at the Council.

## **2.12 Implementation of the approved scheme commenced**

Date of	Planning	Activity
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Application	Reference	
22 June 2010		Implementation of the approved scheme commenced.

62. The Judicial Review and Internal Audit did not prevent progress continuing on the development of the design. This was a period of intense pressure for the development control team, with a large volume of work required during April, May and June 2010 to discharge the conditions on the reserved matters scheme. Both the urban design team and the Urban Design and Conservation Panel were involved in reviewing and commenting on detail including choice of bricks, pointing, windows, materials and most particularly the Fibre-C panels forming part of the 'screen'.
63. The pre-development conditions were discharged three days before the 24<sup>th</sup> June deadline when the initial outline consent was due to expire. There would have been serious financial implications arising from the amount of affordable housing required. The changing policy context encompassed in the 2006 Local Plan raised the affordable housing requirement from 30% to 40%.

### 2.13 Review of non-material amendments

Date of Application	Planning Reference	Activity
13 Feb 2013		Revised proposal submitted to Panel. (No 'traffic light' vote taken). Further revisions circulated to Panel members and responses were summarised by Chair.

64. The scheme was now called Artisan Apartments (Scheme 3). A number of changes deemed non-material were presented to the Design and Conservation Panel in February 2011 by Corporate Architecture, who appears at this time to have been working on the development at the same time as Frank Shaw Associates, who were acting for the contractor.<sup>15</sup> These changes were also referred to the chair and spokesperson for Planning Committee in accordance with the new regulations. The changes included alterations to window positions, staircases and other elements, including details of some elements of the screen. The Design and Conservation Panel welcomed the decision by the applicant to base their proposals on the April 2008 scheme (Scheme 2) and recalled the enthusiasm that greeted the original concept. The Panel recognised that modifications to the design of the screen were necessary, but

<sup>15</sup> Design and Conservation Panel Minutes 16 February 2011.

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expected that the resolution of the technical issues should result in non-material changes which did not undermine the quality of the design.<sup>16</sup> The Panel also agreed unanimously that the proposed amendments were non-material, but awaited further clarification on the detailed design.

65. Following the Panel's comments, and comments from the urban design team, further changes were made. Officers were not able to support these changes as non-material and they were removed from the Planning Committee agenda, where they were due to be ratified under the new procedures. (Feb 2011)
66. Further Revisions continued as conditions were discharged and the detailed design completed. A report went to Planning Committee in April 2011 seeking a number of amendments distributed throughout the proposed development. The changes were agreed as non-material. At the suggestion of officers changes proposed to the screen and balconies were 'decoupled' from the application for amendment of details, meaning that negotiation could continue on these critical issues while details deemed less contentious were approved. It was agreed that any proposed changes to the screen and balconies would be taken to the Design and Conservation Panel.
67. A further presentation on the detail of the cladding system was made to the Design and Conservation Panel in December 2012. The detailing of the upper floors along Cherry Hinton Road as seen from the highway and the first floor courtyard, together with the handling of the balconies, remained a concern. The Panel advised that more work was necessary. Details went again to the Panel in February 2013. The Panel were concerned that the technical and value engineering considerations involved in the delivery of the scheme were undermining the realisation of the quality of the architectural design.<sup>17</sup>



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<sup>16</sup> ibid

<sup>17</sup> Report to Planning Committee 7 August 2013.



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Computer generated image of the revised scheme submitted in August 2013.

68. The revisions to the screen details, essentially choice of cladding material, were again submitted to Planning Committee in August 2013 for consideration as a non-material amendment. (The preferred and agreed material had ceased production.) The replacement material was reviewed by the chair and spokesperson for Planning Committee and chair of the Panel, as well as officers. Further revisions had been circulated to Design and Review Panel members and their responses were summarised by the chair of the Panel, who made a number of very detailed suggestions.

*'Ideally, the Panel would have wished to have sight of the CGI's of the internally and externally clad option before being able to reach a definitive view.'*<sup>18</sup>

69. The Urban Design and Conservation Team also provided comments on the detail of the cladding material. Planning Committee was asked to assess three separate issues:
- The proposed change of screen material;
  - Proposed changes to the dimensions and positions of the panels which make up the screen; and
  - The erection of the proposed supporting framework.

The details were approved by Planning Committee as a non-material amendment.

## **2.14 Final approvals**

70. A management plan covering the control of the public and communal spaces, refuse collection, cleaning and security was submitted in August 2013 and finally accepted as discharging conditions under delegated powers, following agreement of the chair, spokesperson and ward members, in April 2014. A further minor non material amendment to the brick wall enclosure of a sub-station and relocation of a maintenance entrance is, at the time of writing, still awaiting a decision. The installation of a public art scheme at first floor podium level was approved in November 2013.
71. Turning the screen concept into something that was faithful to the concept proved difficult. Building Control was involved on a number of occasions. There were difficulties with the construction overall including wind loading, bulkiness of the structural frame, pointing of the panel, the visibility of the galvanised frame and windows partially blocked by the screen.

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<sup>18</sup> Report to Planning Committee 7 August 2013.

### 3.0 What can be learned from the process?

72. The management of the planning process in connection with the development of The Marque has highlighted a number of issues and areas for improvement. They are set out below.

#### **Issue 1: What was agreed between 2005 and 2008, and is the final building consistent to that approval?**

73. The permission letter detailing the consent given to the first outline application, (06/0007/OUT) for Highland Trilatera (Scheme 1), established the land use of residential development with ground floor retail and triggering a timetable for approval of reserved matters. Reserved matters included the siting, design and external appearance of the buildings, the final number of dwellings to be accommodated on the development (no approval had been given to a specific density) and samples of materials to be used in the construction of external surfaces.
74. A revised Highland Trilatera full application (Scheme 1, 106/1026/REM) secured approval for 113 flats and 533sq.m of retail accommodation, subject to conditions, including details of the basement parking' but did not go ahead. The second scheme to be approved for the Marque site in June 2008 was the Living Screens (Scheme 2, 08/0505/REM). This secured approval for 133 flats, with ground floor retail space. It also secured approval to the overall appearance, height and mass of the development.



2008 diagram showing massing and relative heights.

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## Visual impact and design quality

