

Lion Yard Development Proposals – Overview

In July 2006 Arlington Property Investors, now known as Aberdeen Asset Managers (Aberdeen), applied to the City Council, in its capacity as landlord, to re-develop the Lion Yard Shopping Centre, which established the principle of the public toilets being relocated to a first floor location, whilst retaining disabled and baby changing facilities on the ground floor below. The intention was to complete the scheme in three Phases, referred to as 1, 1+ & 2.

Planning permission for the development was granted on appeal in October 2007. The City Council's planning committee had refused the application on the basis that it closed access to Lion Yard from Fisher Square. Phase 1 was completed with the opening of the New Look store.

Phase 1+ was an interim proposal to enable retail development to take place, which proposed to create three new retail units, closure of the existing link between Fisher Square and Lion Yard, together with alterations to the public toilets to allow access from Fisher Square. This Phase was granted landlords consent in September 2008 but never implemented.

Aberdeen then approached the City Council in early 2010 with a revised Phase 2 proposal to complete the scheme, which proposed the relocation of the public toilets to the first floor without disabled/baby changing facilities being provided on the ground floor.

Links to the following reports are available below. The 1st September 2008 report has not been published previously due to the financial information contained within, which at that time was considered confidential and is now out of date and Aberdeen have stated that they no longer wish to proceed with this option.

1. Lion Yard Development Proposals Report to City Centre Development Scrutiny Committee dated 19th July 2006 and Minutes
2. Lion Yard Development Proposals Report to City Centre Development Scrutiny Committee dated 26th September 2007 and Minutes
3. Lion Yard Development Proposals Report to Strategy & Resources Scrutiny Committee dated 1st September 2008 and Minutes
4. Lion Yard Development Proposals Report to Strategy & Resources Scrutiny Committee dated 17th January 2011 and Minutes

Also, the Planning Committee reports and minutes 28th March 2007, which relate to this matter are included here for information.



To: Cllr R Cantrill, Executive Councillor for Customer Services and Resources & City Centre Development
Report by: Head of Property & Building Services
Relevant scrutiny committee: CITY CENTRE DEVELOPMENT 19.07.2006
SCRUTINY COMMITTEE

LION YARD DEVELOPMENT PROPOSALS

Key Decision - YES

(Edited version for the public of a report containing exempt information)

1. Executive summary

The report concerns proposals by Arlington Property Investors (Arlington) on behalf of our head lessee Barclays Nominees (George Yard) Ltd (Barclays), to carry out major alternations to the Lion Yard Shopping Centre and create additional retail space. This is to safeguard and then enhance rental income in the face of competition from new retail developments in Grand Arcade and Bradwells Court.

The scheme aims to improve Lion Yard's "offer" to retailers and shoppers. The overall scheme has been examined by the Council's consultants and is considered viable and appropriate, but if the Council wishes to maintain it's substantial rental income from Lion Yard, it will need to make a capital contribution to the works. Arlington asks for consent from the Council as their Landlord to go ahead with the scheme. They are expected to submit a planning application imminently.

2. Recommendations

2.1 The Executive Council is recommended to: -

- a) approve the Council granting its consent ,as landlord, for Arlington's proposals.
- b) authorise the principle of making a capital contribution to Arlington's Development Asset Strategy for Lion Yard , sufficient to safeguard the Council's 25% share of the rental income from Lion Yard , subject to agreement over the phasing of payments and a further approval on completion of detailed negotiations with Arlington.

3. Background

3.1 The Lion Yard Shopping Centre was constructed in 1975 and comprises retail units fronting Cambridge's prime shopping street, Petty Cury; further retail units on covered malls linking through to St Andrews Street and on the floors above, the main City Library, offices and a nightclub. The whole is served by an underground service yard originally accessed via St Tibbs Row but now linked to the adjoining Grand Arcade development. The Council retained the freehold interest in the site and granted a 125 year lease to Barclays. The City Library and Lion Yard Public toilets are leased on peppercorn rents to the County Council and City Council respectively .

- 3.2 The Shopping Centre was refurbished in 1998. This coincided with the Barclays taking responsibility for the malls and controlling the hours of opening with a Walkways Agreement. The improvements concentrated on the internal malls and facades and brought about a much-needed improvement and freshening up of the interior of the Shopping Centre. These were seen at the time by Arlington as the first of three phases of works at Lion Yard. The Council chose to contribute to the capital costs of the improvements in order to maintain its share of the rental income.
- 3.3 In 1999 Arlington, acting for Barclays, explored the possibility of extending the Shopping Centre at first floor level by developing the under used Heidelberg Gardens. By agreement with the County the scheme would also have incorporated surplus Library accommodation. Planning permission was granted in March 2001 but the scheme was not progressed. Arlington has however just applied for the 2001 planning permission to be renewed.
- 3.4 The Grand Arcade development is located adjacent to Lion Yard and the Council and Barclays supported the creation of a direct link to connect the Grand Arcade mall to Lion Yard and thus through to Petty Cury. After lengthy negotiations the terms of a link agreement were thrashed out. Construction of the link will commence in Spring 2007 and open when Grand Arcade opens for trading in March 2008. In addition, in 2003 the Council granted Barclays a lease extension to roughly match the Grand Arcade lease in exchange for a capital payment.
- 3.5 In 2005 Arlington revisited and revamped their earlier proposals for developing out onto Heidelberg Gardens with further improvements at ground floor level to maximise the benefit of the link with the Grand Arcade development. Subsequent detailed design and appraisal work has resulted in Arlington's Development Asset Strategy for Lion Yard, Cambridge that was finally issued to the Council in late April 2006.
- 3.6 Lion Yard is the most significant asset in terms of rent and capital value in the Council's commercial property portfolio. The lease generates about 20% of the total commercial rental income and the Council's interest has an estimated asset value of £17.75 m. The Council receives a fixed ground rent of £94,500 per annum plus additional rent based on 25% (after permitted deductions) of the rents received by Arlington from the retail, office and leisure units in the Lion Yard centre. In 2005/6 this additional rent amounted to £1.21M

4. The Challenge

- 4.1 Arlington's proposal aims to set out a strategy and direction for Lion Yard over the next 5 years to take advantage of the opportunities created by linkage to Grand Arcade and face up to the challenge of a more competitive retail offer in central Cambridge from Grand Arcade and the redeveloped Bradwells Court. The scheme also aims to address issues associated with an aging centre and changing retailer operational requirements. Most crucially Arlington sees the necessity to protect rental income streams in the light of changing rental values, lease terminations and rent review profiles.
- 4.2 The historic centre's retail landscape is set to shift as both retailers and shoppers change their perceptions of the orientation of the City's retail core. Over 46,500 sq m (500,000 sq. ft.) of new retail accommodation will establish new prime retail pitches between Petty Cury and the new John Lewis store through Grand

Arcade/ Lion Yard and along St Andrews Street to the rebuilt Bradwells Court. Lion Yard will be affected by these changes and as commercial investors, both the City Council and Arlington's client, Barclays, need to respond or risk seeing the existing Lion Yard centre stagnate.

- 4.3 At present a significant proportion of Lion Yard income is generated from the prime retail units on Petty Cury but rental prospects are expected to plateau when Grand Arcade opens. Stagnation in income growth along Petty Cury would not be offset wholly by potential rental income gains on the internal malls alone. There will be a larger number of modern retail units available in the City Centre and there will be a higher level of tenant churn (turnover) leading to longer voids.
- 4.4 Linking Lion Yard to the new Grand Arcade Shopping Centre is clearly going to be an important development but the base link works are going to be sub-optimal from Lion Yard's point of view and thus require further investment. For example, the new frontages facing the link mall will create too much return frontage to be effectively merchandised by the current tenants, HMV and Dixons, whereas remodelling the units offers considerable scope for rental enhancement.

5. **The Components of Arlington's Project**

- 5.1 Arlington has spent a great deal of time with their Architects and financial advisers developing, refining and testing proposals and the main components of the ground and first floor proposals are summarised as follows.

5.2 **Ground Floor Level**

Reconfiguring the existing Dixons store

By turning the store through 90° to face the new link mall and sub-dividing it into two units this retail space will have a better ratio of Zone A (prime) to other trading space and generate additional rent .

Closure of Fisher Square Entrance

Linking Lion Yard to the Grande Arcade development means that there will be two side entrances into Fisher Square close together .It is proposed that the existing Lion Yard Fisher Square entrance be closed and the space redeveloped as a retail unit. This does presume that access to the existing public toilets will no longer be needed from Lion Yard and that access / egress to Fisher Square can be refocused through the new Grand Arcade side entrance. This will connect directly with lift/stair core serving the upper level mall and car park.

Public Toilets Relocation

The public toilets in Lion Yard were constructed as part of the shopping centre and leased back to the Council at a peppercorn rent. Arlington proposes to relocate the toilets to a first floor location, involving co-operation with Grand Arcade. Closure of the existing toilets would provide an opportunity to introduce a café operation, deepen the adjoining retail accommodation and create additional rental income. The relocated toilets would be close to the lift /stair core and assist to attract footfall up to the first floor retail level, the new Library entrance and the link across to new retail space on Heidelberg Gardens. The replacement toilets would be operated by Lion Yard, saving the Council in the region of £65,000 per annum gross running costs. There would, however, be staffing implications and TUPE regulations may apply. The Lion Yard toilets were recently refurbished by the Council at considerable expense and there

would be no scope for recovering that outlay but the replacement facilities would be brand new. A view has to be taken whether a first floor location is a suitable replacement location bearing in mind there will ready access by escalators and lifts between the ground and first floor within the shopping centres.

Library Entrance conversion and extensions to Store Fronts

The closure of the existing ground floor library entrance will enable a small retail unit to be created in its place and by bringing the frontages forward to align with the main mall, the size of the new and adjoining units 27 and 27a (Holland & Barrett and La Figura) can be deepened generating additional rent.

Reconfiguration of HMV Store

The current scheme anticipates the reconfiguration of the HMV store to break it up and realign it so that part will have trading frontage to the link mall connecting Lion Yard and Grand Arcade. However this will not happen until HMV's lease expires in 2010 and in the interim the new mall frontage will be used to site small trading kiosks.

5.3 First Floor Level

The basic link agreement with Grand Arcade Partnership (GAP) creates a two-storey break through between Lion Yard and Grand Arcade taking up the existing Game unit and some library space above. In order to maximise the potential of the linkage from Lion Yard's point of view, it would be desirable if the break through could actually be triple height taking in an additional part of the County Library. Grand Arcade supports this design approach as there are reciprocal benefits and County Libraries will also cooperate but at the time of writing there is some doubt over whether all the parties have been able to agree satisfactory terms to bring this about because of the tight timetable governing Grand Arcade's programme. This is crucial to the deliverability of the Lion Yard strategy. It is the subject of continuing negotiations and the latest position will be reported verbally at committee.

Library Reconfiguration and Refurbishment

The County Library Service have been seeking to refurbish and reconfigure the main City Library for many years and their project has had to be delayed several times to tie in with the Grand Arcade development and potential Lion Yard refurbishment. Under the Link Agreement the Library will be accessed from the first floor mall at the junction of the Lion Yard with Grand Arcade, which permits the surrender of the existing ground floor unit for conversion to a retail unit. The Library Service will also surrender the former Children's Library to Barclays; this is accommodation which is detached from the main body of the Library and which will facilitate Arlington's proposals for developing out onto Heidelberg Gardens.

Heidelberg Gardens

It is generally accepted that Heidelberg Gardens have not worked as an effective civic amenity and it would now be very difficult to remedy this. The 1970s brick and concrete is very unattractive and the waterproof membrane beneath the brick surface is no longer fully effective resulting in leaks in parts of shop units

below. If the Gardens are not redeveloped as part of this project, Barclays face a major waterproofing overhaul the cost of which (approx £0.625m) would impact on at least one years rental income calculation for the Council. Arlingtons proposals for this upper level involve creating a large two-storey retail unit (MSU), which would provide an important anchor drawing trade along the first floor malls from Grand Arcade but also with escalator access from Lion Square. The scheme would also provide two other units at first floor level, one of which is likely to be scheduled as a café and enhance existing first floor trading space

6. Timetable

- 6.1 There is a critical path to achieving these proposals. The Grand Arcade development is well under way and Arlingtons intention has been to dovetail their programme in order to deliver the Lion Yard development in a similar timeframe with completion in 2008 to contain the development disturbance in the city centre. However they are cutting it fine and have still to submit their planning application. Their scheme divides into three main packages. The first is the Grand Arcade link, which is being undertaken by Grand Arcade Partnership (GAP). It is expected that the two Lion Yard packages, the construction of the Heidelberg Gardens site to create the first floor MSU and the Fisher Square entrance /Toilets/ Dixons reconfiguration would take place in tandem. These would commence in 2007. The third phase would be the break up of the existing HMV unit, which would not be commenced until the lease expiry in December 2010. We do need clarification of the impact on the scheme, in terms of rental income projections, if the optimum height link works turn out to be unachievable. Arlington has still to submit a planning application although it is hoped that this will have occurred by the date of this committee meeting. The main principals are unlikely to be contentious as a scheme to redevelop most of Heidelberg Gardens has already been granted approval and much of the other works are internal to the centre. It remains to be seen how sensitive the concept of shifting the ground floor toilets to a first floor location may be.

11.0 Implications

Financial implications: Refer to pink papers, available to Members only, as they contain exempt information by Category 3 as defined in the Local Government (Access to Information) (Variation) Order 2006

Staffing: The scheme proposes closure of the existing Lion Yard Public Toilets and their replacement at first floor level within the development. Lion Yard (or possibly Grand Arcade) management would operate the new facilities and consequently there would be implications for City Services staff that maintain and operate the existing facility. City Services say that at least one member of staff could qualify under the TUPE regulations to be transferred to a new employer.

Equal Opportunities: None

Procurement: None – the scheme would be procured by Arlington.

Environmental Implications: None of particular significance. The scheme will be subject to the grant of planning permission and the completion of a Section 106 Agreement, which may include environmental contributions.

Community safety: The proposed scheme is likely to improve community safety by developing over Heidelberg Gardens. The rest of the changes are mostly internal to Lion Yard, which is already a managed environment and closed to the public between 11.30pm and 07.00am.

12.0 Background papers

The background papers contain exempt information by Category 3 as defined in the Local Government (Access to Information) (Variation) Order 2006.

Author's Name:	John Cowin
Author's Phone Number:	01223 - 457431
Author's Email:	john.cowin@cambridge.gov.uk

CAMBRIDGE CITY COUNCIL
Record of Executive Decision

Lion Yard Development Proposals
--

Decision of: Rod Cantrill, Executive Councillor for Customer Services & Resources

Reference: CCD/060719/1

Date of decision: 19 July 2006 (recorded on 21 July 2006)

Decision Type: Key Decision

Matter for Decision:

Proposals by Arlington Property Investors (Arlington) on behalf of our head lessee Barclays Nominees (George Yard) Ltd (Barclays), to carry out major alternations to the Lion Yard Shopping Centre have been submitted. The scheme aims to improve Lion Yard's "offer" to retailers and shoppers. The overall scheme has been examined by the Council's consultants and is considered viable and appropriate, but if the Council wishes to maintain its substantial rental income from Lion Yard, it will need to make a capital contribution to the works. Arlington asks for consent from the Council as their Landlord to go ahead with the scheme.

Why the decision had to be made (and any alternative options):

The Council is landlord and must agree to the proposal for it to go ahead. An alternative option for the Council would be to decide not to make a capital contribution.

<p>The Executive Councillor's decision:</p> <p>a) to approve the principle of the Council granting its consent, as landlord, for Arlington's proposals.</p> <p>b) to authorise the principle of making a capital contribution to Arlington's Development Asset Strategy for Lion Yard, sufficient to safeguard the Council's 25% share of the rental income from Lion Yard, subject to agreement over the phasing of payments and a further approval on completion of detailed negotiations with Arlington.</p>
--

Reasons for the decision: See officer's report. Parts of the report contain information which is exempt from publication in accordance with paragraph 3 of the Council's Exemption Categories.

Scrutiny consideration: The scrutiny committee considered and approved

the recommendations.

For a summary of the Scrutiny Committee's comments for officers to action see the minutes of the meeting.

Report: Agenda item 6 of City Centre Development Scrutiny Committee,
19 July 2006.

Conflicts of interest: No conflicts of interest were declared by the Executive Councillor.

Comments:

**CITY CENTRE DEVELOPMENT
SCRUTINY COMMITTEE**

19 July 2006
(5.30pm – 7.00pm)

PRESENT: Councillors Boyce, Dixon (Chair), Hart, Holness, Hughes
Also present: Executive Councillor for Customer Services and Resources,
Councillor Cantrill.
Councillor C. Rosenstiel

06/CCD/01 MINUTES

The minutes of the meeting held on 15 June 2005 were confirmed by the Scrutiny Committee and signed by the Chair.

06/CCD/02 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Hipkin and Holland (alternate).

06/CCD/03 DECLARATIONS OF INTEREST

Councillors Dixon and Holness declared personal interests under the Code of Conduct for Councillors as they were respectively a recipient of, and contributor to, the Universities Superannuation Scheme.

06/CCD/04 PUBLIC QUESTION TIME

No members of the public were present.

06/CCD/05 GRAND ARCADE UPDATE

The Scrutiny Committee noted that the Lion Yard Car Park would not be completed until spring 2007 (the main reason for delay being archaeological work), and this would be of particular relevance for the Christmas trading period. The Council would undertake a similar strategy providing alternative arrangements for access to the city centre during the Christmas period. Members noted that there were lessons learnt following last year's access strategy which would be implemented.

In response to a question relating to the closure of the Lion Yard Car Park Annexe, the Scrutiny Committee noted that although it had originally been planned to close down in stages, the developers had now decided that it would be better operationally to refurbish in one stage. Members noted that the Head of Parking Services supported this approach and the Executive Councillor for Planning & Transport also agreed.

The Executive Councillor for Customer Services & Resources referred to the developer's request to rename the Car Park to 'Grand Arcade Car Park'. The Chair suggested that members consider the matter at a later date as the Chief Executive advised that he expected the developer would pursue the name change.

06/CCD/06 LION YARD DEVELOPMENT PROPOSALS

The Chair requested that the Scrutiny Committee refer to the public version of the report.

The Scrutiny Committee noted that the proposal, if planning permission was granted, would replace the current City Council public toilets and that these would become an on-going responsibility of Arlington's. Members asked the officers to note concerns over any new location to ensure accessibility for all; opening hours and the Council's requirement to influence these; and that the size and space compared favourably with the existing provision.

Action by: Head of Property & Building Services

Members noted that the Council's Medium Term Strategy (due to be considered by Council on 20 July) made provision for the Council's financial contribution to the overall cost of the development.

06/CCD/07 EXCLUSION OF PRESS & PUBLIC**Resolved -**

The Scrutiny Committee excluded the press and public under category 3 as defined in the Council's Constitution (and as defined in the Local Government (Access to Information) (Variation) Order 2006.