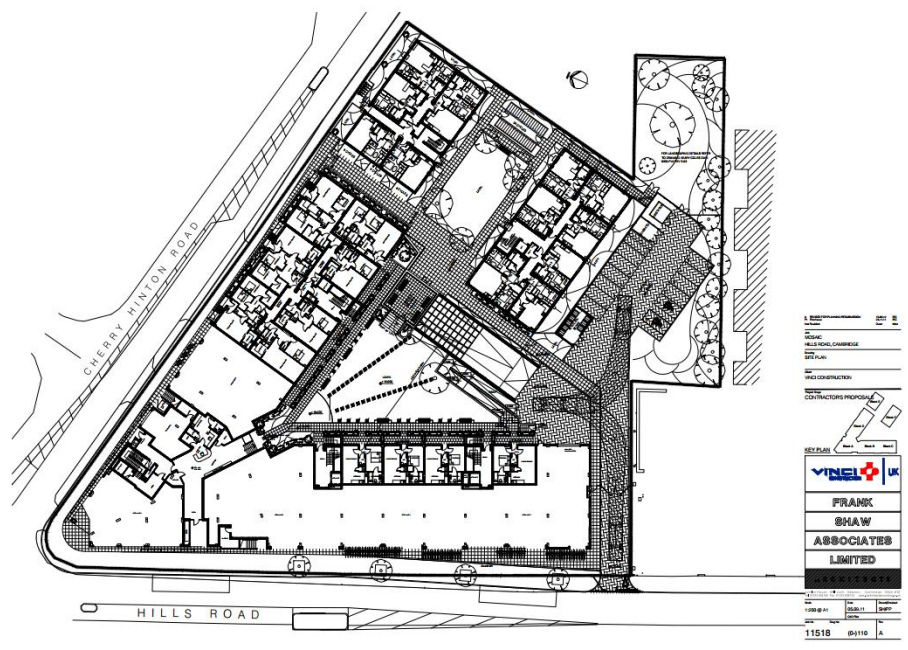
75. The complex and detailed work that went on between 2008 and 2012 has been set out in part 2.0. An overall visual comparison between what was initially approved in 2008 and what was finally approved in 2012 is set out below. The selection of drawings indicate that the elevations of the final scheme, approved by committee in 2012, are very nearly identical in appearance to the original set of Living Screens drawings approved in 2008. There are three main areas of difference: internal planning; overall elevational treatment; and detail of the external screen.
76. The internal planning changes were deemed not to have constituted development within the meaning of the Town and Country Planning Act 1990 (As amended). They covered changes to the internal planning of the flats, in particular the repositioning of bathrooms and kitchens to simplify vertical plumbing arrangements. Alterations to the external appearance were deemed changes whose materiality the Council had to decide. The list put before Planning Committee in April 2011 included the position of windows on the Hills Road elevation, the gradient to the staircase on the viewing deck, as well as the repositioning of a viewing deck access lift. A third set of changes, which were deemed to be material, and was approved by Planning Committee, concerned the detailing of the screen following the need to change the screen material as the approved material was no longer available.<sup>19</sup>



2008 ground floor plan as approved.

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<sup>19</sup> Planning application 13/0789/NMA

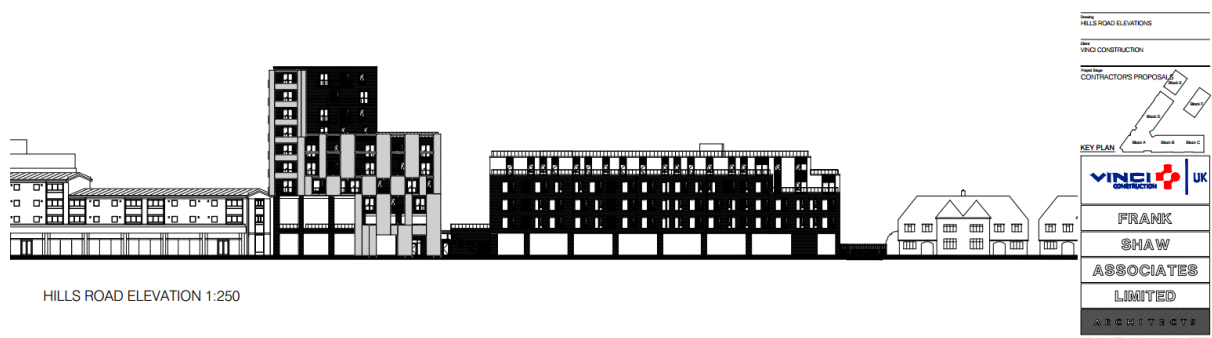


2012 ground floor plan as amended and as built.



2008 Cherry Hinton Road elevation (top) compared to 2012 elevation (bottom).





2008 Hills Road elevation (top) compared to 2012 elevation (bottom).



2008 computer generated image of the Marque (Scheme 2), taken from Design and Access statement (left) compared to 2014 photograph of the completed Marque (Scheme 4).

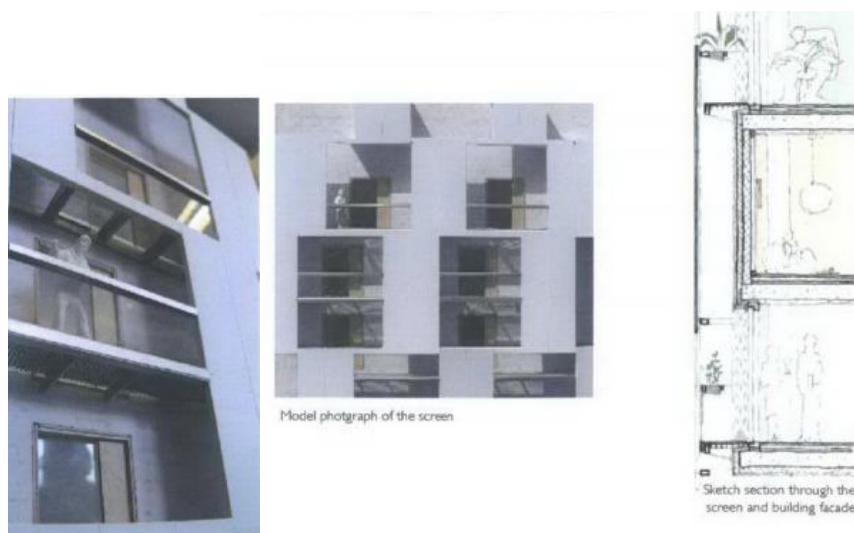
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77. The elevations to the central, tall, block have been resolved in a way very close to the 2008 approved scheme. There are differences in the articulation of the corner tower with some of the original detail being lost. There is a more marked difference with the elevations of the lower brick-clad elements, where changes to the rhythm of the fenestration. The five storey, brick clad, flanking blocks have a different elevational treatment to the screen, where a more conventional approach is taken to window detailing.
78. By way of comparison, one of the best examples of a high quality façade to medium rise brick clad housing is the Accordia development, an earlier Cambridge housing scheme. The award winning quality of the architecture of Accordia is expressed at all levels of detail, with the fine proportions of the openings being matched, in the early phases most clearly, by great attention to detail including the depth of reveal, choice of window frame, choice of brick, pointing and overall build quality. The quality of the architecture comes from the totality of the treatment as well as from the initial concept.
79. It is more difficult to do a before and after comparison of the structural detail of the screen, due to the unresolved nature of the details at the commencement of the process. It is not clear to me what was agreed. The drawing below, taken from the 2008 Design and Access statement that accompanied the full application, shows what appears to be a lightweight panel attached to the structural frame of the building. The final screen drawings<sup>20</sup> produced after a change of material show structural supports for the cladding panels that appear to be markedly heavier, and particularly visible on the internal face seen by residents of The Marque.
80. What were the design intentions of the approved scheme? (Scheme 2: 08/0505/REM). The problem for this assessment, and for the management of design changes, is the lack of clarity at the start. The illustrations below, taken from the Design and Access statement, (which are only one indication of the eventual treatment) show the window frame positioned close to the external surface of the brick façade.

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<sup>20</sup> 13/0789/NMA



Indicative illustrations taken from the Design and Access Statement showing the original intentions for the detailed handling of the lower sections of the building.



Indicative illustrations taken from the Design and Access Statement showing the original intentions for the detailed handling of the Living Screen.

81. The detail of screen as built has been criticised as lacking the quality that was expected at the start of the process. While that criticism can be understood in critical and architectural terms it is harder to substantiate in terms of the initial Scheme 2 planning drawings approved in 2008. The quality of the detailing of the finished screen is disappointing, particularly at ground level and the local authority's building

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control services have been involved in ensuring the finished details match those that received consent.