06/CCD/08 LION YARD DEVELOPMENT PROPOSALS

The Scrutiny Committee noted the financial proposals and the advice of its consultants and the Director of Finance. The Head of Property & Building Services advised that further detail was required before firm recommendations could be put to Members. The recommendation 2.1a) was amended to insert the words 'in principle' between 'Council' and 'granting' and this was agreed.

The Scrutiny Committee supported the recommendations (as amended) for the Executive Councillor.

The Executive Councillor agreed the recommendations.

The meeting ended at 7.00pm.

CHAIR



To: Cllr R Cantrill, Executive Councillor for Customer Services and Resources
Report by: Head of Property & Building Services
Relevant scrutiny committee: CITY CENTRE DEVELOPMENT SCRUTINY COMMITTEE 26/09/07

LION YARD DEVELOPMENT PROPOSALS
Key Decision - YES

1. Executive summary

This is a supplementary report to one considered by the scrutiny committee in July 2006 concerning proposals by the Council's head lessee, Barclays Nominees (George Yard) Ltd (Barclays), represented by Arlington Property Investors (Arlington), to carry out major alterations to the Lion Yard Shopping Centre. Their strategy for Lion Yard involves the creation of additional retail space and remodelling other parts to exploit the linkage with Grand Arcade. The Executive Councillor approved the principle of the Council granting landlord's consent and making a financial contribution to the project subject to completion of detailed negotiations with Arlington. They subsequently submitted a detailed planning application, which was refused, and is the subject of an appeal but they have subsequently obtained planning permission that will enable them to proceed with a Phase 1 subject to landlords consent. The report sets out the heads of terms and a confidential appendix includes details of the financial implications.

2. Recommendations

2.1 The Executive Councillor is recommended to: -

- a) Grant landlords consent for Barclays to proceed with the Phase 1 works at Lion yard for which planning permission was granted in August 2007
- b) Approve making capital contributions amounting to 25% of the cost of the head lessees works phased over the scheme programme
- c) Approve the changes to the head lease indicated in the report

3. Background

3.1 Barclays were granted a lease of Lion Yard in 1975 for 125 years; in 1999 they carried out a refurbishment programme to which the Council made a capital contribution. The parties also entered into a walkways agreement with the County to transfer responsibility for the malls to the centre. In 2002 the Council granted Barclays an extension to their lease to bring it into line with the lease to be granted to Grand Arcade for which the Council received a premium. The July 2006 report went into some detail about the history of the shopping centre, its significance to the Council as a rental income generator and major capital asset. That report also described the reasons for Barclays bringing forward their latest Strategy for Lion

Yard and described the main components and phasing .The original report should be consulted for background information and plans will be available at the committee meeting.

3.2 Subsequently Barclays were obliged to revise aspects of the proposed scheme and its phasing .The original proposal envisaged that the Lion Yard public toilets could be re-provided at first floor level in an immediately adjoining part of the Grand Arcade development but subsequently the parties were unable to agree satisfactorily terms. Scrutiny Committee also expressed a concern that any re-provision of the public toilets should retain a disabled facility at ground level. The extent of the upper floor mall (which will link to the Grand Arcade) in the vicinity of the County library was also modified. Barclay's proposals were also very dependent on finalising satisfactory terms for creating a triple rather than a double height connection with Grand Arcade that also required the acquiescence of the County Library Service. A triple height link has now been agreed and Grand Arcade's contractors are now carrying out its construction. The link will be operational from March 2008.

3.3 Barclays submitted a detailed planning application for a two-phase scheme. It was refused because of concerns about aspects of the second phase and is now the subject of a planning appeal. Barclays separately received planning permission to renew an earlier consent for developing out Heidelberg Gardens and submitted a new application for the Phase One part only of the modern scheme that was granted in August 2007.

3.4 The Barclay strategy for Lion Yard still seeks to carry out a second phase, if planning permission is obtained on appeal but that would not be attempted until the beginning of 2011 and this report is principally about facilitating Phase One. This is because planning permission is in place and a prospective tenant has been secured for the main component of Phase 1 –the Large Shop Unit (LSU). Accordingly the costings and potential income for a Phase two have not been updated and will now be done closer to potential implementation.

3.5 Phase 1 itself is in two parts and involves major construction works to create a two story LSU at first floor level on Heidelberg Gardens and also incorporates the former children's library surrendered by the County Council. This LSU will provide an important anchor store for Lion Yard and will be accessed by new vertical circulation from the central atrium (by escalators) and malls linking to Grand Arcade. The second element of Phase One involves ground floor alterations to convert the old library entrance to a new retail unit and enlarging two adjoining shop units to align with the connection to Grand Arcade.

3.6 It should be noted that the operators of Lion Yard have changed their title from Arlington Property Investors (Arlington) to Goodman Property Investors (Goodman)

4. Landlords Consent

4.1 Barclays through Goodman are seeking the Council's consent as landlord to carrying the following comprising Phase 1: -

- Change of use of the existing ground floor library entrance to A1/A3 use.

- To bring forward shop frontages within the central atrium area, including shop units 27,27a and the ex-library entrance unit to create additional lettable retail space
- Redevelopment of Heidelberg Gardens and former children's library to create an LSU for A1.use.
- Installation of escalators within the Lion Yard central atrium
- Implementation of the principles set out in the Asset Strategy and planning permission relating to phase one subject to reasonable variation without further formal landlord approval.
- Vary the existing Walkways agreement to reflect the mall variations

4.2 Barclay will undertake to: -

- complete a full tender design package based on the phase one planning permission as outlined in the viability and cost analysis referred to in the Financial Implications contained in the confidential appendix to this report .
- secure a pre-letting agreement with a significant retail tenant for the majority of the large Heidelberg unit **before** undertaking the construction works
- appoint project managers and provide the Council with a development programme
- maintain an appropriate development capital cost account and issue cash flow statements to record all actual and anticipated costs related to the development project. The account to be updated on at least a six monthly basis and presented to the Council at regular project status meetings.

4.3 It is proposed that all development capital costs properly incurred in relation to the Phase 1 project and recorded in the development account will be shared in the proportions 75% by Barclays and 25% by the Council to accord with the respective proportions in the Council's additional ground rent calculation .The Council would provide funds in the agreed proportion on a six monthly basis to allow the capital costs to be reimbursed to the head lessee in a timely manner. The six monthly basis would coincide with the half yearly receipts of ground rent by the Council to permit offsetting.

4.4 It is further proposed that the parties agree to vary the head lease to introduce a new right for the Council to make a 25% contribution to capital works should they wish to do so and for the head lessee to forgo their right to take a 10% prior return on capital under such circumstances.

5. Timetable

5.1 Schemes for further works at Lion Yard have had a lengthy gestation period. Barclay's original intention was to dovetail their programme of works with Grand Arcade in order to deliver the Lion Yard development in a similar timeframe so as to contain the development disturbance in the city centre. However this has not been possible. They do now have planning permission for Phase 1 works and assuming landlord consent and a pre-let agreement are in place Phase 1 (Heidelberg Garden and Ground floor shop adaptations) will probably start in late 2007 and complete a year later .

6. Consultants Advice

6.1 See appendix which is exempt from publication by Category 3 as defined in the Report Page No: 3

7. Implications

Financial implications: See appendices which are exempt from publication by Category 3 as defined in the Local Government (Access to Information) (Variation) Order 2006.

Staffing: The Phase One works do not affect the Lion Yard public toilets so there are no staffing implications

Equal Opportunities: The proposals will greatly improve access to the first floor level of Lion Yard, which in turn will have good mall links with the upper mall level of Grand Arcade and lift cores serving the car park and shopmobility service.

Procurement: None – the scheme would be procured by Goodmans.

Environmental Implications: None of particular significance. The phase one proposals have been granted planning permission and a Section 106 Agreement has been completed

Community safety: The proposed scheme is likely to improve community safety by developing over Heidelberg Gardens. The rest of the changes are mostly internal to Lion Yard, which is already a managed environment with a walkways agreement and is closed to the public between 11.30pm and 07.00am.

Background papers

None

If you have a query on the report please contact:

Author's Name:	John Cowin
Author's Phone Number:	01223 - 457431
Author's Email:	john.cowin@cambridge.gov.uk

CAMBRIDGE CITY COUNCIL
Record of Executive Decision

Lion Yard Development Proposals
--

Decision of: Councillor Ian Nimmo-Smith, Leader

Reference: 07/CCD/011

Date of decision: 26/9/07 **Recorded on:** 30/10/07

Decision Type: Key Decision.

Matter for Decision: To decide as Landlord of Lion Yard whether to permit works following planning application approval in August 2007 and whether to make a capital contribution amounting to 25% of the cost of the head lessees works phased over the scheme programme and to approve changes to the Head Lease.

Why the decision had to be made (and any alternative options): The Head Lessee needed to know the Council's position and whether a financial contribution to the works would be agreed. The alternative option for the Council would have been not to make the capital contribution.

<p>The Leader's decision:</p> <ol style="list-style-type: none">1. To grant landlords consent for Barclays to proceed with the Phase 1 works at Lion Yard for which planning permission was granted in August 20072. To approve the capital contributions amounting to 25% of the cost of the head lessees works phased over the scheme programme3. To approve the changes to the head lease indicated in the officer's report

Reasons for the decision: These are explained in the report.

Scrutiny consideration: The Scrutiny Committee considered the report at its meeting on 26 September.

Report: Agenda A - Item 7, 26 September 2007. Parts of the report are exempt from publication under Category 3 of the Local Government (Access to Information) (Variation) Order 2006.

Conflicts of interest: - No conflicts of interest were declared by the Leader.

Comment: The Leader took the decision as the Executive Councillor for Customer Services and Resources was unavailable.

**CITY CENTRE DEVELOPMENT
SCRUTINY COMMITTEE**

26 September 2007
(5.30pm – 6.40pm)

PRESENT: Councillors Boyce, Dixon (Chair), Hart, J Rosenstiel, Shah
(alternate member)
Also present: The Leader, Councillor Nimmo-Smith (for Ex Cllr for Customer
Services and Resources Cllr Cantrill who was absent).
Councillor C. Rosenstiel

07/CCD/01 MINUTES

The minutes of the meeting held on 19 July 2006 were confirmed by the
Scrutiny Committee and signed by the Chair.

07/CCD/02 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Durrant and Levy.

03/CCD/03 DECLARATIONS OF INTEREST

Councillor Dixon declared a personal interest under the Code of Conduct for
Councillors as he was in receipt of a pension from the Universities
Superannuation Scheme.

07/CCD/04 PUBLIC QUESTION TIME

No members of the public were present.

07/CCD/05 GRAND ARCADE UPDATE

The Scrutiny Committee noted that the official opening of Fisher Square was
planned for 6 December (para 1.10).

The Head of Property and Building Services advised the Scrutiny Committee
that the Head Lease had been completed on 1 June (para 2.1 of addendum
report published 21 September).

Referring to the streetscape works for St Andrew Street, the Leader asked
that the County Council be made aware of the concern from the City Council
and Grosvenor that the quality of work matches that of the Grand Arcade.

In discussion on the way finding improvements in the City Centre, the Chair
requested that ward councillors be notified.

In response to questions about vacant units in Lion Yard as a result of
retailers moving to Grand Arcade, the City Centre Manager advised the
Scrutiny Committee that an element of re-location had been expected but
Lion Yard was confident that vacant units would be re-let.

07/CCD/06 EXCLUSION OF PRESS & PUBLIC**Resolved -**

The Scrutiny Committee excluded the press and public under category 3 as defined in the Council's Constitution (and as defined in the Local Government (Access to Information) (Variation) Order 2006.

06/CCD/07 LION YARD DEVELOPMENT PROPOSALS

(Nb. The Chair took the public report at the same time as the appendices as no members of the public were present prior for the duration of the meeting). The Scrutiny Committee noted the financial implications and Council's consultant's report which had been circulated on 21 September. Members re-iterated previous comments (July 2006) about the importance of provision and suitable location of public toilets in the newly configured Lion Yard.

The Scrutiny Committee supported the recommendations for the Leader by 5 votes to 0.

The Leader agreed the recommendations.

The meeting ended at 6.40pm.

CHAIR

Application Number	06/1080/FUL	Agenda Item	4.2
Date Received	2nd November 2006	Officer	Mr Andrew Thompson
Target Date	1st February 2007		
Ward	Market		
Site	Lion Yard St Tibbs Row Cambridge Cambridgeshire		
Proposal	Extension to Lion Yard shopping centre to provide further retail floorspace, the closure of the existing access to the centre from Fisher Square, relocation of the public conveniences and associated works.		
Applicant	Barclays Nominees Ltd C/o Drivers Jonas 85 King William Street London EC4N 7BL		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 This application relates to the Lion Yard shopping centre situated within the Central Conservation Area. To the south of the site is the Grand Arcade shopping development, currently under construction. To the west are Fisher House and Fisher Square, immediately beyond which is Guildhall Chambers (which includes the Red Lion public house, the EC Cambridge language school, and the Soul Tree nightclub). To the north is Petty Cury mall, and to the east is the Church of St Andrew The Great.
- 1.2 The Lion Yard incorporates the Central Library, which is accommodated at first, second and third floor levels, with a ground floor access from off the main internal atrium space. The Lion Yard complex also includes an office wing fronting Petty Cury to the north, incorporating retail at ground floor level and a nightclub at first floor level. Between the retail building of Lion Yard and the nightclub / office building to the north, is Heidelberg Gardens a public outdoor space at first-floor level, which is accessed via a narrow flight of steps up from behind the Church of St Andrew The Great, to the east. These steps also serve the nightclub building which is accessed from Heidelberg Gardens.
- 1.3 Access to the Lion Yard is currently obtained via St Andrew's Street, Petty Cury and Fisher Square.
- 1.4 The building is not listed.

2.0 THE PROPOSAL

2.1 Extension to Lion Yard shopping centre to provide further retail floorspace, the closure of the existing access to the centre from Fisher Square, relocation of the public conveniences and associated works

2.2 The main elements of the proposed works are as follows:

- the creation of a link with the Grand Arcade at ground-floor level (through the existing Game shop unit)
- the creation of a link with the Grand Arcade at first-floor level
- the closure of the existing access from Fisher Square, and the creation of three new shop units and a café in place of the existing access and public toilets (to be relocated to first floor)
- the closure of the ground floor entrance to the library in the Lion Yard and its replacement with a new shop unit
- the erection of a two-storey extension (to accommodate one large shop) over most of the Heidelberg Gardens
- the conversion of the existing HMV shop into three separate shops at ground-floor level, and to two shops, a kiosk, and public toilets, at first-floor level
- the installation of new escalators, public lifts, and walkways within the Lion Yard Centre

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Transport Statement
3. Supporting Statement
4. Sustainable Development Checklist

3.0 SITE HISTORY

Extensive, but the most relevant is as follows:

06/0777/S73	Renewal of unimplemented planning permission, reference C/00/0903/FP, for extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 second floor space to A1 (retail use), use of second floor space for B1 office in the alternative, break through into proposed Grand Arcade scheme. – current application
06/0858/FUL	Refurbishment of and extension to existing library building – APC
C/01/0163	Erection of two-storey extension to existing shopping centre (at first and second floors), ground-floor extension, change of use of part of the children's

library to Class A1, A2 and A3 use, remodel existing library entrance and creation of ground and first floor link to proposed Grand Arcade scheme.

C/00/0903 Extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 second floor space to A1 (retail use), use of second floor space for B1 office in the alternative, break through into proposed Grand Arcade scheme. – APC

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.

5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.5 **PPG15 Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 5.6 **PPS22 Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

P1/2 Environmental restrictions on development
 P1/3 Sustainable design in built development
 P7/6 Historic Built Environment
 P8/1 Sustainable development – links between land use and transport

Planning Obligation Related Policies

P6/1 Development-related Provision
 P8/2 Implementing Sustainable Transport for New Development
 P8/3 Area Transport Plans
 P9/8 Infrastructure Provision
 P9/9 Cambridge Sub-Region Transport Strategy
 P9/10 Retail Provision - Cambridge

5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development
 3/4 Responding to context
 3/7 Creating successful places
 3/11 The design of external spaces
 3/12 The design of new buildings
 3/14 Extending buildings
 4/11 Conservation Areas
 4/13 Pollution and amenity
 6/5 Shopping development in the city centre
 8/2 Transport impact
 8/6 Cycle parking
 8/10 Off-street car parking
 8/16 Renewable energy in major new developments

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/7 Creating successful places (*public art/public realm*)

8/3 Mitigating measures (*transport*)

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.11 Material Considerations

Cambridge City Council (2003) – Sustainable Development Guidelines: Highlights issues that should be considered when drawing up policies and development briefs, appraising sites and development proposals. The Guidelines identify opportunities for mitigation of the impacts of development and for delivering environmental enhancement, giving examples of how this has been achieved in successful projects. The Guidelines include practical ways of implementing the principles of sustainable development at all stages of the development process. Applicants for major developments will be asked to complete and submit a Sustainable Development Checklist and a Sustainability Statement to accompany their planning application, setting out the key sustainable development issues relevant to the development, and describing how they have complied with the Guidelines.

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council (2002) - Provision of Public Art as Part of New Development Schemes: Encourages the provision of art as part of new development proposals, setting applicable thresholds.

Cambridge City Council (2002)–Southern Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

Cambridge Historic Core – Conservation Area Appraisal (2005): Provides an appraisal of the Historic Core of Cambridge.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No objection

Cambridgeshire County Council (Transport)

6.2 Contributions towards the Southern Corridor Area Transport Plan are required, and a Travel for Work Plan is also required.

Head of Environmental Services

6.3 No objection, subject to the imposition of conditions relating to the following: control of the noise and vibration during demolition and construction, piling, hours of demolition and construction, hours of deliveries and collections during demolition and construction, details of the operations of contractors, dust-suppression and wheel-washing measures, site lighting during construction, fume filtration and extraction, noise insulation, hours of operation of the proposed retail units and café, hours of collections from and deliveries to the proposed units, lighting of the proposed development, and details of waste storage.

Disability Consultative Panel (Meeting of)

6.4 The panel were generally satisfied with this application. Concerns were expressed about the ramps to the library and the absence of a ground-floor entrance to the library.

Cambridge City Council Access Officer

6.5 No objections

6.6 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.2 The owners/occupiers of the following addresses have made representations:

- 98 Balsham Road, Linton
- 75 Gwydir Street
- Guildhall Chambers

7.3 The representations can be summarised as follows:

- Objection to the loss of the public toilets, which would represent the loss of a public amenity. These toilets are well used, being the only public toilets serving the city centre. Provision of replacement toilets at

first-floor level and far away from the public thoroughfare is not acceptable, not only in terms of distance, but because the route would be constrained by the terms of a walkway agreement with all that implies for equal opportunities. Maximising rental income should not be done at the expense of the wellbeing of the general public who may be in the vicinity on errands other than shopping.

- The toilets to be closed have recently been refurbished, so it would be a waste of council funds to relocate them.
- Objection to the closure of the existing entrance to Lion Yard from Fisher Square.
- The closure of the Fisher Square entrance to Lion Yard would have a detrimental effect on the efforts to enhance Fisher Square.
- Both the existing access to Lion Yard and the proposed access to Grand Arcade from Fisher Square are likely to be busy.
- The proposed changes to Fisher Square may make access more difficult for disabled people.
- The proposed works may affect the tree in Fisher Square.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 The main considerations in the determination of this application are as follows:

1. Planning history
2. Principle of development
3. Context of site, design and external spaces
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

Planning History

8.2 Planning permission exists, under planning reference C/00/0903, for an extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 second floor space to A1 (retail use), use of second floor space for B1 office in the alternative, break through into the proposed Grand Arcade scheme. There is a current application, under reference 06/0777/S73, for renewal of this unexpired planning permission, as the applicants wish to retain the option of implementing this previous scheme if necessary.

- 8.3 The present application seeks planning permission for an alternative extension and internal alterations to the Lion Yard, with better linkages to the Grand Arcade than are provided for in the previously-approved scheme. The plans submitted show works to the library, including the conversion of the ground-floor library entrance to a shop unit, and the creation of a new entrance to the library at first-floor level from the Grand Arcade. These works are also encompassed within a separate application, reference 06/0858/FUL, for extension and refurbishment of the library. This was a minor application that has been approved under delegated powers.

Principle of Development

- 8.4 Policy P9/10 of the Cambridgeshire and Peterborough Structure Plan (2003) states that there will be no further need or requirement for major Sub-Regional shopping provision in the Structure Plan period, other than approximately 30,000 square metres of shopping development within the central area of Cambridge which has been granted permission (Grand Arcade and Phase 3 of the Grafton Centre). This provision does not preclude redevelopment or reorganisation of existing shops to improve the overall attractiveness of the centre or cater for changing demand or requirements of shoppers. Major Sub-Regional shopping provision is considered to be any proposal of more than 1,400 square metres convenience floorspace or in excess of 10,000 square metres of comparison shopping floorspace, or which together with other nearby development or proposals will exceed these thresholds. The proposed development would be well within this limit, and is therefore in compliance with this policy.

Policy 6/5 of the Cambridge Local Plan 2006 states that, within the City Centre, planning permission will only be granted for retail proposals which seek to maintain and enhance the vitality and viability of the City Centre, and which are of an appropriate nature and scale. The proposed development is considered to be in compliance with this policy. There is no objection to the proposal in principle.

Context of site, design and external spaces

- 8.5 A substantial part of the proposed works are internal to the Lion Yard. However, the proposal includes a two-storey extension over the Heidelberg Gardens. The external materials of this extension would largely comprise buff brick and timber boarding to the walls, with a metal standing-seam roof. The extension would occupy the majority of the Heidelberg Gardens area, but only the west elevation would be visible from beyond the site, through the gap between the nightclub building and the main Lion Yard building, where steps presently provide access up to the Heidelberg Gardens. The proposed extension would therefore have minimal impact on the appearance of the Conservation Area. The external materials of the proposed extension are considered to be compatible with those of the existing building, and therefore appropriate.

The impact on the Heidelberg Gardens

- 8.6 The existing planning permission, reference C/00/0903, grants consent for an extension to the north side of Lion Yard onto the Heidelberg Gardens to create additional retail floorspace. The approved plans show first-floor access from a terrace (of between 3 and 7 metres width) at the rear of the extended retail unit down to the level of the Heidelberg Gardens, via steps and a ramp. Apart from this relatively narrow rear terrace of the extended shop itself, all that would remain of the Heidelberg Gardens would be a narrow area of paving between the extension and the south wall of the neighbouring nightclub building: the total width, including the terrace, between the rear wall of the extension and the wall of the nightclub building, would be approximately 10 metres. At second-floor level, a terrace was approved that would be accessible from the rear of the new unit, with the front edge of this terrace being level with the back edge of the first-floor terrace. Only spiral escape stairs provide access to what would have remained of the Heidelberg Gardens from the second floor terrace. This existing permission thus grants permission for extension over the majority of the Heidelberg Gardens. In the report to committee for approval of the earlier application, it is pointed out that public access to the Heidelberg Gardens was a contentious issue in the determination of a prior application of 1995. The 2001 permission (C/00/0903) imposes a condition requiring public access to Heidelberg Gardens from the first floor mall, via the new retail unit between, to be unrestricted and available at all times during the trading hours of that unit, and the route to the Gardens from Lion Yard to be clearly marked.
- 8.7 The present proposal incorporates a two-storey extension onto the Heidelberg Gardens. This extension would cover a slightly larger area than that approved under the 2001 permission. The extension would leave an area of approximately 7 metres in width (compared to the 10 metres under the approved scheme), between its north wall and the south wall of the nightclub building. There would be no public access from the Lion Yard to this remaining paved area of the Heidelberg Gardens, only escape stair access. The extension incorporates an approximately 3 metre wide terrace at second-floor level which would be accessible from within the second floor of the extended large retail unit, but with no external access to first floor level.
- 8.8 It is considered that, although the present proposal would result in the loss of the majority of the Heidelberg Gardens, it would not encroach significantly more than the extension previously approved. There would be no public access to the remainder of the Heidelberg Gardens through the proposed Lion Yard extension, and the paved area that would remain between the proposed extension and the existing nightclub building would be enclosed by tall buildings on both sides, and so will have a canyon-like aspect. However, this area would no longer function as a potential recreation area (albeit at present little used), but would instead become primarily an access route, although not a general public thoroughfare. Given this, it is considered that the physical impact of the proposed

extension, in terms of the loss of the Heidelberg Gardens, and its relationship with the existing nightclub building, is, on balance, acceptable.

Access

- 8.9 The proposed works include the closure of the existing pedestrian access to Lion Yard from Fisher Square, and the installation of three new shop units and a café in the space currently occupied by the access and the public toilets. The public toilets are to be relocated to first floor level. Sole access to the Lion Yard from Fisher Square would be via the access to Grand Arcade.
- 8.10 Concerns have been raised about the proposed closure of the Fisher Square access to the Lion Yard. There are concerns about the impact this may have in terms of reducing pedestrian activity in this area, and concerns about whether the nearby access to Grand Arcade would be wide enough to adequately cope with pedestrian flows into and out of the Grand Arcade and Lion Yard from this direction. The access to Grand Arcade from Fisher Square varies in width from approximately 4 metres, to approximately 3 metres adjacent to the stairwell and the lifts. There are concerns that people waiting for the lifts, perhaps in wheelchairs or with push-chairs, would effectively reduce the width of the passage and make access difficult.
- 8.11 In response to these concerns, the applicants point out that the Fisher Square access is the smallest of the three entrances to Lion Yard, and have produced survey results that suggest that approximately 17% of those entering the Lion Yard at present do so through the Fisher Square entrance, although these figures are taken from a week in January this year, with the Lion Yard car park closed. The presence of the public toilets at the existing Fisher Square entrance to Lion Yard may also account for a proportion of those who choose to access the shopping centre from this point.
- 8.12 The proposed Fisher Square access will be one of two external entrances to the Grand Arcade from the western side of the building, but neither of these is intended to be a main entrance to the building. The main entrance to the Grand Arcade will be from St Andrew's Street, and internally via the car park lifts. There will also be two external entrances to the Robert Sayle store: one from St Andrew's Street, and one from Downing Street. In view of this, and the main internal links between the Grand Arcade and Lion Yard at ground floor and first floor level, it is considered that the closure of the Lion Yard access is unlikely to result in significant problems with the nearby access to the Grand Arcade.
- 8.13 With regard to a potential reduction in pedestrian flows in the vicinity of Fisher Square, the installation of a café, together with the restaurant proposed in connection with the Grand Arcade, will provide focus for pedestrian activity within the square, which is to be rejuvenated as part of the Grand Arcade scheme. The access to the Grand Arcade from this side of the building will also generate pedestrian activity in itself.

- 8.14 The proposal is considered to be compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P1/2 and P1/3, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Renewable energy and sustainability

- 8.15 Under policy 8/16 of the Cambridge Local Plan 2006, major development proposals above 1000 square metres are required to supply at least 10% of the total predicted energy requirements of the proposed use from on-site renewable energy sources. The proposal makes no provision for renewable energy sources. The use of a biomass facility, ground source heat pumps and wind turbines has been investigated by the applicants and dismissed as impracticable. The use of photovoltaic cells / solar panels has been discounted by the applicants because retail accommodation does not typically demand a high capacity hot water supply, the orientation of the proposed roofs and existing buildings would result in overshadowing which would reduce the effectiveness of the cells, and because of concerns about the visual impact of the structures. The applicants also state that the scheme as presently proposed is only just viable and that additional costs associated with providing renewable energy sources would render the proposal too costly to implement. Policy 8/16 recognises that, in certain circumstances, full compliance with the requirements of the policy will not be viable. It is recognised that the characteristics of the present building, and the constrained city centre location, may cause difficulties in the provision of renewable energy sources in relation to the proposed development. Therefore, it may not be appropriate to require full compliance with the policy in this instance. Nevertheless, it is considered that, if permission is granted, a condition should be attached requiring the applicants to provide a more comprehensive analysis of the potential for provision of renewable energy sources.

Disabled access

- 8.16 The existing level access to the Lion Yard from St Andrew's Street, and the existing ramped access from Petty Cury are to be retained. There is to be a new level access to the Lion Yard, via the Grand Arcade, from Fisher Square. Lift access from the ground floor to the upper floors is to be provided, and there is to be ramped access from the Grand Arcade to the Lion Yard at first floor level. It is considered that the requirements of disabled people have been adequately accommodated, and the proposed scheme is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

- 8.17 The proposed extension to the Lion Yard would not result in overshadowing, enclosing or overlooking of any existing residential property, the nearest of which is at Fishers House to the west, adjacent to the library. Construction works may, however, cause noise disturbance to the nearest residential properties, and there is potential for noise

disturbance from air-conditioning plant, lift plant, and noise generated from the use of the proposed units. There is also potential for nuisance to be caused by cooking smells emanating from the proposed café. However, these potential causes of pollution can be controlled by the imposition of appropriate conditions, as suggested by the Environmental Health Officer.

- 8.18 Subject to the imposition of appropriate conditions, the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such is compliant with Cambridge Local Plan (2006) policies 3/4 and 4/13.

Refuse Arrangements

- 8.19 The applicants have indicated that refuse storage and collection for the proposed development would be accommodated under the existing arrangements for Lion Yard. This is considered satisfactory. The proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.20 The Highway Authority has raised no objection to the proposal on highway safety grounds. The proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P8/1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.21 For non-food retail developments, the parking standards require bicycle parking to be provided on the following basis: 1 space per 25 square metres gross floor area, up to 1500 square metres, and 1 space per 75 square metres thereafter. The proposal would result in the creation of 2705 square metres of additional retail floorspace. The proposal therefore generates a bicycle parking requirement of 76 spaces.
- 8.22 There are presently no bicycle parking spaces specifically associated with the Lion Yard. The applicants have conducted a survey of bicycle parking provision in the vicinity of the Lion Yard, and a travel survey of staff currently working at the shopping centre. The applicants have also assessed the potential for the provision of additional bicycle parking facilities on the street, in the Lion Yard service area, and in the Heidelberg Gardens. The survey concludes that there is no potential for further on-street provision within the vicinity of the Lion Yard, and that provision in the service yard would be impractical. The applicants conclude that there is potential for the provision of 50 cycle hoops in what would remain of the Heidelberg Gardens area, between the proposed extension and the existing nightclub building. These spaces would be only for staff working at the Lion Yard. The intention would be to facilitate access to this first-floor area by means of adding a 'cycle channel' groove in the steps up from the St Andrew's Church area. It is uncertain as to how practical this would be. The applicants have indicated that access to this cycle parking area would be controlled by a locked gate at the top of the steps, with the designated

users of the spaces having a key to the gate. It is considered that this option for providing cycle parking spaces should be pursued, and that the submission of further details should be made the subject of a condition, if planning permission is granted.

- 8.23 There is clearly very limited potential for the practical provision of additional bicycle parking facilities within the vicinity of Lion Yard. The parking standards indicate that flexibility will be applied to applications in the Historic Core Area where land constraints may make application of the standards difficult for change of use or refurbishment. It is also recognized that the proposed extension of retail floorspace is unlikely, in itself, to generate a significant increase in shopping trips over the number of trips that would be made to the existing Lion Yard Centre. The staff survey conducted by the applicants concludes that, on the basis of the proportion of existing staff working at the Lion Yard who travel by bicycle, and the likely increase in number of staff associated with the proposed development, there would be a total demand for 36 bicycle parking spaces for all staff working at the Lion Yard as extended.
- 8.24 Given the constraints of the site, and its city centre location in the Historic Core Area, it is considered that this is an example of a proposal where the exercise of flexibility in the application of the bicycle parking standards, as the standards allow for, is appropriate. Subject to a condition regarding the provision of bicycle parking spaces in the area between the proposed extension and the nightclub building, the proposal is considered to be in compliance with policy 8/6 of the Cambridge Local Plan 2006.
- 8.25 No car parking spaces are proposed, but again, given the circumstances of the site, this is considered to be in compliance with policy 8/10 of the Cambridge Local Plan 2006.

Third Party Representations

- 8.26 The following issues have been raised in letters of representation received:
- 8.27 Objection to the loss of the public toilets
- 8.28 The proposed works include the closure of the existing public toilets at ground floor level adjacent to the Fisher Square entrance. The area occupied by the toilets is to become a café instead. The café would front Fisher Square, and is intended to contribute to making this public open space an attractive and lively area. The replacement public toilets are to be at first-floor level within part of what is at present the HMV store. These toilets are designed to be of a high standard, with facilities for disabled people and parents with young children and babies. These toilets would be readily accessible from the ground floor, via two escalators in the Lion Yard atrium, lifts from Church Walk mall, and existing Lion Yard stairs. The toilets would also be accessible directly from the Grand Arcade at first-floor level via a ramped link to the Lion Yard. In addition to this, on the ground floor, it is proposed to provide a disabled toilet and baby change

facility, and a family room, accessed from Church Walk mall. It is considered that the proposed toilet facilities would be adequate. The toilets would be accessible during the opening hours of the Grand Arcade and Lion Yard. The issue of the money spent on refurbishing the existing public toilets is not a material planning consideration in the determination of the present proposal.

8.29 Objection to the closure of the existing entrance to Lion Yard from Fisher Square.

8.30 This issue is addressed in the above assessment.

8.31 The proposed changes to Fisher Square may make access more difficult for disabled people. The proposed works may affect the tree in Fisher Square.

8.32 This application does not include alterations to Fisher Square.

Planning Obligation Strategy

8.33 The proposed development incurs contributions under the following elements of the Planning Obligation Strategy:

- Southern Corridor Area Transport Plan
- Public Art
- Public Realm

These contributions will be secured by means of a Section 106 Agreement. The precise amount of these contributions is currently being finalised with the applicants. The figures will be reported on the amendment sheet, or reported orally at committee.

It is considered that a Travel for Work Plan should also form one of the Heads of Terms of the Section 106 Agreement. The Travel for Work Plan should cover the following:

- (i) appointment of a travel co-ordinator
- (ii) surveys of staff travel – every 12 months
- (iii) setting objectives, targets and timescales to change modal splits
- (iii) measures to promote and facilitate public transport use
- (iv) measures to reduce car use
- (v) management of car parking spaces to reduce single car users
- (vi) measures to promote and facilitate cycling
- (viii) provision of sustainable modes travel information to employees and visitors
- (ix) marketing of the travel plan
- (x) measures to promote and facilitate walking
- (xi) promotion of practices/ facilities that reduce the need for travel
- (xii) monitoring and reviewing mechanisms for targets

Subject to the completion of a Section 106 Agreement covering the above points, the proposed development is in compliance with the relevant Development Plan policies.

9.0 CONCLUSION

The proposal is acceptable in principle. The proposed development would not have a significant impact on the character or appearance of the Conservation Area, and the design of the two-storey extension is considered to be appropriate. With the imposition of appropriate conditions, the proposed development would have no significant impact on neighbouring residential properties. It is considered that the circumstances of the site justify flexible application of the bicycle parking standards, such that the shortfall in bicycle parking provision would not, in this instance, constitute a reason for refusal. The proposed development would result in improved retail provision for Cambridge, and would allow for improved linkages to the Grand Arcade than are provided under the existing permission. Subject to the completion of a Section 106 Agreement, the proposal is considered to be acceptable.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1st July 2007, and subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been made available for inspection on site and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

4. No development shall commence until details of facilities for the covered, secure parking of bicycles for use in connection with the development, and the means by which access to the bicycle parking facilities will be controlled, have been submitted to, and approved in writing by, the local planning authority. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles (Policy 8/6 of the Cambridge Local Plan 2006)

5. Development shall not commence until details of the proposed ground surface materials are submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/11)

6. Development shall not commence until details of the proposed gate at the top of the steps to the Heidelberg Gardens area have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

7. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

- i) contractors access arrangements for vehicles, plant and personnel,
- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

8. Notwithstanding the details shown on the plans hereby approved, development shall not commence until details of the external fire escape stairs on the west side of the building, and details of the finished surface treatment of the stairs, have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the appearance of the external fire escape is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

9. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), a written report on the demolition / construction noise and vibration impact associated with this development, shall be submitted to, and approved in writing by, the local authority. The report shall be in accordance with the provisions of BS 5228: Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

10. In the event of the foundations for the proposed development requiring piling, the applicant shall provide the local authority with a method statement for approval, detailing the type of piling and the mitigation measures to be taken to protect local residents. Potential noise and vibration levels at the nearest noise-sensitive locations shall be predicted. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

11. Except with the prior agreement of the local planning authority in writing, there shall be no collections from, or deliveries to, the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Mondays-Saturdays inclusive, and there shall be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

12. Before development commences, details of dust suppression and wheel cleaning measures shall be submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the details agreed.

Reason: to protect the amenity of adjoining properties during the construction period. (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

13. Before development commences, details of any proposed construction site lighting shall be submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the details agreed.

Reason: to protect the amenity of adjoining properties during the construction period. (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

14. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

15. Any fume filtration/extraction system installed in pursuance of the condition relating to the installation of such equipment, shall be regularly maintained to ensure its continued satisfactory operation to the satisfaction of the Local Planning Authority. It is suggested that documentary evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, be kept, preferably at the premises and made available for inspection by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition. If any approved fume filtration / extraction system is to be subsequently altered, details shall be submitted to and approved in writing by the local planning authority before the alteration is made.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

16. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

17. Unless otherwise agreed in writing by the local planning authority, the retail premises and café hereby approved shall be open to the public only during the following hours: 0700 hrs to 23.00 hrs.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

18. There shall be no collections from, or deliveries to, or in association with, the retail and food units hereby approved outside the hours of 0700 hrs and 2300 hrs on Mondays to Saturdays inclusive and not at all on Sundays, Bank and public holidays.

19. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the building [s] is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)

20. Unless otherwise agreed in writing by the local planning authority, prior to the commencement of development, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

INFORMATIVE: The applicant should note that this planning permission does not grant consent for the external fire escape stairs on the west side of the existing building.

INFORMATIVE: The developer is advised to contact the following:

The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581 for advice regarding the removal and disposal of waste and adherence with Agency pollution prevention guidelines. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 1994 and the Special Waste Regulations 1996 (hazardous waste).