82. It is common for detailed working drawings to follow on from the approval of elevations. In this case the level of detail provided at the initial approval stage for Scheme 2 did not secure the detailed specification of the building at the outset. In particular, the lack of large scale details of the screen meant that there was not a specific benchmark against which to review change. Whilst the architects were working with engineers and confident that the screen and support could be delivered as indicated, the level of detail provided appears insufficient for an innovative scheme of this type.
83. Overall there are variations, as noted above, between the approved (Scheme 2) drawings and the finished building. The Design and Conservation Panel commented on all the changes and Planning Committee gave their approval at all the critical stages. The Panel recognised that non-material modifications to the original scheme would be necessary and one set of material changes were challenged successfully (Scheme 3). While the ambition of the original scheme has, arguably, not been met it would have been very difficult to sustain that argument against the approved drawings.<sup>21</sup>
84. **Conclusion:** The experience of The Marque highlights the expectations for high design standards in Cambridge and the challenges in delivering them. The final design drawings, and the as-built details, are very close in both intention and detail to those of the first Living Screens approved design. Where there are material differences they have been approved by Planning Committee. It is reasonable to say that the finished building is consistent with the design intention of the 2008 approval but does not match the ambition of the initial design concept.

## Issue 2: The role of the Conservation and Design Panel

85. Extensive use was made of the Design and Conservation Panel in looking at the various proposals for The Marque site. The Panel is and was made up of a group of highly experienced, well regarded, local experts in design and conservation. It is one of a number of mechanisms by which the City Council supports the achievement of high quality design. It is advisory and non-statutory.

The Panel has three specific roles:

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<sup>21</sup> 08/0505/REM



- 1) To provide a forum for pre-application presentation of, briefing for, and expert advice on, major or otherwise significant development proposals;
- 2) To provide formal comments on submitted applications;
- 3) To contribute to Conservation Area Designations and Appraisals, and the development of other policies and guidance related to Design and Conservation.

86. The Panel typically sees three schemes per session. In other words, whilst papers are available prior to the meeting, it is ultimately a quick review utilising the extensive skill and experience of its members. The Panel's work is intended to complement and support in-house officer expertise and bring to bear additional specialist knowledge of design and building construction in a focused and timely way. The findings of the Panel are summarised in a report. This report is now attached in full to the Planning Committee report, but in the early stages of this process the Panel's comments were sometimes summarised in print or by the case officer. The Panel Report completes its comments with a 'traffic lights' indicator: Green for fully supports, Amber is in need of significant improvement to make it acceptable, and Red for does not support. The various reviews carried out on proposals for The Marque site are set out below.

Date	Reference	Comment
11.2006	Highland Trilatera	First Highland Trilatera proposal (Scheme 1) given amber verdict.
02.05.07	Highland Trilatera	Revised Highland Trilatera proposal (Scheme 1) given amber verdict.
14.09.2007	Living Screens	First Living Screens proposal (Scheme 2) given green verdict
14.04.2008	Living Screens	Revised Living Screens (Scheme 2) given green verdict
26.05.2010	Living Screens Highland Homes	Revised Living Screens (Scheme 3) proposal reviewed following extensive changes. Consultation with Chair of Panel
16.02.2011	Artisan Apartments	Scheme 4 seen by Panel following extensive amendments. Panel requested more information. Agreed proposed amendments appeared to be non-material.
12.12.2012	Artisan Apartments	Scheme 4 alternative screen material put to DCP. (1 green and 6 amber)
13.02.2013	The Marque	Revised scheme 4 to panel (no vote)
16.04.2013	The Marque	Further design revisions to scheme 4 circulated to panel members. Summarised by Chair.

87. The Design and Conservation Panel saw all the various schemes the Marque site and had a major involvement in the project. Three issues stand out from the standard type of review conducted by the Panel: the involvement with the architectural competition

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that brought forward the Living Screens project; the subsequent advice by the then chair of the Panel to the Leader of the Council following changes to the designs agreed by Planning Committee; and the continued involvement with the design of the screen wall.

88. **The architectural competition:** The owners of the site were no doubt congratulated on setting up an architectural competition for this site that produced a commendable design. However competition schemes are notoriously difficult to deliver and it is, sadly, quite common for them to not produce the desired outcome. The management of architectural completions in general is not a matter for the local planning authority. Guidance on running competitions is available from the Royal Institute of British Architects (RIBA).
89. The Design and Conservation Panel championed the scheme for its innovative design qualities. In the context of the time, when nationally the Commission for Architecture and the Built Environment was supporting design in planning, this could have been in the context of championing good design. A review of the Panel papers in this case, presented to the Planning Committee, show that besides offering encouragement they also pointed out critical areas that could go wrong such as the detailing of the screen. It was an experienced Planning Committee and the Panel advice was only advisory. Overall, however, such forceful support runs the risk of unbalancing the presentation given by planning officers to committee members. I have no way of knowing whether that was the case here.
90. **Conclusion:** The Design and Conservation Panel should continue to review future architecture competition schemes if requested at pre-application stage but should not be involved in pre-application presentations to Planning Committee. I understand changes have been made and this is already the case.
91. **Advice to the Leader:** In 2010 the Chair of the Panel was asked to provide advice to the Leader as to the extent of the changes that had been made to the Living Screens scheme following agreement made under delegated powers. The revised scheme (Scheme 3, Artisan Apartments) was criticised in detail by the Chair as not being of the same quality as the second Living Screens project. This clearly expressed view led ultimately to the Judicial Review of the use of delegated powers in approving the amendments. The changes agreed under delegated powers were such that they should have been seen by Planning Committee.
92. **Advice on the detail of the Screen:** The most critical part of the long design management process was the design of the screen. This was both a technical issue of structure, materials and internal planning, as well as a design and planning issue. The focus on the Panel's role arises in part from the fact that they left a record of their

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deliberations. It should not distract from the fact that the decisions and judgements are taken by the executive and their officers, and that from time to time they require specialist support to reach their conclusions

93. Although the Panel was involved at all stages, the time spent was very small, typically one hour per session. It would be fair to acknowledge that ultimately the chosen scheme turned out to be a disappointment. A more circumspect and critical review of the first Scheme 2 Living Screens proposal might have avoided later problems.
94. **Review of Design and Conservation Panel:** Changes were made to the way the Panel operates following the internal review of The Marque project. A deputy chair role was introduced and Panel minutes were moderated by the deputy chair before they went out. A full review of the working of the Design and Conservation Panel was carried out for the City Council in 2013.<sup>22</sup> It looked at its role of supporting the delivery of sustainable and well-designed developments in Cambridge, and the quality and consistency of the reports and letters. The report made 21 recommendations for the Panel's future development. These included:
- A regular bulletin on schemes that have been reviewed should be presented to the panel so that they could assess the impact of their work and advise whether further intervention might be useful.
  - Consideration to be given to some joint training of the Planning Committee and Panel members.
  - An annual report should be produced for discussion with Planning Committee.
  - The panel chair to meet with the Planning Committee and senior officers on at least an annual basis to discuss the quality of the advice and impact it has had.
95. **Conclusion:** The Design and Conservation Panel acted in a way that potentially blurred the boundary between championing good design and critical review. The Panel now operates differently. The operation and working of the Design and Conservation Panel was reviewed in 2014 and the recommendations have been put in place and acted upon.

### Issue 3: The role of the planning and urban design teams

96. **Design management:** The practice of accepting outline applications that are then developed into detailed designs no longer applies. It created critical difficulties for the planning and urban design managers, and the outcome was disappointing. What was different in this case, when other schemes did not experience the same degree of

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<sup>22</sup> *A review of the Cambridge City Council Design and Conservation Panel.* Barry Shaw, October 2013.

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difficulty? One major issue was the successive changes made to the applicants design team. This accentuated the difficulties in delivering the original Living Screens development.