The Health & Safety Executive, 14 Cardiff Road, Luton, LU1 1PP: -Tel No: 01582 444200 concerning health and safety regulation requirements associated with the construction and operational phases. It is known that buildings that are part of the site contain asbestos, which will need to be removed in accordance with appropriate regulations.

INFORMATIVE: To satisfy the condition requiring the submission of a demolition / construction noise and vibration impact report, the following should be included in any report: details regarding the phasing of the demolition / construction, the demolition / construction activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements. This report could detail phase schemes as they progress. In relation to environmental construction noise impact, it is recommended that the developer use the standard the City Council requires in relation to noise levels when letting contracts, known as clause 109 Noise Control.

INFORMATIVE: With regard to issues associated with the operation of the A1 (retail) and A3 (food and drink) units, the applicant is advised to contact the following:

The Food and Occupational Safety Section, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare, Regulations/requirements and Food Premises Registration, Tel No: 01223 457900.

Christine Allison, Licensing Officer, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge Tel No: 01223 457899, for advice regarding the Licensing Act 2003 as any envisaged change in opening hours may also require a premises licence variation.

Alan Pilsworth, Fire Officer, Cambridgeshire Fire and Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF, Tel No: 01223 376224, for advice regarding fire precautions and means of escape.

Anglia Water, Tel No: 0800 145145 regarding the installation of a grease trap for the foul water of the proposed café. The foul water from the kitchen should be passed through fat/oil/grease interceptor facilities (prior to entering any shared private drain and/or the public sewer).

INFORMATIVE: To satisfy standard condition regarding fume filtration/extraction, it is recommended that an effective and appropriate odour/fume extract system be installed to ensure an odour nuisance is not caused to the occupiers of neighbouring premises. The system will need to deal with the two main phases of contaminants within cooking emissions: the particulate (grease, small food and smoke particles) and gaseous (odour vapour/volatile organic compounds). It is recommended that flue terminals do not impede the final discharge termination point.

INFORMATIVE: To satisfy the condition relating to noise insulation, the noise level from all plant and equipment etc, associated with this application that may operate collectively should not raise the existing background level (L90) by more than 3 dB(A) both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submit a noise prediction survey/report in accordance with the principles of BS4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas, or similar. Noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation.

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

INFORMATIVE: The City Council is keen to promote smoke free public places prior to the implementation of the Health Act 2006. If you are interested in your development being smoke free please telephone Ross Goodfellow, Environmental Health Officer, on 01223 457905 or email env.health@cambridge.gov.uk for further information and advice.

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/2, P1/3, P7/6, 98/1, P6/1, P8/2, P8/3, P9/8 and P9/9

Cambridge Local Plan 2006: 3/1, 3/4, 3/7, 3/11, 3/12, 3/14,4/11, 4/13, 6/5, 8/2, 8/3, 8/6, 8/10, 8/16 and 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1st July 2007, it is recommended that the application be REFUSED for the following reason(s)

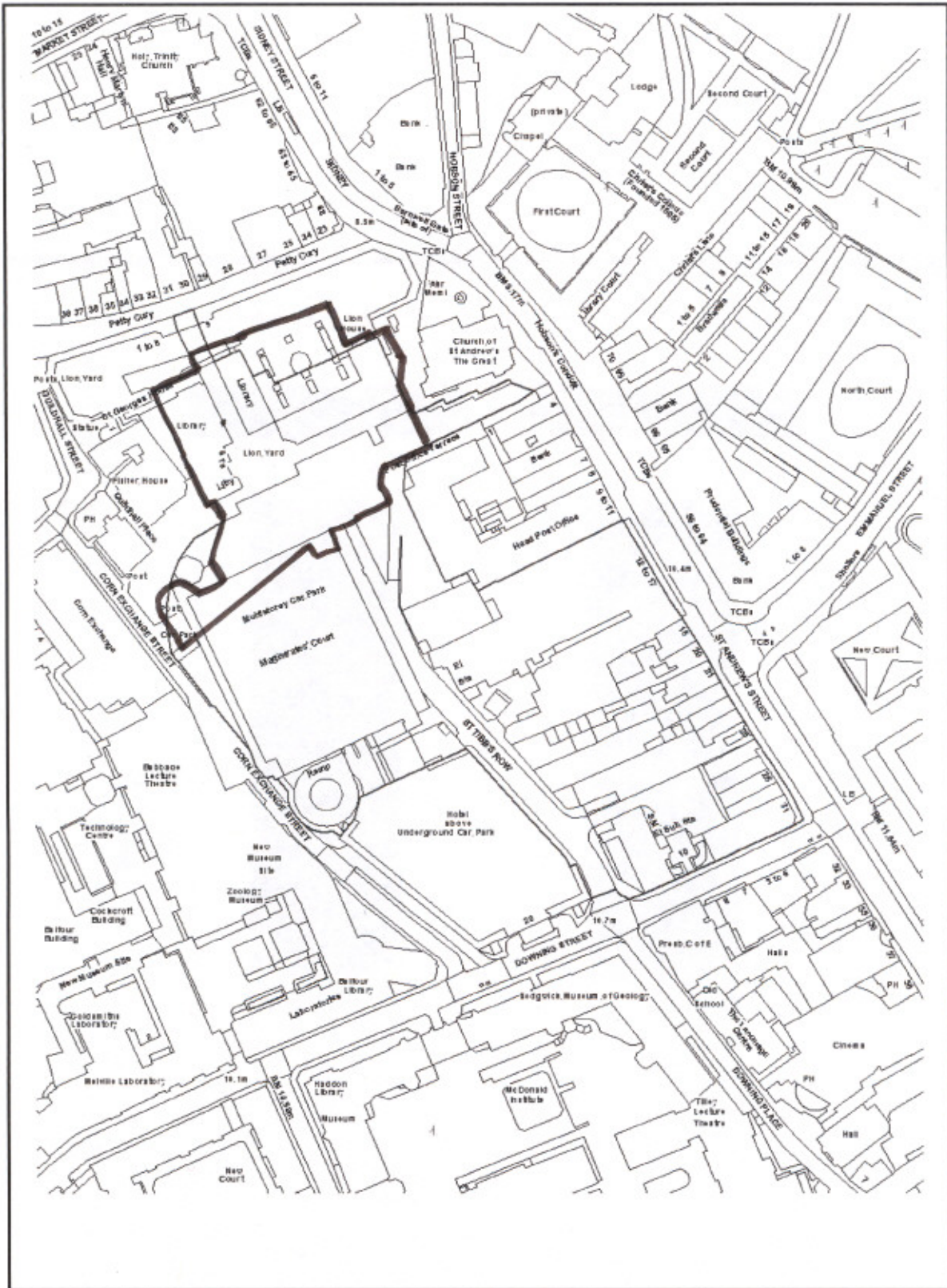
The proposed development does not make appropriate provision for transport mitigation measures, public art or improvements to the public realm in accordance with policies 3/7, 8/3, and 10/1 of the Cambridge Local Plan (2006), and policies P6/1, 98/2, P8/3, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan (2003), and as detailed in the Planning Obligation Strategy 2004, Southern Corridor Area Transport Plan 2002, and Provision of Public Art as Part of New Development Schemes 2002.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



06/1080/FUL
Lion Yard St Tibbs Row Cambridge Cambridgeshire

Application Number	06/0777/S73	Agenda Item	4.1
Date Received	9th August 2006	Officer	Mr Andrew Thompson
Target Date	9th November 2006		
Ward	Market		
Site	Lion Yard St Tibbs Row Cambridge Cambridgeshire CB2 3ET		
Proposal	Renewal of unimplemented planning permission, reference C/00/0903/FP, for extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 floorspace to A1 (retail use), use of second floorspace for B1 office use in the alternative, break through into proposed Grand Arcade scheme at ground, first and second floors, Lion Yard Centre, Cambridge.		
Applicant	Barclays Nominees (George Yard) Ltd Barclays Property Investment Ltd Charles House 5-11 Regent Street London SW1 4LR		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 This application relates to the Lion Yard shopping centre situated within the Central Conservation Area. To the south of the site is the Grand Arcade shopping development, currently under construction. To the west are Fisher House and Fisher Square, immediately beyond which is Guildhall Chambers (which includes the Red Lion public house, the EC Cambridge language school, and the Soul Tree nightclub). To the north is Petty Cury mall, and to the east is the Church of St Andrew The Great.
- 1.2 The Lion Yard incorporates the Central Library, which is accommodated at first, second and third floor levels, with a ground floor access from off the main internal atrium space. The Lion Yard complex also includes an office wing fronting Petty Cury to the north, incorporating retail at ground floor level and a nightclub at first floor level. Between the retail building of Lion Yard and the nightclub / office building to the north, is Heidelberg Gardens a public outdoor space at first-floor level, which is accessed via a narrow flight of steps up from behind the Church of St Andrew The Great, to the east. These steps also serve the nightclub building which is accessed from Heidelberg Gardens.
- 1.3 Access to the Lion Yard is currently obtained via St Andrew's Street, Petty Cury and Fisher Square.

1.4 The building is not listed.

2.0 THE PROPOSAL

2.1 Renewal of unimplemented planning permission, reference C/00/0903/FP, for extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 floorspace to A1 (retail use), use of second floor space for B1 office use in the alternative, break through into proposed Grand Arcade scheme.

2.2 The main elements of the proposed works are as follows:

- The creation of a link with the Grand Arcade at ground-floor level (through the existing Game shop unit).
- The creation of a link with the Grand Arcade at first-floor level.
- The closure of the ground floor entrance to the library in the Lion Yard and its replacement with a new shop unit.
- The creation of a new ground-floor entrance to the library at the rear of the Dixons unit comprising new escalators and lifts.
- Installation of new glass feature lift and stairs to replace the spiral stairs in the main internal Lion Yard square.
- The erection of a two-storey extension over most of the Heidelberg Gardens to accommodate a new major shop unit, with A1 retail / B1 office use in the alternative at second floor level.
- Change of use of second-floor retail floorspace to B1 use in the alternative.
- Change of use of the existing first-floor children's library to retail use and removal of the bridge link.
- The installation of new escalators, public lifts, and walkways within the Lion Yard Centre.

3.0 SITE HISTORY

Extensive, but the most relevant is as follows:

06/1080/FUL	Extension to Lion Yard shopping centre to provide further retail floorspace, the closure of the existing access to the centre from Fisher Square, relocation of the public conveniences and associated works – CURRENT APPLICATION
06/0858/FUL	Refurbishment of and extension to existing library building – APC
C/01/0163	Erection of two-storey extension to existing shopping centre (at first and second floors), ground-floor extension, change of use of part of the children's library to Class A1, A2 and A3 use, remodel existing

library entrance and creation of ground and first floor link to proposed Grand Arcade scheme.

C/00/0903 Extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 second floor space to A1 (retail use), use of second floor space for B1 office in the alternative, break through into proposed Grand Arcade scheme. – APC

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.

5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.5 **PPG15 Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 5.6 **PPS22 Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

P1/2 Environmental restrictions on development
P1/3 Sustainable design in built development
P7/6 Historic Built Environment
P8/1 Sustainable development – links between land use and transport

Planning Obligation Related Policies

P6/1 Development-related Provision
P8/2 Implementing Sustainable Transport for New Development
P8/3 Area Transport Plans
P9/8 Infrastructure Provision
P9/9 Cambridge Sub-Region Transport Strategy
P9/10 Retail Provision - Cambridge

5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
3/12 The design of new buildings
3/14 Extending buildings
4/11 Conservation Areas
4/13 Pollution and amenity
6/5 Shopping development in the city centre
8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking
8/16 Renewable energy in major new developments

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/7 Creating successful places (*public art/public realm*)

8/3 Mitigating measures (*transport*)

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.11 Material Considerations

Cambridge City Council (2003) – Sustainable Development Guidelines: Highlights issues that should be considered when drawing up policies and development briefs, appraising sites and development proposals. The Guidelines identify opportunities for mitigation of the impacts of development and for delivering environmental enhancement, giving examples of how this has been achieved in successful projects. The Guidelines include practical ways of implementing the principles of sustainable development at all stages of the development process. Applicants for major developments will be asked to complete and submit a Sustainable Development Checklist and a Sustainability Statement to accompany their planning application, setting out the key sustainable development issues relevant to the development, and describing how they have complied with the Guidelines.

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council (2002) - Provision of Public Art as Part of New Development Schemes: Encourages the provision of art as part of new development proposals, setting applicable thresholds.

Cambridge City Council (2002)–Southern Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

Cambridge Historic Core – Conservation Area Appraisal (2005): Provides an appraisal of the Historic Core of Cambridge.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No objection

Cambridgeshire County Council (Transport)

6.2 Contributions required towards SCATP, and a Travel for Work Plan required.

Head of Environmental Services

6.3 No objection, subject to the imposition of conditions relating to the following: control of the noise and vibration during demolition and construction, piling, hours of demolition and construction, hours of deliveries and collections during demolition and construction, details of the operations of contractors, dust-suppression and wheel-washing measures, site lighting during construction, fume filtration and extraction, noise insulation, hours of operation of the proposed retail units and café, hours of collections from and deliveries to the proposed units, lighting of the proposed development, and details of waste storage.

Disability Consultative Panel (Meeting of)

6.4 The panel were disappointed that the quality of the access was not better, given the substantial refurbishment that was being undertaken.

6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- 51 St Albans Road
- Cambridge Cycling Campaign

7.2 The representations can be summarised as follows:

- Loss of library floorspace.
- Concern about potential under-provision of bicycle parking facilities.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Planning History
2. Principle of development
3. Context of site, design and external spaces
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy and Section 106 Agreement

Planning History

8.2 Planning permission exists, under planning reference C/00/0903, for an extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 second floor space to A1 (retail use), use of second floor space for B1 office in the alternative, break through into proposed Grand Arcade scheme at ground, first and second floors. The present application seeks renewal of this unexpired planning permission, as the applicants wish to retain the option of implementing this previous scheme if necessary.

8.3 There is a concurrent application, reference 06/1080/FUL, for an alternative, larger, extension to the Lion Yard and for improved linkages to the Grand Arcade than are provided for under the existing permission referred to above.

8.4 Planning permission has been granted, under reference 06/0858/FUL, for extension and refurbishment of the library. These works included the replacement of the ground-floor entrance to the library with a new shop unit. This was a minor application that has been approved under delegated authority.

Principle of Development

8.5 Policy P9/10 of the Cambridgeshire and Peterborough Structure Plan (2003) states that there will be no further need or requirement for major Sub-Regional shopping provision in the Structure Plan period, other than approximately 30,000 square metres of shopping development within the central area of Cambridge which has been granted permission (Grand Arcade and Phase 3 of the Grafton Centre). This provision does not preclude redevelopment or reorganisation of existing shops to improve the overall attractiveness of the centre or cater for changing demand or

requirements of shoppers. Major Sub-Regional shopping provision is considered to be any proposal of more than 1,400 square metres convenience floorspace or in excess of 10,000 square metres of comparison shopping floorspace, or which together with other nearby development or proposals will exceed these thresholds. The proposed development would be within this limit, and is therefore in compliance with this policy.

Policy 6/5 of the Cambridge Local Plan 2006 states that, within the City Centre, planning permission will only be granted for retail proposals which seek to maintain and enhance the vitality and viability of the City Centre, and which are of an appropriate nature and scale. The proposed development is considered to be in compliance with this policy. There is no objection to the proposal in principle.

Context of site, design and external spaces

- 8.6 A substantial part of the proposed works are internal to the Lion Yard. However, the proposal includes a two-storey extension over the Heidelberg Gardens. The extension would occupy the majority of the Heidelberg Gardens area, but only the west elevation would be visible from beyond the site, through the gap between the nightclub building and the main Lion Yard building, where steps presently provide access up to the Heidelberg Gardens. The proposed extension would therefore have minimal impact on the appearance of the Conservation Area. The external materials of the proposed extension are considered to be compatible with those of the existing building, and therefore appropriate.

The impact on the Heidelberg Gardens

- 8.7 The existing planning permission, reference C/00/0903, grants consent for an extension to the north side of Lion Yard onto the Heidelberg Gardens to create additional retail floorspace. The approved plans show first-floor access from a terrace (of between 3 and 7 metres width) at the rear of the extended retail unit down to the level of the Heidelberg Gardens, via steps and a ramp. Apart from this relatively narrow rear terrace of the extended shop itself, all that would remain of the Heidelberg Gardens would be a narrow area of paving between the extension and the south wall of the neighbouring nightclub building: the total width, including the terrace, between the rear wall of the extension and the wall of the nightclub building, would be approximately 10 metres. At second-floor level, there was approved a terrace accessible from the rear of the new unit, with the front edge of this terrace being level with the back edge of the first-floor terrace. Only spiral escape stairs provide access to what would have remained of the Heidelberg Gardens from the second floor terrace. This existing permission thus grants permission for extension over the majority of the Heidelberg Gardens. In the report to committee for the earlier approved application, it was pointed out that public access to the Heidelberg Gardens was a contentious issue in the determination of a prior application of 1995. The 2001 permission (C/00/0903) imposes a condition requiring public access to Heidelberg Gardens from the first floor

mall, via the new retail unit between, to be unrestricted and available at all times during the trading hours of that unit, and the route to the Gardens from Lion Yard to be clearly marked.

- 8.8 In granting approval for the existing planning permission that the present application seeks to renew, the principle of building over the Heidelberg Gardens was accepted. It is considered that there have been no material changes in circumstances that would lead to a different conclusion with regard to the present application.
- 8.9 The proposal is considered to be compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P1/2 and P1/3, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Renewable energy and sustainability

- 8.10 Under policy 8/16 of the Cambridge Local Plan 2006, major development proposals above 1000 square metres are required to supply at least 10% of the total predicted energy requirements of the proposed use from on-site renewable energy sources. The proposal makes no provision for renewable energy sources. The use of a biomass facility, ground source heat pumps and wind turbines has been investigated by the applicants and dismissed as impracticable. The use of photovoltaic cells / solar panels has been discounted by the applicants because retail accommodation does not typically demand a high capacity hot water supply, the orientation of the proposed roofs and existing buildings would result in overshadowing which would reduce the effectiveness of the cells, and because of concerns about the visual impact of the structures. The applicants also state that the scheme as presently proposed is only just viable and that additional costs associated with providing renewable energy sources would render the proposal too costly to implement. Policy 8/16 recognises that, in certain circumstances, full compliance with the requirements of the policy will not be viable. It is recognised that the characteristics of the present building, and the constrained city centre location, may cause difficulties in the provision of renewable energy sources in relation to this proposed extension to an existing development. It may not, therefore, be appropriate to require full compliance with the policy in this instance. Nevertheless, it is considered that, if permission is granted, a condition should be attached requiring the applicants to provide a more comprehensive analysis of the potential for provision of renewable energy sources.