97. Was the planning team sophisticated enough in its approach to managing the design at the time? The management of high profile schemes, particularly competition schemes, can require a great deal of flexibility in the approach to design management. The design details often need to change in order to capture the spirit of the concept and deliver a high quality finished scheme. It is the main reason why it is advisable to retain the original architect. One of the issues with The Marque is, perhaps, that the design did not change enough.
98. The difficulty for the planning team in adopting a more flexible approach was that such an approach requires understanding and good communication between the parties. This was disrupted in this case with not one change of architect but three, with other related changes to key professionals such as the structural engineer. There was also the question of change of ownership as well as the length of time spent on the designs and the cost of professional services. All of these issues militated against a more flexible approach.
99. **Public consultation:** Consultation was undertaken on the first full Trilatera included holding a Development Control Forum. The responses set out in the committee report suggest that the community were not clear in their understanding of the differences between an outline and a full application. The main areas of concern raised by local residents to both applications included: <sup>23</sup>
- Density too high;
  - Overpowering and excessive height in comparison with neighbouring properties;
  - The design is uninspiring and off the shelf; and
  - The proposal should be set back from the road to respect the existing building line.
100. A consultation meeting was hosted by Januarys on the revised Scheme 2 at which the Living Screen architects presented new proposals that addressed the ground for refusal. Far fewer residents objected to this proposal than had objected previously. Areas of concern raised by local residents and reported to Planning Committee included:
- Conditions needed on materials especially the surface of the screen; and
  - Pedestrian design

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<sup>23</sup> Planning Committee 29<sup>th</sup> March 2006, application 06/0007/OUT

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An email from a local councillor was also included the following clear warning: “There is insufficient detail in the application on the material quality and finish. Given its exposure to high winds etc. it is questionable whether the proposed finish will be sufficiently durable.”

101. One of the residents representatives interviewed said the planning process at the time was seen as unresponsive to local concerns. Another resident, while equally critical of the finished scheme, specifically praised the Development Control Forum and the work put in by senior members of the planning service. The current perception might be summarised along the lines that the project as built seems to bear only a superficial resemblance to the original Living Screens concept as it was sold locally. Even though this concept was flawed it seemed, as presented, to be a light and airy structure rather than the imposing mass that was eventually built.
102. **Conclusion:** Residents’ concerns were brought to the notice of Planning Committee and clearly set out in the Committee reports at all the critical stages.

#### **Issue 4: Securing design quality: Technical advice on innovative construction options and support management of multi-year applications.**

103. **Securing design quality:** Securing a high quality outcome through the planning system requires a high level of detail at the planning stage, commensurate with the project. The difficulty with managing the later changes to the Marque was that the starting point was not sufficiently clearly detailed at the committee stage. The issue is not to prevent design development where that is necessary, but to provide a clear starting point so that the degree of variation can be measured and, in those cases where refusal of changes is the only way forward, the position at appeal is also clear.
104. **Conclusion:** With an innovative, tall, or in some other way special building, it is reasonable to require working drawings of key elements to be detailed to 1:20 or 1:5 as part of the approved set. Details of elevations, for example, should show the depth of the reveal and material specification. It would be good practice to include within the Committee report a section on design quality that summarised and focused the design evidence used to support the application.
105. **Recommendation:** The extent of technical support information required to support major planning applications should be reviewed. Technical drawings, with such supportive technical reports as are necessary, should form part of the set of approved drawings. The Committee report should include a section on design quality that focused the design evidence used to support the application.

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106. **Technical Advice:** Technical advice was required throughout the development of this project. Two sorts of technical advisor were required: someone to provide an overview of the initial risks involved and someone to provide a detailed independent review of the detailed development of the screen. The Design and Conservation Panel could provide an initial warning but would need to have a specialist on the Panel, or on call to join the Panel when required. However technical assessments need to be given greater weight and this might be better achieved from an independent specialist who was brought in by the urban design team to report directly to Planning Committee when required. The Planning Service would have benefited from a specialist report on the development at the point where the architects who followed the Living Screen architects questioned the build-ability of key aspects of the building as approved in 2008.
107. **Conclusion:** As buildings get more complex technical assessment needs to be given greater weight. Managing innovative design requires from time to time access to independent specialists. The Marque would have benefited from a specialist report being presented to Planning Committee at the initial stage, and particularly at the point of detailed consideration of changes to the cladding details.
108. **Recommendation:** A condition forming part of the S106 agreement should be drawn up to the effect that, in the event of a dispute over technical details, the developer would cooperate with an independent consultant to produce a report on the technical aspects of the design. Such a condition would have to relate to the permission, and the detail contained in the permission, and be commensurate with the scale and complexity of the project. It would be reasonable to ask the developer to pay for such a report.
109. **Design quality and the change of lead architect:** It is not unusual for architect and design teams to be changed mid-way through the development process. There are many practical reasons for making such changes. Some architectural practices specialise in design while others specialise in building construction. It is beyond the scope of this report to look into the specific cause of the changes of architect in the case of The Marque site. The fact that the design team that had convinced the Design and Conservation Panel of the merits of their concept did not appear to continue with the project was a matter for regret.
110. The planning system does not require the architect who obtained planning consent be retained throughout the development of the working drawings. In the case of innovative and high profile design it is therefore essential that the initial concept is articulated with sufficient technical detail for key working drawings to form part of the planning consent. This can help ensure all the costs, particularly the cost need to deliver innovative features, have been fully considered as part of the approved design.

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111. The Royal Institute of British Architects (RIBA) prepared a model S106 agreement in 2010 that sought to address one aspect of the problem.<sup>24</sup> The introduction is set out below.

*The reputation of well-known or good quality architects is in some cases an important factor in securing a planning consent. In such cases, however, it is common that once a consent is gained, the services of the design architect are dispensed with, and others are engaged for the technical drawings and site inspections, degrading the original design in the process. This is of concern to both local authorities and the architects engaged only for the original design. Local authorities are keen to raise design standards and understand that designs submitted at large scale with, at best, selected additional details depend on the continuity of the design through to completion. Local authorities may have neither the expertise nor the resources to assess subsequent amendments or police the detail during construction. Architects are similarly interested in the correct completion of their designs and the protection of their reputations.*

*Under UK law it is not possible to make a developer engage the original architect for the remainder of the work. It is, however, possible through a Section 106 Agreement to make a developer pay a 'Design Monitoring Contribution' for the assessment of details required under a condition of a consent, and for the inspection of the work on site to ensure compliance. It is also possible to demand an 'Additional Monitoring Contribution' for the additional work and expertise required if the original architect is no longer engaged on the process. This introduces a financial penalty on the developer if they dispense with the services of the original architect and gives the local authority the additional funding to engage suitable expertise to control the detail and inspect the construction. (In theory, the local authority could engage the original architect.*

112. **Conclusion:** From time to time the processes for managing long running projects need to be reviewed, as do the projects themselves. However it should be acknowledged that the planning department has successfully delivered two Stirling Prize winners, and many other award winning schemes, that the basic system is working well.

## **Issue 5: Delegation and delivery on 'non material amendments' including the Judicial Review.**

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<sup>24</sup> Herbert Smith LLP Ref: 2461/30874556: *Protecting Design Quality: The retention of the design architect after the granting of planning consent – model drafting for Section 106 Agreements*. RIBA 12 April 2010

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113. As far as I can see I am not aware of any member transgression. The reporting system for delegated authority was changed as a result of issues arising from the handling of The Marque. The evidence from the later applications was that it worked as intended.

**Issue 6: S106 delivery of public art to ensure value-for-money public benefit from developer-controlled 1% schemes.**

114. The Marque proposals included a contribution to public art in accordance with part (I) of policy 3/7 and the Public Art SPD. The architects for scheme 2 Living Screens aimed to integrate the public art with the screens, as well as focus it on the first floor podium. The Design and Access statement put forward the idea that the concept of the Screen had been to integrate public art into the architectural language of the scheme. The screen was to be treated as a work of art in itself.<sup>25</sup> From an early stage the Screen had been designed in close collaboration with two artists. The intentions were elaborated in a Public Art strategy document.<sup>26</sup> The original intention had been to etch a design into the surface of the Fibre-C panels originally approved. There does not appear to be any record of a formal application to implement the idea. In the end the more expansive proposal to decorate the screens did not go ahead for complex reasons including changes to the Petrarch cladding system.
115. The initial reserved matters submission on this site made clear references to the incorporation of public art into the 'screen' attached to the development's most prominent building. This location for public art was not formalised in the permission, but it did receive considerable attention at the time the application was approved. A public art and place making agency, Futurecity, was engaged and later in the process developed a more limited proposal for works of art. One proposal was for lighting on the faces of the apex building. They developed the brief and established a local stakeholder group which led to the appointment of an artist. The stakeholder group evolved into a local steering group to manage the development of the art work. There was also an active art project with Hills Road students. The finished designs emerged from this collaborative approach and from collaboration with the nearby Cambridge University Botanic Garden.
116. In October 2012 the Chair of Planning Committee and the Chair of the Public Art Panel were brought up to date on the public art position by the planning officer dealing with The Marque. It was made clear that the applicant's artists brief put forward integration

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<sup>25</sup> 08/0505/REM: p100.

<sup>26</sup> Design and Access Statement, Appendix 1.



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of the art on the screen as only one possible option for artists to consider, leaving a significant possibility that the screen will not eventually be used in this way.

*'Given the sensitivity of this site, and the significance of the screen surface to the appearance of the scheme in the townscape, I am of the view that the decision as to whether the artists' brief refers to the screen as one option for public art, or the only option, is a matter of comparable significance to non-material amendment applications, and I have therefore followed the framework prescribed by the delegation scheme.'*<sup>27</sup>

117. The detailed proposal to place art works on the first floor podium went initially to the Public Art Panel.<sup>28</sup> These proposals were then set before the Planning Committee in a brief paper that included comments from the public art officer to the effect that the proposal complied with the Council's public art policy. Objections were received from a local councillor and from the Rustat Road Neighbourhood Association after the completion of the Committee report and were then the subject of a Planning amendment sheet<sup>29</sup> to Planning Committee. The objections were to the effect that the proposal failed to meet the original intentions of the role of public art in making the building exceptional; that art in the podium space would have limited visibility; and that it was an inadequate, rushed, suddenly revised proposal that failed to deliver the long promised public realm addition promised by the developer.
118. The Committee paper was clear: *'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.*

*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.*

*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.*

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<sup>27</sup> Member Consultation, 15 October 2012.

<sup>28</sup> 13/1435/FUL

<sup>29</sup> 13/1435/FUL: 11 Nov 2013

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119. The approval notice refers only to the application and not the S106 agreement. It is important to make clear that when public art is put forward as 'development' and needs planning permission in its own right, the decision on that planning application cannot be made by comparison to some other proposal or ambition. It must be considered in its own right, and to do otherwise would be to invite an appeal. The applicant was not obliged to say why the strategy put forward in the Design and Access Statement was changed.
- 120 The public art work as delivered does not match the ambition of the early thinking to provide large scale public art integrated into the design of the screen. The original concept, although referenced very briefly in the Design and Access Statement, did not form part of the planning proposal. It does not appear on the application drawings, nor on the CGI images used at the time of the determination. There was some expectation that the illustration in the Design and Access Statement would be implemented, but this was not universal, and was not stated in the application documents, or specified by the approval.

### **Conclusions.**

121. The Planning Service followed processes correctly in relation to the public art. Members were kept informed of the possibility of a non-screen solution and there is an auditable set of documents showing engagement with the applicant, public art officer and Chairs of the Planning and Public Art Committees.
122. It is acknowledged that the owner of The Marque has fulfilled the planning obligation in relation to public art. It is also acknowledged that the podium space was an integral part of the original approval. However the use and accessibility of the podium space do not yet appear to be fully resolved and the art work suffers from being in a space that needs more thought as to how it can become a successful place.

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## 4.0 General conclusions and recommendations

123. The long planning and development process that led to the final scheme can be broken down into three phases. The first phase starting in 2005, saw two parallel planning applications for the same site both presented at the same meeting of the Planning Committee; one a full application the other an outline application. The initial full application was refused; a later iteration received reserved matters consent but was not pursued in favour of a second scheme, Living Screens, the result of an architectural competition organised by the landowner. The Living Screens proposal was taken forward as reserved matters to the outline consent, with the associated defined timescale. A new application would have triggered a substantial increase in the percentage of affordable housing to be provided following changes introduced in the 2006 Local Plan. The second phase focused on changes to the consented scheme and to the design team, concluding with the Judicial Review and clarification of powers of delegation. A third phase focused on detailed delivery and quality of outcome.
124. The later phases hinge on the initial granting of full consent for the Living Screens concept in 2008 with insufficient information being provided as to how the innovative Living Screen concept would be detailed. The Design and Conservation Panel at the time saw part of their role as championing good design, and may have gone further than would be considered wise today in supporting an innovative concept from a relatively new practice. Local residents made a strong and perceptive argument about lack of detail supporting the application that was proved to be correct. It is not possible to reconstruct the debate that went on as to the merits of the scheme, but the decision taken by the Planning Committee meant the project was vulnerable to changes to the design team. The risk was heightened by the time scale arising from the initial outline consent.
125. As things turned out the various design teams were not in the end able to fully deliver on the ambition expressed in the architectural competition winning scheme. The build-ability of the screen was strongly questioned by architects later tasked with detailing the building for the purposes of construction. Having accepted an incompletely articulated design, the planning management of the subsequent development of the screen details proved difficult.
126. Cambridge has an exceptionally strong record of delivering high quality projects, and this project did not meet the highest expectations. However that is not the same as saying the planning team failed significantly with this project. In many other local planning authorities The Marque would be seen as a good project. Setting aside the issues arising from the exercise of powers of delegation, which have been fully addressed, the planning team have shown great dedication to making the best of a project where their powers of design management were undermined by the initial

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consent.

127. **Conclusion 1:** The final design drawings, and the as-built details, match the approved Scheme 2 Living Screens drawings. Modifications, where they occur, such as changes to the window layouts, upper floor roof profile and internal planning of flats, were agreed to be non-material by Design Panel and approved by Planning Committee. It is reasonable to say that the finished building is consistent with the 2008 approval. However the level of detail provided at the initial approval stage for Scheme 2 Living Screens was insufficient for an innovative scheme, and the approved set of drawings did not fully capture, or ultimately deliver, the architectural promise of the concept.
128. **Conclusion 2:** The Design and Conservation Panel initially acted in a way that potentially blurred the boundary between championing good design and critical review. Subsequently the Panel delivered helpful and critically correct advice to members at the point of questioning delegated authority and on the detailed development of the scheme. Since these events the operation and working of the Design and Conservation Panel was reviewed in 2014 and the recommendations have been put in place and acted upon.
129. **Conclusion 3:** Initial planning management of the Living Screens application failed to secure a fully detailed scheme. However, it is the nature of outline consents that the detail should follow, and what was submitted was comparable with similar schemes going through the planning process at the time. Following the resolution of issues arising from the use of delegated powers, the subsequent planning management of the project, and the role of the planning and urban design teams, were both sound. Disappointment with the outcome should not obscure dedicated and knowledgeable work by the planning service over time and under pressure. The Review does not indicate that major changes are required to the way projects are managed arising from this project.
130. **Conclusion 4:** Managing innovative, technical or high rise design requires access from time to time to independent technical specialists such as a senior quantity surveyor or structural engineer or environmental engineer with wide ranging understanding of the building industry and able to take a holistic view of technical issues. When the architects who followed the Living Screen architects questioned the build-ability of complex and engineering aspects of the building as approved in 2008 the Planning Service would have benefited from a specialist report on the development. In similar circumstances, applicants should be expected to produce such reports on comparable, landmark buildings in the future.
131. **Conclusion 5:** Appropriate action was taken by the Council to review the management of planning decisions taken under delegated powers. The reporting system for

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delegated authority has been changed as a result of issues arising from the handling of The Marque. The evidence from the later applications and amendments is that the system is working well, is transparent and subject to scrutiny.