Disabled access

- 8.11 The existing level access to the Lion Yard from Fisher Square, St Andrew's Street, and the existing ramped access from Petty Cury are to be retained. Lift access from the ground floor to the upper floors is to be provided, and there is to be ramped access from the Grand Arcade to the library and shops in the Lion Yard at first floor level. It is considered that the requirements of disabled people have been adequately accommodated, and the proposed scheme is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

- 8.12 The proposed extension to the Lion Yard would not result in overshadowing, enclosing or overlooking of any existing residential property, the nearest of which is at Fishers House to the west, adjacent to the library. Construction works may, however, cause noise disturbance to the nearest residential properties, and there is potential for noise disturbance from air-conditioning plant, lift plant, and noise generated from the use of the proposed units. However, these potential causes of pollution can be controlled by the imposition of appropriate conditions.
- 8.13 Subject to the imposition of appropriate conditions, the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such is compliant with Cambridge Local Plan (2006) policies 3/4 and 4/13.

Refuse Arrangements

- 8.14 The applicants have indicated that refuse storage and collection for the proposed development would be accommodated under the existing arrangements for Lion Yard. This is considered satisfactory. The proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 The Highway Authority has raised no objection to the proposal on highway safety grounds. The proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P8/1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.16 For non-food retail developments, the parking standards require bicycle parking to be provided on the following basis: 1 space per 25 square metres gross floor area, up to 1500 square metres, and 1 space per 75 square metres thereafter. The proposal would result in the creation of 1561 square metres of additional retail floorspace. The proposal therefore generates a bicycle parking requirement of 61 spaces.
- 8.17 There are presently no bicycle parking spaces specifically associated with the Lion Yard. In connection with the concurrent application, reference 06/1080/FUL, the applicants have conducted a survey of bicycle parking provision in the vicinity of the Lion Yard, and a travel survey of staff currently working at the shopping centre. The applicants have also assessed the potential for the provision of additional bicycle parking facilities on the street, in the Lion Yard service area, and in the Heidelberg Gardens. The survey concludes that there is no potential for further on-street provision within the vicinity of the Lion Yard, and that provision in the service yard would be impractical. The provision of cycle parking facilities

in the Heidelberg Gardens is not possible under the scheme that the present application seeks to renew.

- 8.18 There is clearly very limited potential for the practical provision of additional bicycle parking facilities within the vicinity of Lion Yard. The parking standards indicate that flexibility will be applied to applications in the Historic Core Area where land constraints may make application of the standards difficult for change of use or refurbishment. It is also recognized that the proposed extension of retail floorspace is unlikely, in itself, to generate a significant increase in shopping trips over the number of trips that would be made to the existing Lion Yard Centre. Cycle parking was not considered to be an issue when permission was originally granted for this proposal; provision was made, under the terms of a Section 106 Agreement, for the payment of £70,000 in lieu of on-site car parking provision to be used by the Council towards measures to assist public transport walking or cycling for the City of Cambridge. Under the present Development Plan and Planning Obligation Strategy, there is no provision for commuted car parking or cycle parking payments to be levied.
- 8.19 Given the constraints of the site, and its city centre location in the Historic Core Area, it is considered that this is an example of a proposal where the exercise of flexibility in the application of the bicycle parking standards, as the standards allow for, is appropriate. In the circumstances, the proposal is considered to be in compliance with policy 8/6 of the Cambridge Local Plan 2006.
- 8.20 No car parking spaces are proposed, but again, given the circumstances of the site, this is considered to be in compliance with policy 8/10 of the Cambridge Local Plan 2006.

Third Party Representations

- 8.21 The issues raised in the representations received have been addressed in the above assessment.

Planning Obligation Strategy and Section 106 Agreement

- 8.22 The proposed development incurs the following contributions under the Planning Obligation Strategy:

- Southern Corridor Area Transport Plan
- Public Art
- Public Realm

These contributions will be secured by means of a Section 106 Agreement. The precise amount of these contributions is currently being finalised with the applicants. The figures will be reported on the amendment sheet, or reported orally at committee.

8.23 It is considered that a Travel for Work Plan should also form one of the Heads of Terms of the Section 106 Agreement. The Travel for Work Plan should cover the following:

- (i) appointment of a travel co-ordinator
- (ii) surveys of staff travel – every 12 months
- (iii) setting objectives, targets and timescales to change modal splits
- (iii) measures to promote and facilitate public transport use
- (iv) measures to reduce car use
- (v) management of car parking spaces to reduce single car users
- (vi) measures to promote and facilitate cycling
- (viii) provision of sustainable modes travel information to employees and visitors
- (ix) marketing of the travel plan
- (x) measures to promote and facilitate walking
- (xi) promotion of practices/ facilities that reduce the need for travel
- (xii) monitoring and reviewing mechanisms for targets

8.24 The proposed development seeks permission for use of floorspace for A1 retail and B1 office use in the alternative. To ensure that the proposal is in compliance with policy 7/2 of the Cambridge Local Plan 2006, regarding Selective Management of the Economy, it is considered that the use of the proposed B1 office space should be restricted to one providing an essential service for Cambridge as a local or Sub-regional centre. This restriction is to be one of the Heads of Terms of the Section 106 Agreement.

8.25 Subject to the completion of a Section 106 Agreement covering the above points, the proposed development is in compliance with the relevant Development Plan policies.

9.0 CONCLUSION

The proposal is acceptable in principle. The proposed development would not have a significant impact on the character or appearance of the Conservation Area, and the design of the two-storey extension is considered to be appropriate. With the imposition of appropriate conditions, the proposed development would have no significant impact on neighbouring residential properties. It is considered that the circumstances of the site justify flexible application of the bicycle parking standards, such that the shortfall in bicycle parking provision would not, in this instance, constitute a reason for refusal. Subject to the completion of a Section 106 Agreement, the proposal is considered to be acceptable.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1st July 2007, and subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been made available for inspection on site and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

4. Development shall not commence until details of the proposed ground surface materials are submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/11)

5. Development shall not commence until details of the proposed gate at the top of the steps to the Heidelberg Gardens area have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

6. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
- i) contractors access arrangements for vehicles, plant and personnel,
 - ii) contractors site storage area/compound,
 - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
 - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

7. Notwithstanding the details shown on the plans hereby approved, development shall not commence until details of the external fire escape stairs on the west side of the building, and details of the finished surface treatment of the stairs, have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the appearance of the external fire escape is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), a written report on the demolition / construction noise and vibration impact associated with this development, shall be submitted to, and approved in writing by, the local authority. The report shall be in accordance with the provisions of BS 5228 æ Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

9. In the event of the foundations for the proposed development requiring piling, the applicant shall provide the local authority with a method statement for approval, detailing the type of piling and the mitigation measures to be taken to protect local residents. Potential noise and vibration levels at the nearest noise-sensitive locations shall be predicted. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

10. Except with the prior agreement of the local planning authority in writing, there shall be no collections from, or deliveries to, the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Mondays-Saturdays inclusive, and there shall be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

11. Before development commences, details of dust suppression and wheel cleaning measures shall be submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the details agreed.

Reason: to protect the amenity of adjoining properties during the construction period. (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

12. Before development commences, details of any proposed construction site lighting shall be submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the details agreed.

Reason: to protect the amenity of adjoining properties during the construction period. (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

13. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

14. Any fume filtration/extraction system installed in pursuance of the condition relating to the installation of such equipment, shall be regularly maintained to ensure its continued satisfactory operation to the satisfaction of the Local Planning Authority. It is suggested that documentary evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, be kept, preferably at the premises and made available for inspection by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition. If any approved fume filtration / extraction system is to be subsequently altered, details shall be submitted to and approved in writing by the local planning authority before the alteration is made.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

15. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

16. Unless otherwise agreed in writing by the local planning authority, the retail premises and café hereby approved shall be open to the public only during the following hours: 0700 hrs to 23.00 hrs.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

17. There shall be no collections from, or deliveries to, or in association with, the retail and food units hereby approved outside the hours of 0700 hrs and 2300 hrs on Mondays to Saturdays inclusive and not at all on Sundays, Bank and public holidays.

18. The second floor accommodation covered by this permission may be occupied for uses in either Class A1 (retail) purposes or Class B1 (a and b) offices in the alternative (as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987). The retail use shall be implemented first and these alternative uses shall apply for a period of ten years duration from the date of this permission after which time the permitted use shall be that in occupation of that date, unless agreed otherwise in writing with the local planning authority.

Reason: To clarify the terms of this permission (Policy 7/2 of the Cambridge Local Plan 2006)

19. Public access to and from Heidelberg Gardens from the first floor mall via the retail unit in between shall be unrestricted and available at all times during the trading hours of that unit and the route to and from the doors out onto the Heidelberg Gardens shall be clearly marked from the Lion Yard. Prior to first occupation of that retail unit full details of the route across the retail unit, signing indicating the location of Heidelberg Gardens and floor design and measures to provide access for the disabled shall be submitted to and approved by the local planning authority and thereafter implemented in accordance with the approved details upon occupation of the unit. Variation of any details shall be approved by the local planning authority in advance.

Reason: To ensure that public access to Heidelberg Gardens is maintained (Policy 3/12 of the Cambridge Local Plan 2006)

20. Unless otherwise agreed in writing by the local planning authority, prior to the commencement of development, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

INFORMATIVE: The applicant should note that this planning permission does not grant consent for the external fire escape stairs on the west side of the existing building.

INFORMATIVE: The developer is advised to contact the following:

The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581 for advice regarding the removal and disposal of waste and adherence with Agency pollution prevention guidelines. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 1994 and the Special Waste Regulations 1996 (hazardous waste).

The Health & Safety Executive, 14 Cardiff Road, Luton, LU1 1PP: -Tel No: 01582 444200 concerning health and safety regulation requirements associated with the construction and operational phases. It is known that buildings that are part of the site contain asbestos, which will need to be removed in accordance with appropriate regulations.

INFORMATIVE: To satisfy the condition requiring the submission of a demolition / construction noise and vibration impact report, the following should be included in any report: details regarding the phasing of the demolition / construction, the demolition / construction activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements. This report could detail phase schemes as they progress. In relation to environmental construction noise impact, it is recommended that the developer use the standard the City Council requires in relation to noise levels when letting contracts, known as clause 109 Noise Control.

INFORMATIVE: With regard to issues associated with the operation of the A1 (retail) and A3 (food and drink) units, the applicant is advised to contact the following:

The Food and Occupational Safety Section, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare, Regulations/requirements and Food Premises Registration, Tel No: 01223 457900.

Christine Allison, Licensing Officer, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge Tel No: 01223 457899, for advice regarding the Licensing Act 2003 as any envisaged change in opening hours may also require a premises licence variation.

Alan Pilsworth, Fire Officer, Cambridgeshire Fire and Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF, Tel No: 01223 376224, for advice regarding fire precautions and means of escape.

Anglia Water, Tel No: 0800 145145 regarding the installation of a grease trap for the foul water of the proposed café. The foul water from the kitchen should be passed through fat/oil/grease interceptor facilities (prior to entering any shared private drain and/or the public sewer).

INFORMATIVE: To satisfy standard condition regarding fume filtration/extraction, it is recommended that an effective and appropriate odour/fume extract system be installed to ensure an odour nuisance is not caused to the occupiers of neighbouring premises. The system will need to deal with the two main phases of contaminants within cooking emissions: the particulate (grease, small food and smoke particles) and gaseous (odour vapour/volatile organic compounds). It is recommended that flue terminals do not impede the final discharge termination point.

INFORMATIVE: To satisfy the condition relating to noise insulation, the noise level from all plant and equipment etc, associated with this application that may operate collectively should not raise the existing background level (L90) by more than 3 dB(A) both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submit a noise prediction survey/report in accordance with the principles of BS4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas, or similar. Noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation.

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

INFORMATIVE: The City Council is keen to promote smoke free public places prior to the implementation of the Health Act 2006. If you are interested in your development being smoke free please telephone Ross Goodfellow, Environmental Health Officer, on 01223 457905 or email env.health@cambridge.gov.uk for further information and advice.

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/2, P1/3, P7/6, 98/1, P6/1, P8/2, P8/3, P9/8 and P9/9

Cambridge Local Plan 2006: 3/1, 3/4, 3/7, 3/11, 3/12, 3/14, 4/11, 4/13, 6/5, 8/2, 8/3, 8/6, 8/10, 8/16 and 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1st July 2007, it is recommended that the application be REFUSED for the following reason(s)

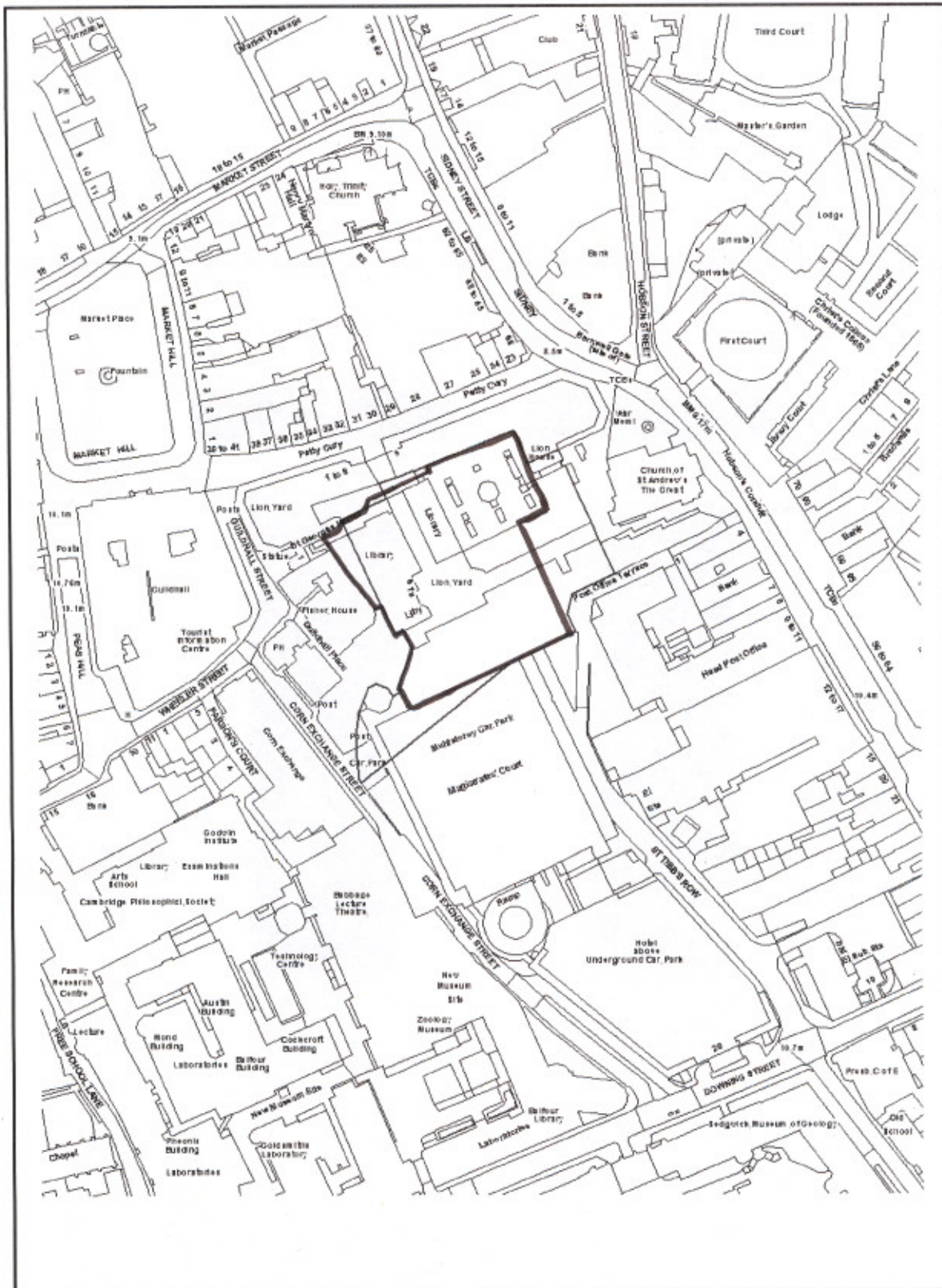
The proposed development does not make appropriate provision for transport mitigation measures, public art or improvements to the public realm in accordance with policies 3/7, 8/3, and 10/1 of the Cambridge Local Plan (2006), and policies P6/1, 98/2, P8/3, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan (2003), and as detailed in the Planning Obligation Strategy 2004, Southern Corridor Area Transport Plan 2002, and Provision of Public Art as Part of New Development Schemes 2002.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



06/0777/S73
Lion Yard St Tibbs Row Cambridge Cambridgeshire

Planning Committee

28 March 2007
9.30am to 12.20pm

Present: Councillors Baker (Chair), Blencowe, Dixon, Dryden, Durrant, Hymans, Reid, Slatter.

FOR THE INFORMATION OF THE COUNCIL

07/plan/11 Minutes

The minutes of the meeting held on 28 February 2007 were confirmed as a correct record.

07/plan/12 Apologies

Apologies were received from Councillor Hipkin.

07/plan/13 Declarations of Interest

Code of Conduct personal interest was declared as follows:

Councillor	Application
All Members	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As members of the City Council which has an interest in the development of the Lion Yard
Reid	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As a member of the Cambridge Cycling Campaign
Slatter	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As a member of the Cambridge Cycling Campaign
Durrant	TPO 24/2006 – Technopark Newmarket Road, Cambridge As an employee of a Charitable Trust which has received a donation from the applicant

A Code of Conduct personal and prejudicial interest was declared as follows.

Dixon	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As Chair of the City Centre Development Scrutiny Committee
-------	--

Councillor Dixon took no part in the discussion on the above applications and left the room while they were debated and determined. He did not vote on the applications.

07/plan/14 Planning Applications

The Planning applications were determined as shown in the appendix to these minutes.

CHAIR

**Planning Committee
28 March 2007**

Appendix

Full details of the decisions, conditions of permissions and reasons for refusal may be inspected in the Environment and Planning Department, including those which the committee delegated to the Head of Development Control to draw up.

These minutes and the appendix should be read in conjunction with the reports on applications to the committee, where the conditions to the approved applications or reasons for refusal are set out in full and with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown in the appendix.

4.1

Application No	06/0777/S73
Site	Lion Yard St Tibbs Row Cambridge
Proposal	Renewal of unimplemented planning permission, reference C/00/0903/FP, for extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 floorspace to A1 (retail use), use of second floorspace for B1 office use in the alternative, break through into proposed Grand Arcade scheme at ground, first and second floors, Lion Yard Centre, Cambridge.
Recommendation	Approve, subject to completion of a S106 agreement and conditions.
Applicant	Barclays Nominees (George Yard) Ltd Barclays Property Investment Ltd Charles House 5-11 Regent Street London SW1 4LR
Public Speaker(s)	Mr J Woodburn (Cambridge Cycling Campaign)
DECISION	Approved (by 6 votes to 0)

subject to the completion of the section 106 agreement by 1 October 2007 and to the conditions and informatives set out in the report and the following additional conditions:

- Except with the prior agreement of the local planning authority in writing, there shall be no collections from, or deliveries to, or in association with, the retail and food units hereby approved outside the hours of 0700 hrs and 2300 hrs on Mondays – Saturdays inclusive and not at all on Sundays, Bank and public holidays.

Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)

- Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the building [s] is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)

And the amendment to condition 5 to read as follows:

Development shall not commence until details of any proposed gate to the steps to the Heidelberg Gardens area have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

The recommended date by which the S106 Agreement must be completed is amended to the following:

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1st October 2007, and subject to the following conditions:

4) Amendment to the recommended content of the S106 Agreement: The Travel for Work

Plan is to be the subject of a condition, and not one of the heads of terms of the S106 Agreement. The precise wording of the condition is to be reported orally at committee. And further additional conditions to address cycle parking and the need for a travel to work plan

Refusal of application unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1 October 2007, it is recommended that the application be **refused** for the reason set out in the report.

4.2

Application No	06/1080/REM
Site	Lion Yard St Tibbs Row Cambridge
Proposal	Extension to Lion Yard shopping centre to provide further retail floorspace, the closure of the existing access to the centre from Fisher Square, relocation of the public conveniences and associated works.
Recommendation	Approve, subject to completion of a S106 agreement and conditions.
Applicant	Barclays Nominees Ltd C/o Drivers Jonas 85 King William Street London EC4N 7BL
Public Speaker(s)	Mr J Woodburn (Cambridge Cycling Campaign)
Debate	During debate of the application members raised possible reasons which might lead them to vote against the officer recommendation. These included the application's failure to meet a number of requirements under the Structure Plan and the Local Plan and Guidance on Design and provisions within the Planning Obligation Strategy 2004 and the Southern Corridor Area Transport Plan 2002.

DECISION **Refused against officer recommendation** (by 4 votes to 3)

The reasons for refusal to be drafted by Head of Development Control and agreed by the Chair and Spokesperson based on discussion during the meeting on the grounds of lack of permeability of the proposed design and the failure to meet the requirement to provide conditions for creating successful places.

In the event that an appeal is lodged against the decision to refuse this application, the Head of Development Control is authorised to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy.

Following the meeting, the reasons subsequently drafted by Head of Development Control and agreed by the Chair and Spokesperson were as follows:

1. The proposed development is unacceptable in that it requires the closure of the existing access to the Lion Yard from Fisher Square. Notwithstanding the proposed provision of an alternative, narrower and less legible access to the immediately adjacent, still currently under construction, Grand Arcade shopping development which would in turn allow a longer, less transparent route to Lion Yard from Fisher Square, the closure of the existing access is seen as limiting and making much less satisfactory the potential for pedestrian movement through the site and across the City Centre, particularly from Kings Parade and the Market to St Andrew's Street and the bus station. Given this, the proposal is not considered to have demonstrated that it has been designed to provide a high quality, attractive and accessible living environment, that it has adopted a comprehensive design approach which achieves good interrelations between buildings, routes and spaces, or that it makes a contribution to the improvement of the public realm close to the development.

For these reasons the proposal is contrary to policy P1/3 of the Cambridgeshire Structure Plan 2003 and policies 3/7 and 8/5 of the Cambridge Local Plan (2006) and guidance

relating to design in Planning Policy Statement 1 – Delivering Sustainable Development 2005.

2. The proposed development does not make appropriate provision for Area Transport Contributions, public art, or public realm contributions in accordance with the following policies, standards and proposals: policies 8/3 and 10/1 of the Cambridge Local Plan 2006; policies P6/1, P8/2, P8/3, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and the Southern Corridor Area Transport Plan 2002.

5.1

Tree Preservation Order No 1/2007
Site Brookfields Mill Road
Objection An objection to Tree Preservation Order No 1/2007 Brookfields Hospital, Mill Road) served on 22 January 2007.
Recommendation To confirm the Tree Preservation Order with modifications.
Applicant Cambridgeshire PCT
Public Speaker(s) -
DECISION **To confirm**, with modifications, the Tree Preservation Order (by 8 votes to 0).

5.2

Tree Preservation Order No 20/2006
Site Netherhall Lower School
Objection An objection to the Tree Preservation Order as set out in the report.
Recommendation To confirm the Tree Preservation Order.
Objector Cambridgeshire County Council (Property and Estates)
Public Speaker(s) -
DECISION **To confirm** the Tree Preservation Order (by 7 votes to 0).

5.3

Tree Preservation Order No 24/2006
Site Technopark, Newmarket Road
Objection An objection to the Tree Preservation Order as set out in the report.
Recommendation To confirm the Tree Preservation Order.
Objector Unex Holdings Ltd.
Public Speaker(s) -
DECISION **To confirm** the Tree Preservation Order (by 7 votes to 0).



To: **Cllr. Rod Cantrill, Executive Councillor – Customer Services & Resources**
Report by: **Head of Property & Building Services**
Relevant scrutiny committee: **STRATEGY & RESOURCES SCRUTINY COMMITTEE** 1/9/08

LION YARD DEVELOPMENT PROPOSALS

Key Decision - YES

NOT FOR PUBLICATION: The report relates to an item during which the public is likely to be excluded from the meeting by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

1. Executive summary

The Executive Councillor at the City Centre Development Scrutiny Committee on 26th September 2007 approved the Phase 1 works to the Lion Yard Shopping Centre. These works included:

- The creation of a large retail unit on Heidelberg Gardens.
- The creation of new retail space in the ground floor former library entrance.
- Bringing forward the frontages of the former library entrance and the adjoining retail units, 27 and 27a to the same line as other units along Petty Cury Mall.

The head lessee has subsequently requested the Council's consent for further development involving:

- Creation of 3 new retail units fronting the western side of the link through to Grand Arcade, replacing the single large unit currently fronting Lion Yard Square.
- The closure of the existing link between Fisher Square and Lion Yard Square to create a new retail unit as described above.
- Alterations to the toilets, which will be accessed from Fisher Square. Access from the Lion Yard and Grand Arcade Shopping Centres would then be via the new Grand Arcade entrance beside "Carluccios" restaurant.

This will create additional income for the Council but will require a contribution to the capital cost. This is intended to safeguard, and then enhance, rental income in the face of competition from the new retail developments in Grand Arcade and Bradwells Court.

2. Recommendations

2.1 The Executive Councillor is recommended to: -

- a) Approve the Council granting its consent, as landlord, to the proposals of Barclays Nominees (George Yard) Limited to create new and altered retail space as detailed in Paragraph 3.5.

- b) Authorise the principle of making a capital contribution to Barclays Nominees (George Yard) Limited proposals to safeguard the Council's 25% share of the rental income from Lion Yard, subject to agreement over the phasing of payments and the detailed design of the toilets.
- c) Recommend for approval by Council:
 - the revised capital scheme SC221b, for Phase 1+, with an increase in funding of £299,250; and
 - the new scheme 221c, for Phase 2, with the provision of £457,668 of funding towards the costs associated with this phase.

The additional funding for both phases to be provided from the sum of £1,307,907 received by the Council under the Local Authority Business Growth Incentive (LABGI) scheme in respect of 2007.

3. Background

3.1 The Council is the freehold owner of Lion Yard Shopping Centre, subject to a head lease to Barclays Nominees (George Yard) Limited. The Council receives a geared ground rent for the Centre based on the net rent received by the head lessee. Any development of the Centre requires the Council's approval as landlord and also a contribution towards the cost of the development.

3.2 This is a supplementary report to those considered previously in July 2006 and September 2007 concerning proposals by Goodman Property Investors, on behalf of their client, Barclays Nominees (George Yard) Limited, to further develop Lion Yard. Their strategy is to better integrate Lion Yard with Grand Arcade by improving the link between the shopping centres and achieve better alignment of the existing Malls.

3.3 The retail attraction of Lion Yard will be improved with a key anchor store and by creating more retail units (part of the phase 1 works already approved). The rental benefit should be that the proximity, and link with, Grand Arcade will increase demand, and rental levels, for those units close to the entrance; which should be practically indistinguishable between the two shopping centres.

3.4 Barclays Nominees (George Yard) Limited has consent for Phase 1 but would like to include further works, which they consider would be beneficial to undertake at the same time. The works would also improve the entrance into the Grand Arcade sooner and allow for greater benefit to be derived earlier on the back of the current interest in Grand Arcade. The current link with Grand Arcade is sub-optimal from Lion Yard's perspective and thus requires further investment. The timing should coincide with most of the units in Grand Arcade being occupied and so it is likely that there will be interest and demand for new units.

3.5 The head lessee has requested the Council's consent for further development, including bringing forward some aspects previously in their Phase 2 proposals, involving:

- Creation of 3 new retail units (SU-A, SU-A-2 and SU-B), fronting the western side of the link through to Grand Arcade, replacing the single large unit currently fronting Lion Yard Square.
- The closure of the existing entrance to Fisher Square from Lion Yard Square to create a new retail unit (SU-B) as above.
- Alterations to the toilets and their entrance to be accessed from Fisher Square.

3.6 The proposed changes are shown on the plan at Appendix A. Access between Lion Yard and Fisher Square would be via the new Grand Arcade entrance beside “Carluccios” restaurant. The changes are in keeping with the overall Lion Yard strategy presented in the previous reports.

3.7 At present a significant proportion of Lion Yard income is generated from the prime retail units on Petty Cury but rental prospects are expected to plateau now that Grand Arcade is open. Stagnation in income growth along Petty Cury would not be offset wholly by potential rental income gains on the internal malls alone. There will be a larger number of modern retail units available in the City Centre with the potential for a higher level of tenant turnover leading to longer voids. 12 existing leases in Lion Yard expire by the end of 2009 and a further 23 rent reviews are outstanding or pending by the end of 2009.

3.8 The historic centre’s retail landscape is set to shift as both retailers and shoppers change their perceptions of the orientation of the City’s retail core. New retail accommodation will establish new prime retail pitches between Petty Cury and the new John Lewis store through Grand Arcade/ Lion Yard and along St Andrews Street to the rebuilt Bradwells Court. Lion Yard will be affected by these changes and as commercial investors, both the City Council and Goodman Property Investors’ client, Barclays, need to respond or risk seeing the existing Lion Yard centre stagnate.

3.9 Members have previously stated the importance of provision of and suitable location of public toilets in Lion Yard when discussing Phases 1 and 2 of the head lessee’s proposals. The consent requested at this stage relates to alterations to the toilets in their existing location and not to the relocation. Barclays Nominees (George Yard) Limited proposals for Phase 2 are not due to commence until 2011 and Officers will commence negotiations with them prior to that to consider what may be acceptable. This will be subject to a report at a later date.

3.10 The proposed start date for each phase is as follows:

- Late 2008 - Phase 1. A new large retail unit at first floor level on Heidelberg Gardens
- Mid 2009 - Phase 1+. Alterations to the former library entrance, adjoining retail units and the toilets. This includes some aspects that were previously in Phases 1 and 2.
- 2011 - Phase 2. Alterations to the ground floor and first floor levels to create additional retail space on the corner of Church Walk and Grand Arcade Malls, possibly including the toilet relocation.

3.11 Planning consent has been obtained for the proposed works.

4. Implications

Financial

- 4.1 In terms of the Council's financial contribution to the cost of the works, the lease provides for such works to be funded either by the Council contributing 25% of the cost or the developer funding and charging the Council a 10% "prior charge" on income in perpetuity. The latter would result in a significant reduction in income until such time as rental values significantly increased. As the charge is in perpetuity, it reflects a poor return for the Council, which effectively foregoes an amount of income forever. The Council has more recently opted to make capital contributions based on 25% of the cost of the scheme so that future rental income was protected and enhanced.
- 4.2 It is proposed that the Council takes the same approach with the current works so that it bears 25% of the costs of the scheme. The scheme is estimated to cost £2,565,000 and the Council's share of this would amount to £641,250. Funding of £342,000 has already been approved as a contribution to the Council's costs associated with the proposed Phase 2 (Capital scheme SC221b).
- 4.3 It is recommended that Scheme SC221b be renamed as Phase 1+, and that an additional £299,250 of funding is provided from the sum of £1,307,907 received by the Council under the Local Authority Business Growth Incentive (LABGI) scheme in respect of 2007. This approach has been reflected in the Medium Term Strategy (MTS), which is reported separately on this agenda.
- 4.4 The estimated additional income due to the Council would be in the region of £55,000 to £61,000 per annum, giving a return between 8.5% and 9.5% which is an acceptable return. A sum of £55,000 has been assumed, at this stage, in the projections contained in the MTS.
- 4.5 The MTS will also be recommending that the remainder of the unapplied LABGI funding received during 2007/08 be used to create a further Capital scheme in anticipation of the final Phase 2 proposals (SC221c). This will result in a contribution of £457,668 being put in place towards the Council's final share of the costs of this proposed phase.
- 4.6 The current proposals are in keeping with the original proposals as outlined in the previous two Committee reports. The Council previously appointed CB Richard Ellis as consultants to assess and analyse the development proposals. In their report in September 2007, they advised that the reasoning and financial assessment for undertaking all of the development proposals were sound and represented the best solution to protect the Council's asset in the long term. They also advised that the best rate of return would be from Phases 1 and 2 together as the costs of phase 1 in isolation were comparatively high due to the development at first floor level. The rate of return would improve when Phase 2 started as most elements were reconfiguring existing space at ground floor level with higher rental.

Legal

- 4.7 The head lease between the Council and Barclays Nominees (George Yard) Limited requires that they obtain the Council's consent before carrying out major works but such consent may not be unreasonably withheld. Given the use as a

shopping centre, it is unlikely that the Council could reasonably refuse consent for improvements that provide additional retail space and income. However, the Council leases the toilets back from the head lessee and it may be possible to prevent alterations to the toilets without the Council's agreement under this lease if it so desired.

Equal Opportunities

4.8 The proposed changes are not considered to have any significant equal opportunity issues. The access to the toilets from Lion Yard will be via the Grand Arcade entrance and so travel distance from Lion Yard Square will be slightly longer but shorter from Grand Arcade and visitors to the Library and Magistrates Courts.

Procurement

4.9 There are no procurement issues as the works are dealt with by the head lessee under the terms of the head lease and so would be procured by them. As a relatively minor interest, it is considered that the Council does not have to insist on Barclays Nominees (George Yard) Limited applying the full European procurement rules. The Council will however, insist that there is a transparent procurement process.

Environmental and Community Safety

4.7 There are not considered to be any significant environmental or community safety issues related to this report. The reduction in the number of entrances into the shopping centre may be beneficial in terms of crime and CCTV monitoring.

5.0 Background papers

Development asset strategy for Lion Yard Cambridge – Arlington Property Investors – April 2006

Lion Yard Refurbishment Report CB Richard Ellis – June 2006

Lion Yard Development Proposals Agenda, Minutes and Decisions - City Centre Development Scrutiny Committee – 19th July 2006 and 26th September 2007

6.0 Appendices

6.1 Appendix 1 – Plan of Proposed Development Works

7.0 Inspection of papers

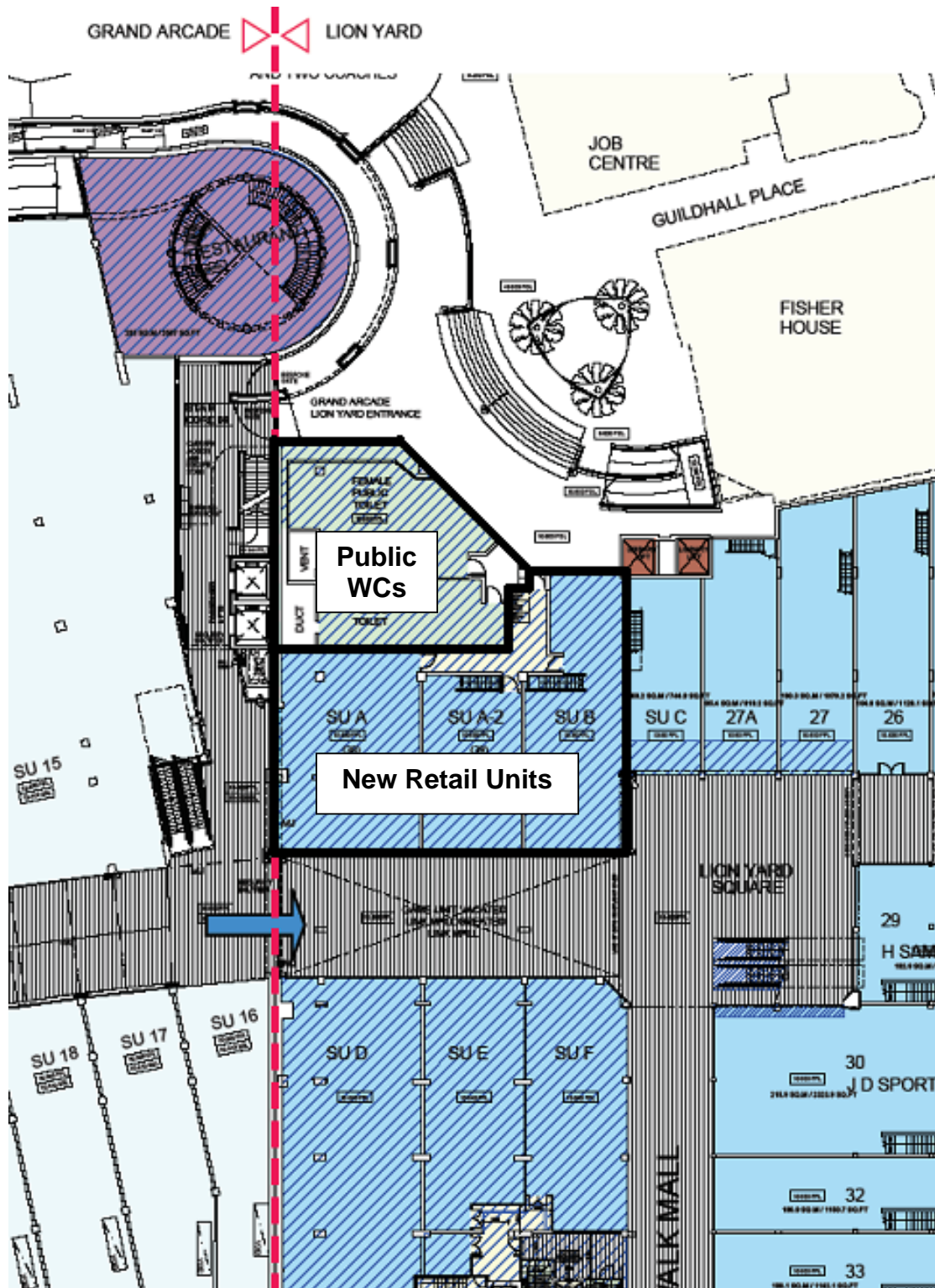
If you have a query on the report please contact:

Author's Name: Dave Prinsep
Author's Phone Number: 01223 - 457431
Author's Email: dave.prinsep@cambridge.gov.uk

Report Page No: 5

Appendix 1

Plan of Proposed Development Works



CAMBRIDGE CITY COUNCIL

Record of Executive Decision

Lion Yard Projects

Decision of:	Executive Councillor for Customer Services and Resources, Rod Cantrill		
Reference:	08/S&R/32		
Date of decision:	1 September 2008	Recorded on:	2 September 2008
Decision Type:	Key		
Matter for Decision:	The City Centre Development Scrutiny Committee considered the future development of the Lion Yard Shopping Centre in 2006 and 2007 when the head lessee outlined the strategy for the Centre in light of changes to the retail environment in Cambridge. Consent was given for the Phase 1 proposals and further consent has been requested to bring forward some aspects of Phase 2 ahead of the original time scales. The report outlines the proposals and the issues around them.		
Why the decision had to be made (and any alternative options):	The head lessee has requested the Council's consent for further development, including bringing forward some aspects previously in their Phase 2 proposals.		
The Executive Councillor's decision(s):	Agreed: To recommend to Council the granting of consent for the additional works and to the proposed financing of the Council's share of the costs		
Reasons for the decision:	As set out in the Officers' Report		
Scrutiny consideration:	The Scrutiny Committee considered and approved the recommendations by 4 votes to 0		
Report:	New Agenda item 16 of Agenda A 1 September 2008		

Conflicts of interest:

No conflicts of interest were declared by the Executive Councillor for Customer Services and Resources.