132. **Conclusions 6:** The public art work as delivered does not match the ambition contained in the initial Design and Access Statement to provide large scale public art integrated into the design of the screen. The public art on the screen was not part of the approval and not indicated on the approved drawings. The Planning Service followed processes correctly in relation to the public art. Members were kept informed of the possibility of a non-screen solution and there is an auditable record showing engagement with the applicant, public art officer and Chairs of the Planning and Public Art Committees. It is acknowledged that the owner of The Marque has fulfilled the planning obligation in relation to public art. It is also acknowledged that the podium space was an integral part of the original approval. However the use and accessibility of the podium space do not yet appear to be fully resolved and the art work suffers from being in a space that needs more thought as to how it can become a successful place. The council and building owners need to achieve a better use for the podium including access to the public art.

133. **Conclusion 7:** *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*<sup>30</sup>

From time to time the processes for managing long running projects need to be reviewed to ensure the delivery of good design. Management of The Marque would have benefitted from a clear written reference at the outset setting out what made the building 'special', enabling subsequent managers and committees to focus on the qualities of the design prior to engaging in the detail. This might have been linked to a requirement that the developer pay a 'Design Monitoring Contribution' for the assessment of details required under a condition of any consent, and for the inspection of the work on site to ensure compliance with any permission that may be granted. Such a management review needs to include appropriate formal and informal methodologies for dealing with problems as part of a positive approach to planning for high quality design.

134. **Conclusion 8:** This was an unusual and difficult application and many of the conditions that applied at the time of the first applications have changed or been amended. It should be acknowledged that two Stirling prize winning schemes have passed through the same planning service, as well as many other award winning schemes. Many of the

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<sup>30</sup> NPPF and PPG.

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difficulties experienced with managing the planning processes on the Marque are avoidable if the lessons learnt are applied to comparable developments.

135. **Recommendation 1:** The extent of technical support information required to support innovative, technical or high rise planning applications should be reviewed. Large scale technical drawings (1:20 or 1:5) should be required, with such supportive technical reports as are necessary, as part of the set of approved drawings. The Committee report should include a section on design quality that articulated the design evidence used to support the application.
136. **Recommendation 2:** The Planning Committee should consider imposing a design quality section as part of S106 agreements. Issues that might be covered should include protecting design quality through changes to the lead architects and the requirement in some circumstances for independent technical support to be paid for by the developer.

## Appendices

### Appendix A: Development Timeline

Date	Ref	Activity	Comments
23 Dec 2005	05/1359/FUL	First scheme for 150 flats and retail space submitted for planning consent. Known as 'Highland Trilatera'. Officer recommendation for refusal. Refused following Planning Committee decision 30.03.2006  Refused following Planning Committee decision on 30 March 2006. Appeal lodged but later withdrawn.	Not allocated for development in 1996 Local Plan but was mostly zoned for housing in Local Plan Redeposit Draft (2004)
3 Jan 2006	06/007/OUT	Outline application received for second scheme, consisting of residential development, ground floor commercial uses and related ancillary elements. Officer recommendation for approval. Approved by Committee on 30 March 2006	Applicant: Highland Trilatera Ltd., Marshall Motor Group Ltd., and Tim Brinton Cars Ltd.
30 March 2006		'Highland Trilatera' refused planning consent. Appeal lodged but later withdrawn.	
Nov 2006	06/007/OUT	Design Review of revised scheme 1 by John Thompson and Partners.	
27 Sept 2006	06/1026/REM	Revised Highland Trilatera scheme for 113 flats and retail space approved. Officer recommendation for approval accepted by Planning Committee Decision Notice 12.12.2006.	
May 2007		First Design Review 'Living Screens' Described as 'inspiring' and given unanimous green verdict.	
14 Sept 2007	07/1075/REM	'Living Screens' first version reserved matters submission for 133 flats and retail space.	
5 Dec 2007	07/1075/REM	Refusal of Planning consent following officer recommendation for refusal. Decision notice issued 05.12.2007	
30 April 2008	08/0505/REM	Second Design Review of 'Living Screens'. Unanimous 'Green' verdict.	
25 June 2008	08/0505/REM	Planning Committee approval of 'Living Screens'.	



2 March 2009		<p>Letter issued under delegated powers responding to request for post-decision amendments.</p> <ul style="list-style-type: none"> <li>• Formally approved: screen plinth details, glazed screen to rear of 1st floor viewing deck, window types.</li> <li>• Informally supported: changes to balconies on inner face of apex building (numbered drawings requested), screen material (further details required before approval).</li> <li>• Rejected: suggestion to use different bricks on affordable blocks, all three brick types offered, elimination of top east corner of screen, revised balconies on affordable blocks</li> <li>• Confirmed new application required: for plant room and transformers</li> </ul>	
27 April 2009		<p>Informal advice letter under delegated powers:</p> <ul style="list-style-type: none"> <li>• Supported in principle: proposals for public art on the surface public art.</li> <li>• Possible support indicated for: replacement of separate screen by deeply articulated surface with similar visual effect.</li> <li>• Rejected: removal of Cherry Hinton Rd stairway; insertion of cycle storage in through access route.</li> <li>• Concern expressed: that plan for restaurant at first floor would limit public access.</li> <li>• New application requirement reiterated for: plant room, transformers and retail bin store.</li> <li>• Brick submission: Bradgate Light Buff seen as improvement on previous brick suggestions. To be consulted on with colleagues.</li> </ul>	
18 May 2009	Discharge of	Response indicated:	

27 July 2009	conditions requests	<p>Materials – more information required</p> <p>Landscape – advice sought from landscape team</p> <p>Response sent 03.08.2009</p> <p>Second response sent 07.08.2009 rejecting Ibstock Bradgate Light Buff brick, seeking more information about Trespa cladding for upper storeys of wing blocks and indicating support for proposed balustrade and handrail details.</p> <p>Third response sent on 28.08.2009 indicates considerably more work required on landscape design.</p>	
17 July 2009	09/0653/FUL	<p>Full application for external freestanding plant room for affordable flats and external freestanding refuse store for retail units.</p> <p>Approved under delegated powers, 08.09.2009</p>	17 July 2009
5 Aug 2009	Formal request for amendments	<p>Response to formal request for extensive amendments issued under delegated powers. Response divides these into three groups:</p> <ul style="list-style-type: none"> <li>a) Already identified as requiring a new application,</li> <li>b) Potentially acceptable as NMA,</li> <li>c) Not acceptable as NMA.</li> </ul> <p>Formal response rejects these amendments collectively.</p>	
28 Aug 2009		Conditions discharge request. Materials not yet approved.	
4 Sept 2009		<p>Response to revised formal request for amendments. Only those grouped as (b) in letter of 05.08.2009 are now sought. These amendments are approved:</p> <ul style="list-style-type: none"> <li>• courtyard balcony reductions,</li> <li>• recycling space altered,</li> <li>• screen replaced by integral cladding,</li> <li>• reductions in external balconies,</li> <li>• window designs altered,</li> <li>• fenestration pattern altered</li> </ul> <p>changes to roof garden,</p> <ul style="list-style-type: none"> <li>• roof plant enclosure,</li> <li>• solar panels,</li> </ul>	4 Sept 2009