Comments:

None

Present: Councillors Bick, Blackhurst, Dryden, Herbert, Howell, Shah, Taylor (Chair) and Ward

Also Present:

Councillor Ian Nimmo-Smith, The Leader
Executive Councillor for Customer Services and Resources, Rod Cantrill

For the Information of the Council

08/SR/41 Change to Committee Membership

The committee noted the change in membership as Councillor Dryden replaced Councillor Bradnack as Labour spokesperson for Customer Services and Resources. The Chair thanked Councillor Bradnack in his absence for his contribution to the Committee over many years.

08/SR/42 Minutes

The minutes of meetings on 19 November 2007 and 14 April 2008 were agreed as correct records and signed by the Chair. Minutes of the 22 May 2008 would be brought to the next meeting.

08/SR/43 Apologies

Apologies were noted from Cllr Ellis-Miller and Cllr Blair (Alternate).

08/SR/44 Declarations of Interest

Councillor Ward declared an interest in item 08/SR/55 as a Conservator of the River Cam

08/SR/45 Public Questions

Mr Richard Taylor, asked a question relating to item 08/SR/50 The question was taken with the item.

08/SR/46 Cambridge Climate Change Strategy & Action Plan

The Climate Change Officer introduced the item and detailed the consultation process. The Officer summarized the key elements of the action plan:

revision to the carbon footprint target, a clarification of the assessment process, an increase in the action points from 83 to 92 and an increased reference to national action targets. Cllr. Herbert asked what additional paperwork was available for members to inspect. Cllr Blackhurst pointed out that all councillors would be debating the issue at Full Council and would need to see the document. The Climate Change Officer would arrange for the Action Plan to be placed on the Council website.

Union involvement with the action plan was discussed. The unions were reported to be supportive of environmental staff activity. The engagement of respondents to the consultation exercise was being maintained through regular Newsletters. Cllr Howell suggested that the private sector and the individual could be asked to do more. He also questioned the amount of resources this issue was consuming and said more attention should be paid to the cost benefit analysis.

The Officer responded that this point was raised during the consultation exercise and has been addressed in section 8 of the amended strategy. For example, the Climate Change Fund focused on projects with a costing of £100 per ton of CO2 over the lifetime of the project and with a financial payback of under 5 years. The action plan was a framework for making future decisions over the next 5 years.

The Leader agreed that the document should be on the web-site as soon as possible. He stated that the Council was aware of National and International action and that, as a leader in the local community, the City Council had a role to play. Partnership working will be encouraged to avoid duplicating work done by others.

The Committee supported the recommendations set out in the officers' report by votes 5 to 0

The Leader approved the recommendations

08/SR/47 Annual Equalities Review

The Head of Strategy and Partnerships introduced the report. He stated that good progress had been made and services were now fully engaged with the equalities philosophy. Further legislation was expected in the autumn with the six diversity strands merging to become a part of the cohesive communities agenda. The Officer suggested this was a time of change both within the Council and externally. Some services were under review and the picture on resources for the future was currently unclear.

Cllr Bick expressed concern that the debate was becoming polarized with the drive to create bonds across communities devaluing diversity and multiculturalism. Cllr Herbert responded by stating that the two dimensions did not exclude each other. He suggested that community cohesion was a major focus in several parts of Britain but is not evident as the main issue in Cambridge. Debate followed on merits of an overarching strategy which might be seeking to do too much as opposed to a more targeted approach, focusing on known problem areas.

Access to Council buildings, staff behaviour and recruiting BME groups to senior post were highlighted as problems. The Head of Property and Building Services outlined the improvements to access that had been made to date and said that further improvements were in the pipeline, such as improved access to the Guildhall and the Council Chamber.

The Head of Human Resources stated that BME figures were improving and a number of policies had been revised to improve and monitor staff behaviour and attitudes. These included, Dignity at Work and the Grievance Policy. She suggested that further work was planned around the problems faced by those with a disability in the workplace. The Executive Councillor for Customer Services and Resources stated that the Council took a proactive approach to improving access.

Cllr Herbert was concerned that there was limited opportunity for scrutiny of this issue and the wider issues within the community as the report responded to legislation rather than current strengths and weaknesses.

The Chair asserted that diversity should be a central feature of all debates. The Leader stated that the report supported and celebrated diversity while not seeking to impose a national approach that may not be appropriate for Cambridge. He supported Cllr Bick's comments and suggested that there was potential for community groups to drift apart. BME groups were themselves aware of the risks to their young people and were working to address the issues. Members could also request to scrutinize specific issues of the equalities agenda

The Leader thanked Sigrid Fisher, the Equalities Strategy Officer, for her valuable contribution over the last five years that had resulted in considerable progress for the City Council in this area.

The Safer Communities Section Manager highlighted the good work that had been done in engaging sensitive groups through joint working and surgeries. The Chair said that courses on Islam were available to members and some have already taken this up. There was on-going consultation with Muslim groups who want to build a Mosque in the Mill Road area.

The Committee supported the recommendations set out in the officers' report by 5 votes to 0

The Leader approved the recommendations

08/SR/48 Medium Term Strategy 2008/09 to 2012/13

The Director of Finance introduced the report and outlined the financial challenges ahead. Service reviews were on-going to reduce costs.

The vastly above predicted spend on free bus travel for older people and the impact this was having on other budgets was discussed. Negotiating with Stagecoach to reduce the figure was needed urgently. Lobbying central government, in conjunction with other local authorities, to introduce a fairer system for apportioning costs was also a priority.

The Director of Finance referred members to the amendment which had been tabled. A subsequent revision of this document had inserted the figure £36,000 into the project appraisal for electrical re-wiring at the Mill Road Depot.

Cllr Howell questioned the scrutiny of this document. He suggested that the Council Tax figure was set at just below a level which would result in capping and budgets structured to fit that figure. The Director of Finance responded that scrutiny happened at this Committee and then again at Council. The Council Tax level was set to achieve the Medium Term objective of the next three years and was not set at the maximum allowed.

Cllr Howell also questioned the carry forwards which he viewed as very large and in some case inexplicable. The Director of Finance would ask the Head of Environmental Services to contact Cllr Howell to explain some specific carry forwards such as food safety.

Cllr Herbert stated that the scrutiny process lack clarity. Council tax payers would be asking why the increase is consistently 4.5%. Efficiency savings needed to be revisited along with a detailed examination of budgets and carry forwards.

The Committee supported the recommendations set out in the Officers' report by 5 votes to 1

The Leader approved the recommendations

08/SR/49 Public Question

Mr Taylor was pleased to see the RIPA report on the agenda. He questioned the deployment of two cameras on Jesus Green in April of this year to monitor the behaviour of independent punt operators. He asked why this deployment of the cameras had not been included in the review of covert CCTV usage before the committee today. He suggested that the Council had not used its redeployable CCTV system as this would have required authorisation under the Regulation of Investigatory Powers Act (RIPA). Instead officers used equipment borrowed from another department, deployed through holes drilled in the bowling pavilion and covered them with wire mesh.

Mr Taylor asked the Committee to note that RIPA authorisation had been requested on a previous occasion to use the overt camera system to count beggars.

Mr Taylor called on the Leader to:

- Note the omission of this event from the report.
- To monitor refusals of authorisation under RIPA
- To ensure that individual officers do not exceed their authority by claiming they did not think RIPA applied.
- To ensure a consistent approach is taken across departments

Mr Taylor expressed concerns that members might not have all the information they needed to monitor RIPA and to ensure that it was being applied proportionately and was firmly under democratic control.

The Leader responded that this item was on the agenda at his request following a letter from Sir Simon Milton's Chair of the Local Government Association. He stated that Mr Taylor was not entirely accurate in his interpretation of the Jesus Green situation. On that occasion the cameras were not used to survey individuals but to observe City Council property (the River frontage) to monitor unlawful activities. This was not intrusive as defined by the Act and was considered reasonable.

The Leader agreed that the Council might need to look at cases where RIPA was not needed. It was difficult to comment on situations where requests had been turned down by senior officers.

The Head of Legal Services suggested that RIPA authorisation was not needed as the CCTV use was not covert and the use of cameras in the area

was well advertised. However, if members wanted more information on the use of CCTV this could be produced.

Mr Taylor responded by saying he felt the Leader's reply was inconsistent. On the one hand he accepted that the cameras had been used to monitor the behaviour of individuals but on the other that they had been used to protect Council property.

08/SR/50 Review of the Council's use of powers under the Regulation of Investigatory Powers Act

The Head of Legal Services stated that the Council took privacy issues seriously. The report was intended to clarify how the powers may be used.

Cllr Herbert responding to Mr Taylor's point on counting beggars expressed the opinion that the use of cameras to watch unauthorized use of Jesus Green was not in itself covert action.

The committee agreed that a robust process needed to be in place for reviewing requests for RIPA authorisation. When RIPA was introduced the Council had not wanted the powers. The use of CCTV fell into three broad categories namely, routine, RIPA and grey in-between areas.

The Leader suggested a more in depth report was needed. However, he did not think reporting all refusals of RIPA would be helpful. The current processes were rigorous and Officers able to authorise under RIPA had been well trained to determine what was appropriate and proportional. RIPA uses could be challenged legally and were subject to inspection by the Office of Surveillance Commissioner.

Debate followed on the merit of increasing the number of officers enabled to sign off RIPA requests from the current 4 to 7. The Leader was happy to leave this decision to the Chief Executive.

Cllr Herbert expressed concern that the council's use of RIPA powers were increasing but was reassured by the restraint shown in the use of those powers. He asked for clear leadership to avoid any abuse of power and suggested the use of cameras to count beggars was questionable. He further questioned why the current approach had not picked up the Jesus Green deployment.

The Leader called for a more in depth report on this issue to be brought to Committee in November or, if time pressure made this impossible, by February at the latest.

The Committee supported the recommendations set out in the officers' report by 6 votes to 0

The Leader approved the recommendations

08/SR/51 Cambridgeshire Constabulary Application for renewal of a Dispersal Order Under s.30 of the Anti-Social Behaviour Act 2003 covering Mill Road, Parker's Piece, Christ's Pieces and Riverside Locality of Cambridge City.

This item was brought to the committee for noting. Following a meeting with the Police it was agreed that the Order had been successful and the anti-social behaviour in the area had reduced significantly. The geographical area covered by the order had therefore been reduced. The focus of services away from Mill House had also contributed to an improved situation in the area. The Safer Communities Section Manager reminded the Committee that the Police could redefine the area covered by the Order at a later date if needed. The police now have new powers under Section 27 of the Violent Crime Reduction Act 2006 that are more specifically targeted at individuals.

Problems of displacement of the problem to other areas was discussed.

The Committee noted the report

08/SR/52 Report for The Supply of Fuel for All Fleet Vehicles and Plant

The Director of City Services introduced the report. Cllr Herbert asked for clarification on reduction targets. There were targets for reductions and these would be achieved using three initiatives: digital tracking of individual vehicles to monitor usage and improve route choices, speed limiters and fuel additives.

Cllr Bick questioned the figures that appeared to show usage increasing. The Officer undertook to investigate this.

Cllr Herbert questioned the need for a five year contract and asked what the advantages would be. The new contract would supply fuel at a discount with prices tracking the market. Spot purchase of fuel was also possible as the Council was not tied to the contract.

The Committee supported the recommendation set out in the Officers' report by 6 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/53 Appointments to Outside Bodies

Cllr Herbert questioned the principle behind the Council appointing to Cambridge United Charities.

The Executive Councillor for Customer Services and Resources responded that the relationship went back many years and was both complex and sensitive. The matter needed to be resolved. However, the current method of appointing, while not ideal, offered an interim solution.

The Committee supported the recommendation set out in the Officers' report by 4 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/54 Framework Contracts for the provision of external Legal Services

The Head of Legal Services introduced the report that sought to put the procurement of external legal services into a proper framework. On the advice of consultants, five firms would be appointed in each of the main legal areas of work relevant to the Council. The Executive Councillor for Customer Services and Resources confirmed that this would allow purchasing power to be applied to achieve the best price.

The Committee supported the recommendation set out in the Officers' report by 5 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/55 Decisions by Executive Councillors

Cllr Herbert asked for discussion of the out of cycle decision taken on the Quayside Steps. He was concerned that an urgent decision had been

deemed necessary, on health and safety grounds, when to date, no action has been taken. The Head of Legal Services responded that the Council believed it was the owner of the Quayside. However, Cam Conservators would not allow gates to be installed until proof of ownership was provided through the Land Registry. An application had been lodged with the Land Registry but this was likely to be a lengthy process. Therefore, the health and safety issue remained unresolved.

08/SR/56 Exclusion of Public: Appendix 1 to Agenda Item 15 and Items 16, 17 and 18

Resolved -

To enable the Committee to discuss Appendix 1 to report 15 and the reports numbered 16,17 and 18, the public was excluded from the meeting by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

08/SR/57 Guildhall Projects

The Director of Finance reminded the Committee that the Medium Term Strategy was based on an assumption that the recommendations would be approved.

The Head of Property and Building Services, introduced the report and outlined options one and two.

The Executive Councillor for Customer Services and Resources explained the philosophy behind the project; to increase the utility and to increase a source of revenue from the Guildhall outside central government.

Cllr Herbert asked why the project had taken so long to reach this point. It was noted that staff changes had caused the delays. However, there was now a Project Manager in post.

Jamie Oliver's proposal was agreed to be the most financially sound option as it was felt his brand could withstand the credit crunch.

Cllr Herbert asked if the brief for the proposed Coffee shop could include the provision of an alcohol-free evening venue for young people. Officers undertook to include this for consideration.

The Committee supported the recommendations set out in the Officers' report by 6 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/58 Lion Yard Project

The Committee supported the recommendations set out in the Officers' report by 4 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/59 General Debts – Bad Debts for Write Off

The Committee supported the recommendations set out in the Officers' report by 4 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

08/SR/60 NNDR-Benefits Irrecoverable Debts To Be Written-Off

The Committee supported the recommendations set out in the Officers' report by 4 votes to 0

The Executive Councillor for Customer Services and Resources approved the recommendations.

The Meeting closed at 8.25pm

CHAIR



To: **Cllr. Neil McGovern, Executive Councillor – Customer Services & Resources**
Report by: **Philip Taylor – Senior Estates Surveyor (Interim)**
Relevant scrutiny committee: **STRATEGY & RESOURCES SCRUTINY COMMITTEE** 17/01/2011

LION YARD DEVELOPMENT PROPOSALS

Key Decision – YES

1. Executive Summary

1.1 The Executive Councillor at the Strategy and Resources Scrutiny Committee on 1st September 2008 approved works proposed by Barclays Nominees (George Yard) Limited (the head lessee) at the Lion Yard Shopping Centre. These works included:

- The closure of the existing link between Fisher Square and Lion Yard Square to create a new retail unit.
- Alterations to the public toilets, with access from Fisher Square.

1.2 The head lessee has now requested consent from the Council, in its capacity as Superior Landlord, to the following:-

- Relocate the public toilets to the Church Walk mall at first floor level of the Lion Yard Shopping Centre, to be operated by the head lessee at their cost.
- Closure of the current Fisher Square public toilets and their incorporation into lettable retail floor space within the Centre.

2. Recommendations

2.1 The Executive Councillor is recommended to: -

- a) Approve the Council granting its consent, as landlord, to Barclays Nominees (George Yard) Limited to relocate and operate the toilets as per the plans and specification detailed in paragraph 3.8 and Appendices 1 & 2.

3. Background

3.1 The Council is the freehold owner and therefore Superior Landlord of Lion Yard Shopping Centre, subject to a head lease to Barclays Nominees (George Yard) Limited. The Council receives a geared ground rent for the Centre based on 25% of the net rent received by the head lessee. Any development of the Centre requires the Council's approval as landlord.

3.2 Proposed improvements to the Shopping Centre were considered and approved by the Council acting as Superior Landlord, in July 2006, September 2007 and September 2008. The head lessee's strategy was to better integrate Lion Yard with Grand Arcade by improving the link between the shopping centres by better alignment of the existing Malls and to maximise the retail floor space.

- 3.3A planning application was submitted by Barclays Nominees (George Yard) in 2007 to redevelop the centre and was granted approval on appeal, after the City Council's planning Committee refused it. The consent covers the 'masterplan' scheme, including the conversion of the existing public toilets, re-location and re-provision of the toilets to the first floor as well as reconfiguration of the HMV store, closure of Fisher Square and re-development of Heidelberg Gardens. The proposed location of the toilets at first floor level has since been revised. Phase 1 is complete and Phases 1+ & 2 remain outstanding. Superior Landlord's consent has been granted to the re-development with the exception of the public toilet closure and re-provision at first floor level.
- 3.4 The Council currently operates The Lion Yard public toilets. Although the Council owns the freehold of the Shopping Centre, the public toilet area is included in the lease to Barclays Nominees (George Yard) Limited and then leased back to the Council. Under the proposals the Council would be asked to surrender its underlease of the public toilets.
- 3.5 The Council acting as Superior Landlord approved (through the Strategy & Resources Scrutiny Committee on 1st September 2008) the closure of the existing entrance to Fisher Square from Lion Yard Square to create a new retail unit. It also approved alterations to the toilets to enable their entrance to be accessed from Fisher Square.
- 3.6 The head lessee has now asked that the Council approve the relocation of the toilets rather than altering them and that the head lessee manages and operates the toilets in the future. This would allow for the public toilets to be developed as lettable retail floor space with associated increased revenues and remove the Council's ongoing operating costs.
- 3.7 The Council entered into a Deed with Barclays Nominees (George Yard) Limited in June 2008, which stated "On completion and opening of replacement public conveniences within Lion Yard (in a location and to a specification approved by the Superior Landlord acting reasonably) the Superior Landlord shall surrender the underlease of the public conveniences in Lion Yard dated 8 June 1982 for nil consideration". Therefore the head lessee is asking the Council, as Superior Landlord, for approval to the proposed location and specification of the new toilets. The Council has a duty to act reasonably (as a commercial landlord not in its civic capacity) regarding granting or withholding consent.
- 3.8 The proposal is to relocate the public toilets to Church Walk at first floor level. Access to the first floor would be by the existing staircase adjacent to the proposed toilet location or the escalators by "New Look". Disabled access would be via the existing lifts within Grand Arcade. A plan showing the proposed location and various accesses is detailed in Appendix 1. This may change slightly when more detailed design work is undertaken.