		<ul style="list-style-type: none"> <li>• Insertion of gym.</li> </ul> <p>This letter, particularly the replacement of the screen by integral cladding, resulted in concerns being expressed by members about the changes, a decision to seek judicial review, and the establishment that officers did not have the power to approve these amendments and that the approval was therefore not valid.</p>	
20 Nov 2009		Discussion between the chair of DCP and leader on changes to the scheme.	.
21 Nov 2009		Informal review of third scheme (Artisan Apartments) by chair of DCP. Email from the chair of DCP to leader of the council with attached review. The email pointed out significant differences between the two sets of drawings.	
28 Jan 2010		Report (comments) on the Artisan Apartments proposal by chair of DCP	
Feb 2010		Application for Judicial Review.	
Feb 2010		Independent review of delegated procedures	
March 2010		Internal Audit Review of planning officer use of delegated powers on the Living Screens development	
25 May 2010	Email regarding conditions	Response sent 26.05.2010 indicating that Tony Collins had visited Coventry to assess the screen material then proposed, and would be discussing the material with colleagues.	
26 May 2010	Non-material amendment application	Changes to position, gradient, length and cross-section of car park ramp approved after consultation with urban design team, chair of Design Panel, and Chair and Spokes of Planning Committee. Letter of approval sent 21.06.2010	
2 June 2010		<p>Second response sent 02.06.2010 following discussion with urban design team and Design Panel members:</p> <ul style="list-style-type: none"> <li>• approving Ibstock Leicester Multi Cream Stock as the brick to be used, subject to batch mixing and approval of mortar and pointing details on the sample panel,</li> <li>• approving Rationel windows and</li> </ul>	

		<p>RAL Beige Grey colour subject to large-scale drawings providing details of recesses and sills,</p> <ul style="list-style-type: none"> <li>indicating that Fibre-C as the panel material cannot yet be confirmed and seeking further information on panel sizes and shapes, weathering, sandwiching of materials, hydrophobic coating, construction damage, fixings, graffiti control and possibilities for public art,</li> <li>approving the handrail hardwood but seeking more details on balustrades and handrails</li> </ul>	
12 June 2010	Request for discharge of conditions	Response sent 22.06.2010 following discussion with urban design team approving mortar colour and pointing style, and details of window frames	
22 June 2010		Third response (ref. 25 May email above) sent 22.06.2010 following further consultation with Urban Design team and Chair of Design Panel, approving use of Fibre-C Cladding subject to a weathering study.	
22 June 2010		Following discussion with urban design team approval of mortar colour and pointing style, and details of window frames (ref. 12 June above)	
22 June 2010		Implementation of the approved scheme commenced.	
23 Dec 2010	Non-material amendment application	<p>Extensive list of proposed changes submitted. Officers referred this to Chair and Spokes who agreed it should go to Planning Committee.</p> <ul style="list-style-type: none"> <li>Urban Design comments received 10.02.2011.</li> <li>Application brought before Design and Conservation Panel 16.02.2011. (Panel sought further information)</li> <li>Revisions submitted 23.02.2011.</li> <li>Removed from February Planning Committee agenda – officers not able to support</li> </ul>	
16 Feb 2011		Presentation to DCP on proposed amendments to 'Living Screens'(ref 23 December 2010 above) Panel sought	

		further information	
23 Feb 2011		Revisions submitted (ref 23 December 2010 above)	
23 Feb 2011	Non-material amendment application	<p>'Decoupled' application; changes to screen and internal balconies sought in application of 23.12.2010 removed from this application. 34 groups of changes remained, including internal layouts, changes to staircases, altered lift position adjustments to window positions, and altered roof profiles. The changes included the deletion of the windows from the two uppermost floors on the Cherry Hinton Road flank elevation, a change which was connected with the relocating of the lift and stairs in the apex block.</p> <p>Amendment considered by Design and Conservation Panel 16.02.2011. Panel agreed that the proposed amendments appeared to be non-material.</p> <p>Amendment supported by Urban Design and Conservation team.</p> <p>Officer recommendation for approval.</p> <p>Application approved at Planning Committee on 06.04.2011</p>	
6 June 2012		Report on review by Public Art Panel	
30 Aug 2012	Request to redischarge conditions relating to materials	<p>Meeting held 13.09.2012 at request of developer to discuss screen material and bricks.</p> <p>Planning and urban design officers involved including Urban Design and Conservation Manager. Officer support informally given to:</p> <ul style="list-style-type: none"> <li>• 'Petrach' as replacement screen material</li> <li>• 012 limestone colour for screen panels</li> <li>• alteration of timber balustrades on courtyard balconies to an 'in-and-out' design</li> <li>• fixed coloured glazing panels to replace original vents</li> <li>• Officer support not given for:</li> <li>• Hanson Atherstone Buff as an alternative brick (too pink and</li> </ul>	

		<p>too uniform)</p> <ul style="list-style-type: none"> <li>• mortar colour proposed (too dark and too similar to brick colour)</li> <li>• riveted fixings for panels (detract from uniform and uninterrupted appearance of screen as originally proposed)</li> <li>• smooth finish to panels</li> <li>• Additional information sought on panel material.</li> </ul>	
3 Oct 2012	Non-material amendment application 12/1264/NMA	<p>Non material amendment application for various items:</p> <ol style="list-style-type: none"> <li>1. Adjustment to external walls to main entrance to flats from Hills Road</li> <li>2. Addition of an air intake ventilation shaft with high level louvre to the main entrance to the flats</li> <li>3. Adjustment to external walls to final escape exit from the flats to Cherry Hinton Road</li> <li>4. Addition of an air intake ventilation shaft with high level louvre to the basement fireman's lobby</li> <li>5. Sliding security gates to the podium access stairs, to be on a time controlled access system</li> <li>6. Additional ventilation shafts to blocks B, C, D and F for ventilation to the protected lobbies to the fire escape stairs</li> <li>7. Platform lift added in courtyard</li> <li>8. An external accessible and naturally ventilated incoming gas meter room, located under the podium access stairs on Hills Road</li> <li>9. Use of a standard UK Power Networks GRP enclosure in a screened enclosure for the sub-station</li> <li>10. Realignment of the car park kerb</li> </ol> <p>Officer recommendation referred to Chair and Spokes. GRP enclosure for substation refused 03.01.2013. All the other amendments approved same date.</p>	
21.Nov 2012	12/1491/NMA	Non-material amendment to create a triplex apartment on 7th-9th floors,	

		resulting in minor alterations to window positions. Supported by Urban Design team. Referred to Chair and Spokes. Approved under delegated powers 13.02.2013	
12 Dec 2012		Review by DCP including a presentation on the proposed cladding panel material.	
6 Feb 2013	13/0162/NMA	<p>Non material amendment application for changes to windows:</p> <ul style="list-style-type: none"> <li>• insertion of coloured glass to replace louvres (no changes to window positions or glazing bar positions)</li> <li>• insertion of fritted glass to windows over internal walls</li> <li>• Small changes to window positions on Cherry Hinton Road front elevation at floors 7, 8 and 9.</li> </ul> <p>Supported by Urban Design and Conservation team. Approved under delegated powers following reference to Chair and Spokes, 13.06.2013</p>	
13 Feb 2013		Revised proposal submitted to Panel (No 'traffic light' vote taken). Further revisions circulated to Panel members and responses summarised by Chair. Panel calls for CGI illustrations	
6 March 2013	13/0325/NMA	<p>Non material amendment application for the provision of a brick wall enclosure with timber gates to surround the electricity sub-station.</p> <p>Supported by Urban Design and Conservation team. Approved under delegated powers following reference to Chair and Spokes, 30.05.2013</p>	
10 April 2013		DCP AOB item. Panel members invited to feedback comments on the CGIs	
13 May 2013	13/0648/S73	Section 73 application for the substitution of a Combined Heat and Power (CHP) system for the originally approved solar panels. Supported by the Senior Sustainability Officer. Approved under delegated powers 12.08.2013	
6 June 2013	13/0789/NMA	Additional steel framework and	



		alternative screen material (Petrach). <i>Proposal submitted to Design Panel 12.12.2012 (Green 1 Amber 6). Revised proposal submitted to Panel 13.02.2013 (No 'traffic light' vote taken). Further revisions circulated to Panel members and responses summarised by Chair 16.04.2013.</i>	
21 June 2013	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. Officer recommendation of approval. (Approved by Planning Committee 07.08.2013. Decision issued 09.08.2013.see below)	
22 July 2013	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 under delegated powers 27 August 2013 (see below)	
07 Aug 2013	13/0789/NMA	Officer recommendation of approval of revised screen materials and framework application. Supported by Urban Design and Conservation team. Approved by Planning Committee	
27 Aug 2013		13/1075/FUL Approved under delegated powers	
29 Aug 2013	Public Art Delivery Plan	Delivery Plan submitted	29.08.2013
30 Aug 2013	Discharge of Conditions request	Submission of Management Plan. Case officer identified a series of shortcomings, including blocking of the public route through the development, and absence of public access to mailboxes. Consultation with Chair, Spokes and ward members resulted in a series of amended versions. Final version of management plan accepted as discharging condition under delegated powers, following assent of Chair, Spokes and ward members 15.04.2014 (see below)	
30 Sept 2013	13/1435/FUL	Installation of a Public Art Scheme within the first floor podium level.	

		Officer recommendation for approval. Supported by Public Art co-ordinator. Approved by Planning Committee 06.11.2013	
5 Oct 2013		Concerns about erratic alignment of screen panels, marks on panels, and size of transverse diagonal strut raised by Councillor Herbert. Issues raised with applicants and visits made to site, culminating in site visit on 28.01.2014 to view correction of misaligned panels. Officers agreed that the rectification work done on the screen had brought it to an acceptable standard.	
8 Jan 2014	14/0019/NMA	Non material amendment on applications 06/0007/OUT and 08/0505/REM for a minor revision to the brick wall enclosure surrounding the electricity sub-station and relocation of the maintenance entrance to the garden area. Supported by urban design following amendments to original version. Awaiting decision.	
24 Jan 2014	14/0094/FUL and 14/0095/ADV	Application for shop front, fascia and hanging signage for estate agents. Amended to reduce size of hanging sign following discussion with case officer. Approved under delegated powers 03.03.2014.	
12 Mar 2014	14/0376/FUL	Proposed Change of Use of part of the ground floor retail space (Unit 3) from the consented A1 Retail Use to A1, A2 (Financial and Professional Services) and/or D1 (Non-residential Institutions) in the alternative. No objection from Planning Policy team. Approved under delegated powers 07.05.2014	
8 May	201414/0595/ADV	Application for hanging sign. Approved under delegated powers 03.07.2014	

## Appendix B: Key documents consulted

1. Details of Chairs of Planning Committee and Design and Conservation Panel

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2. Committee report for outline application 06/0007/OUT
  3. Decision notice for outline 06/0007
  4. Drawings for 06/1026
  5. Committee report for approved John Thompson application 06/1026
  6. Drawings for first 'living Screens' application 07/1075
  7. Design and Conservation Panel minutes for first 'living Screens' application 07/1075
  8. Committee report for first 'living Screens' application 07/1075
  9. Decision notice for first 'living Screens' application 07/1075
  10. Drawings for approved scheme 08/0505
  11. Design and access Statement for approved scheme 08/0505
  12. Committee report for approved scheme 08/0505 (includes Design and Conservation Panel minutes)
  13. Drawings for proposed amendment by Corporate Architecture 2009
  14. Chair of Design Panel's comments on proposed CA amendment
  15. Judicial Review decision
  16. Design and Conservation Panel minutes on non-material amendments Feb 2011
  17. Drawings for the March 2011 'decoupled' amendment request
  18. Report to Planning Committee 06.04.2011 on the 'decoupled' amendment request
  19. Drawings for the October 2011 amendments 12/1264/NMA
  20. Drawings for screen framework and panel material NMA application
  21. Design and Conservation Panel minutes on screen framework and revised panel material
  22. Evidence of consultation between planning officers and urban design team on revised screen material
  23. Committee report on the screen material and framework application 13/0789/NMA
  24. Final approved version of management plan

Reference has also been made to drawings and documents available on the Cambridge Planning Portal.

Other documents referred to:

1. Guidance on tall buildings (English Heritage/CABE July 2007)
2. *By Design*, DETR/CABE 2000.
3. Cambridge Local Plan 2014: July 2013: *APPENDIX F: TALL BUILDINGS AND THE SKYLINE*, Cambridge City Council,

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## **Appendix C: List of those consulted in the course of this study.**

Jonathan Brookes	Principal Urban Design Officer, Cambridge City Council
Colin Brown	Managing Director, Januarys
Dr. Nick Bullock	University of Cambridge, Dept. of Architecture Previous chair, D & C Panel
Prof. Peter Carolin	Previous chair, D & C Panel
Tony Collins	Principal Planning Officer, Cambridge City Council
Roger Crabtree	Chairman of RUSTAT
Paul Davidson	Member of RUSTAT
Patsy Dell	Head of Planning, Cambridge City Council
Lewis Herbert	Leader of Cambridge City Council
Glen Richardson	Urban Design and Conservation Manager, Cambridge City Council
Andy Robinson	Director, Futurecity, Cambridge

## **Appendix D: The author**

Barry Shaw, MBE, B. ARCH, RIBA, MRTPI, FRSA

Barry Shaw has over 40 years of experience working across the public and private sectors in the UK, Europe and USA. He has particular understanding of promoting good quality design in planning as well as managing change in historic areas.

As the founding chief executive of the Kent Architecture Centre and former Director of the Essex Design Initiative he has led on a range of quality initiatives across south east England. As a former Head of Urban Design for the London Docklands Development Corporation he has worked on the planning and development of some of the tallest buildings in the UK. His international work has included advising the cities of Berlin, Hamburg and Amsterdam on development, and assessing international architecture competitions in Hamburg and Paris. He has combined teaching with his professional work including acting as a visiting critic at Harvard University's Unit for Housing and Urbanisation and visiting professor at the Graduate School of Design.

He is currently a Built Environment Expert at Cabe at the Design Council, Chair of the Hertfordshire County Council Design Review Panel and leads on design review training for the RIBA. He was formerly a member of the English Heritage Advisory Panel and London Advisory Panel, and joint chair of the South East Design Review Panel. He was awarded the MBE for services to architecture in 2000.