Following negotiation with Barclays Nominees (George Yard) and consultation with Councillor Pitt (Executive Councillor for Environmental & Waste Services) and Bob Kerry (Project Development Officer Streets and Open Spaces Service) the provision has been significantly increased on what was originally proposed and the table below shows the current provision against that now proposed. A plan illustrating the layout is shown in Appendix 2.

Opening hours will reflect the current opening hours of the Lion Yard public toilets. The head lessee has agreed to install suitable signage and way markings, which will require prior consultation and approval from the Council.

The opening of 'public conveniences' within Grand Arcade has significantly increased the provision in close proximity to the Lion Yard Shopping Centre. In addition John Lewis provides extensive facilities and the refurbished Library now has public toilets as well as the disabled and baby changing facilities recently opened by Shopmobility.

FACILITY	CURRENT	PROPOSED
DISABLED	2 separately accessed DDA compliant toilets	2 separately accessed DDA compliant toilets
FEMALE	14 cubicles	11 cubicles
MALE	6 cubicles and 7 urinals	4 cubicles and 6 urinals
BABY-CHANGE	Communal baby change and also provision in the 2 DDA compliant toilets	Provision within the 2 DDA compliant toilets

- 3.9A customer count has recently been undertaken, establishing that 75% of users accessed the public toilets via the Lion Yard/Fisher Square entrance and 75% of users when exiting the toilets entered into the Lion Yard Shopping Centre via the same thoroughfare. The proposed closure of this access between Lion Yard Shopping Centre and Fisher Square, which received Committee approval in September 2008, is going to have a significant impact on the use of the public toilets as the nearest access will be via the Grand Arcade entrance adjacent to Carluccio's. The 'new' toilets will in effect be closer to Lion Yard Square, albeit at first floor level.
- 3.10 The re-provision at first floor level, although fully DDA compliant, is considered to be inferior in location and less convenient than the present arrangement. Extensive discussions were held with Barclays Nominees (George Yard) Limited regarding an alternative ground floor location, but no alternative sites were considered to be suitable and the financial viability of the overall scheme would be jeopardised if not located on the first floor. Any new retail development will look to locate 'public toilets' at first floor or above in order to maximise retail floor space on the ground floor. On balance and in an effort to compromise, the proposed location was deemed to be the most suitable location available.

4. Implications

Financial

- 4.1 The proposed reconfiguration of the HMV and Curry's Digital stores, to include the public toilets and construction of an additional retail unit, will potentially increase the £705,000 per annum rental currently generated by these two units, by an estimated £725,000 per annum to circa £1.43m per annum of which the Council receives a percentage rent (see below). These figures have been provided by Barclays Nominees (George Yard) Limited. Rental levels may be less when terms for the new lettings are agreed and will reflect market conditions at that time.
- 4.2 Under the terms of the head lease the Council receives a 25% share of the rent and will therefore potentially see an increase in rental income in the order of between £100,000-£125,000 per annum, in addition to the £55,000 per annum already budgeted for with the approval of the earlier works, which remain outstanding.

- 4.3 A capital contribution from the Council of circa £1.94m will be required under the terms of the lease of which £1.63m has already received Committee approval. An under-spend on Phase 1 of £245,000 is anticipated which indicates a shortfall of £65,500. A reduction in rental income will be experienced during the construction period.
- 4.4 With the management and day-to-day running costs of the toilets being transferred to Barclays Nominees (George Yard) Limited a saving of approximately £34,000 would be achieved in the first year, rising to approximately £65,000 per annum thereafter. Possible staffing issues including TUPE have been raised with Bob Kerry and Councillor Pitt.
- 4.5 If, acting reasonably and in its capacity as Superior Landlord, the Council is minded not to grant consent then it will not benefit from increased rental income via the geared ground rent it receives and will continue to operate the public toilets at its own expense.
- 4.6 A further report will be presented at a subsequent committee meeting once revenue streams and capital expenditure have been fully established.

Legal

- 4.7 The head lease between the Council and Barclays Nominees (George Yard) Limited requires that they obtain the Council's consent before carrying out major works but such consent may not be unreasonably withheld. The Council lease back the toilets from the head lessee and could oppose the proposals under the terms of its lease, which runs concurrently with the head lease expiring in 2101. However, the Deed Of Variation entered into in 2008 establishes the Council's agreement in principle to the re-provision of the public toilets within Lion Yard Shopping Centre and the surrender of the lease for nil consideration, upon them opening.
- 4.8 If consent to the closure and re-provision of the public toilets is not granted by the Council acting as Superior Landlord then there is a significant risk that Barclays Nominees (George Yard) will instigate legal proceedings to challenge the decision. This is likely to incur substantial legal costs and officer time, with uncertainty over whether the Council would be successful in defending its decision.

Equal Opportunities

- 4.9 The proposed changes are not considered to have any significant equal opportunity issues. All proposals will conform to current DDA regulations.

Procurement

- 4.10 There are no procurement issues as the works are dealt with by the head lessee under the terms of the head lease and so would be procured by them. As a relatively minor interest, it is considered that the Council does not have to insist on Barclays Nominees (George Yard) Limited applying the full European procurement rules. The Council will however, insist that there is a transparent procurement process.

Environmental and Community Safety

4.7 There are not considered to be any significant environmental or community safety issues related to this report.

5.0 Background papers

Development asset strategy for Lion Yard Cambridge – Arlington Property Investors – April 2006

Lion Yard Refurbishment Report CB Richard Ellis – June 2006

Lion Yard Development Proposals Agenda, Minutes and Decisions - City Centre Development Scrutiny Committee – 19th July 2006 and 26th September 2007 & 1st September 2008.

6.0 Appendices

6.1 Appendix 1 – Location Plan of Proposed Toilets.

6.2 Appendix 2 – Layout Plan of Proposed Toilets.

7.0 Inspection of papers

If you have a query on the report please contact:

Author's Name:	Philip Taylor
Author's Phone Number:	01223 - 457431
Author's Email:	philip.taylor@cambridge.gov.uk

This page is intentionally left blank



Public Document Pack

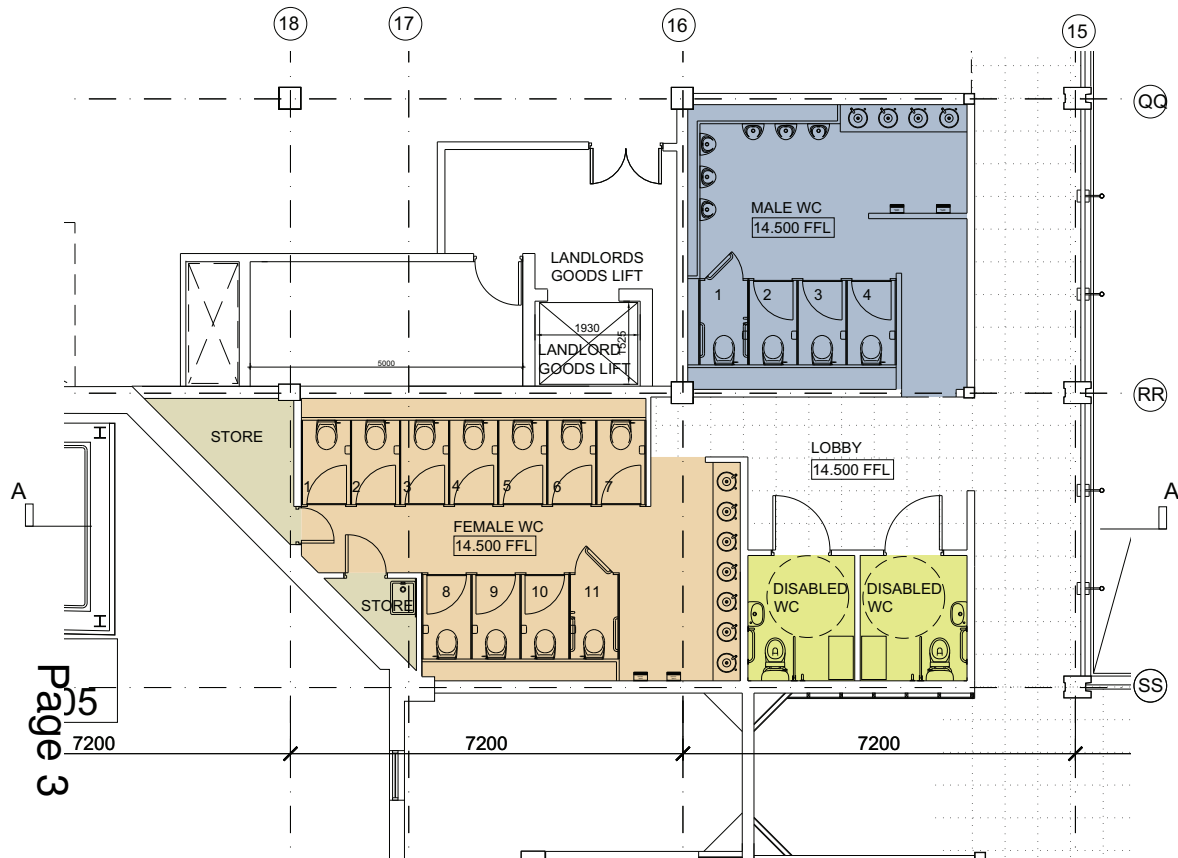
Cambridge City Council

STRATEGY AND RESOURCES SCRUTINY COMMITTEE

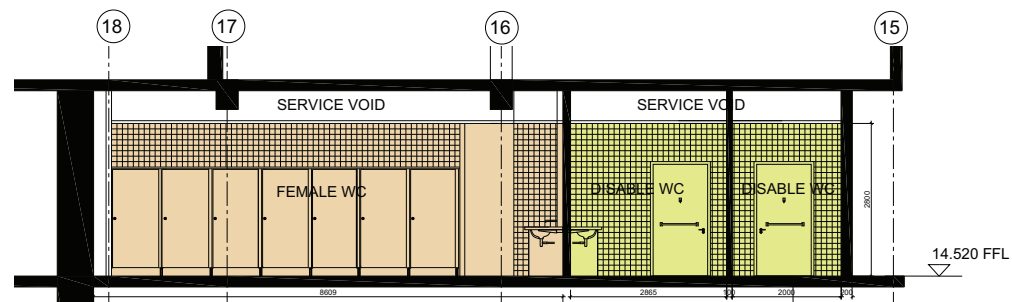
Supplementary Information

- 8** **LION YARD DEVELOPMENT PROPOSALS** (*Pages 1 - 4*)
- **APPENDIX 1 & 2**

This page is intentionally left blank



LION YARD PROPOSED PUBLIC TOILETS PLAN
SCALE 1:100



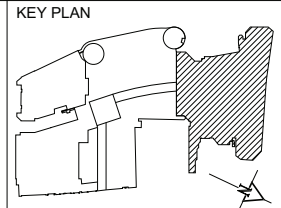
LION YARD PROPOSED PUBLIC TOILETS SECTION A
SCALE 1:100

- FEMALE TOILETS
 - MALE TOILETS
 - DISABLED TOILETS WITH NAPPY CHANGE FACILITY
 - STORE
- NO PUBLIC TOILET LIFT PROVIDED

NOTE
THIS DRAWING IS BASED ON SURVEY INFORMATION, THE ACCURACY OF WHICH CANNOT BE RELIED ON. THE INFORMATION SHOWN THEREFORE REPRESENTS A SKETCH SCHEME FOR THE PROPOSED ALTERATION / ADAPTATION OF LION YARD

UNIT AREAS INDICATED ARE GROSS INTERNAL AREAS AND WILL BE SUBJECT TO CHANGE AS SCHEME DESIGN EVOLVES

Page 3



NOTES
THIS DRAWING MUST NOT BE SCALED.
THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE.

REV	DATE	INL	DESCRIPTION	CHK

PROJECT
**LION YARD
CAMBRIDGE**

CONTRACTOR

CLIENT
**Aberdeen Property
Investors**

ARCHITECTS
Chapman Taylor
Chapman Taylor LLP
Architects Masterplanners Designers
18 Easton Road
London W2 6LS
Tel: +44 (0)20 7271 3000
Fax: +44 (0)20 7271 1995

STRUCTURAL ENGINEERS
JOB NO: J20406/1000

SERVICES ENGINEERS
JOB NO: 144/0613

DRAWING TITLE
**LION YARD PHASE 2
LEVEL 6 (FIRST FLOOR)
PUBLIC TOILETS OPTION 3
PROPOSED PLAN AND SECTION**

PROPOSAL PLAN				SCALE
DRAWING STATUS	PRELIMINARY	DRAWING DATE	APRIL 2010	1:100 @ A3
DRAWN BY	KCM	ISSUE DATE	REFER TO ISSUE SHEET	CREATED BY
COMPANY CODE	CTL	FLOOR	06	08
ZONE	WC	ELEMENT	4007	00

This page is intentionally left blank

STRATEGY AND RESOURCES SCRUTINY COMMITTEE 17 January 2011
5.00 - 7.50 pm

Present: Councillors Taylor (Chair), Boyce (Vice-Chair), Al Bander, Dryden, Herbert, Nimmo-Smith, Owers, Shah and Ward

Executive Councillors:

Leader of the Council, Cllr Reid

Executive Councillor for Customer Services and Resources, Cllr McGovern

Officers Present:

Chief Executive – Antoinette Jackson

Director of Resources – David Horspool

Director of Environment – Simon Payne

Director of Customer and Community Services - Liz Bisset

Head of Strategy and Partnerships – Trevor Woollams

Head of City Centre Management and Tourism – Emma Thornton

Head of Revenue and Benefits – John Frost

Head of Streets and Open Spaces – Toni Ainley

Senior Interim Surveyor – Philip Taylor

Strategic Procurement Advisor – Debbie Quincey

Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL

11/1/SR Apologies for absence

There were no apologies for absence.

11/2/SR Declarations of interest

Councillor Dryden declared a personal interest as a user of the toilets at Lion Yard and as a member of Friends of Disability in relation to item 11/8/SR.

11/3/SR Minutes of the meeting held on 11th October 2010

The minutes of the meeting held on 11th October 2010 were approved as a true and accurate record.

11/4/SR Public Questions

Public questions were deferred to the beginning of item 11/8/SR.

11/5/SR Record of Urgent Decisions taken by the Leader of the Council and the Executive Councillor for Customer Services and Resources

The committee noted the record of decisions taken since the last meeting. Concerns were noted that decisions were being taken through the out of cycle process without clear explanations on why the decisions were urgent.

The committee resolved to consider items 11/7/SR and 11/8/SR in exempt session in accordance with the provisions of paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972 as amended by the local Government (Access to Information) (Variation) Order 2006.

Items 11/7/SR and 11/8/SR were deferred to the end of the agenda, however for the ease of the reader the minutes are presented in the order of the agenda.

11/6/SR General Debts - Bad debts for write-off

Matter for Decision: To consider the write off of general bad debts.

Decision of Executive Councillor:

The Executive Councillor resolved to

- (i) Write off the debts listed in the confidential annex.

Reasons for the Decision: As set out in the officer's report

Any alternative options considered and rejected: N/A

Scrutiny Considerations:

N/A

11/7/SR Benefits and NNDR Irrecoverable debts to be written off

Matter for Decision: To consider the write off of general bad debts.

Decision of Executive Councillor:

The Executive Councillor resolved to

- (ii) Write off the debts listed in the confidential annex.

Reasons for the Decision: As set out in the officer's report

Any alternative options considered and rejected: N/A

Scrutiny Considerations:

N/A

11/8/SR Lion Yard Development Proposals

Matter for Decision: To consider the Lion Yard Development Proposals.

Decision of Executive Councillor:

The Executive Councillor resolved to

- i) Approve the Council granting its consent, as landlord, to Barclays Nominees (George Yard) Limited to relocate and operate the toilets as per the plans and specification outlined in the committee report, subject to the Council receiving a satisfactory lift maintenance service level agreement prior to the proposal being approved.

Reasons for the Decision: As set out in the officer's report

Any alternative options considered and rejected: N/A

Scrutiny Considerations

The committee received a report from the Senior Interim Surveyor regarding the Lion Yard Development. The committee noted that Property Services had received a number of representations since the publication of the committee report.

Mr Simon Andrews, a representative of Aberdeen Asset Management acting on behalf of the lessees, addressed the committee in support of the proposed relocation of the public toilets and associated works. In response, the committee expressed a number of concerns regarding the proposal including the reliability of the lift and the reduction in provision. It was noted that the lifts were operated by Grand Arcade, which was a separate entity to Lion Yard.

Ms Bev Nicholson addressed the committee in objection to the proposed relocation and associated works and made the following comments,

- i) The proposal was not Disability Discrimination Act compliant as it would result in an inferior provision
- ii) The lifts were very busy and often out of order, which would result in people taking additional time to reach the facilities.
- iii) The route to the new facilities was difficult to follow.

The Executive Councillor for Customer Services and Resources assured the public speaker that the proposed action had been reviewed against the Disability Discrimination Act and had been deemed compliant. The Executive Councillor reminded the committee that the Fishers Square access was due to close.

The assertion that the proposal was DDA compliant was challenged by a number of members of the committee.

Ms Gerri Bird addressed that the committee in opposition to the proposal. The public speaker raised concerns regarding the accessibility of the new provision for the disabled and elderly, and challenged whether the proposal was compliant with the Disability Discrimination Act. It was noted that the existing facilities were extensively used.

The Executive Councillor thanked the public speakers for their contribution. The committee were advised that whilst there had been a significant increase

in provision in recent years, it was noted that the new provision wasn't as convenient.

The committee sought clarification from Ms Bird regarding the current usage of the toilet by disabled members of the community, and whether she was aware of any consultation regarding the proposed changes. Ms Bird advised that the existing facilities was used extensively by disabled users and highlighted the poor provision across the city compared with other cities and towns.

The committee welcomed the suggestion of some members taking a tour of the city centre in wheelchairs.

The committee thanked the public speakers.

The committee made the following comments regarding the proposed decision

- i) Clarification was requested on the nature of consultation undertaken on the proposed changes. The Senior Interim Surveyor confirmed that no consultation had been undertaken with service users.
- ii) The Senior Interim Surveyor was questioned regarding the accessibility of the location and the proposed mechanisms to ensure that the new location was clearly signed. The committee were advised that it was an expectation that the new location would be clearly signposted.
- iii) The level of concern and representations received were noted.
- iv) Concern was expressed about the proposed changes and the reduction in the number of toilets in the new facilities, and the combination of disabled and baby change facilities. It was suggested that it may be difficult to reliably access the facilities at key times due to demand.
- v) The logic of relocating the toilets from the ground to 1st floor was questioned, due to the existing toilets on the 2nd floor. The Executive Councillor confirmed that the toilets were located at opposite ends of the centre.
- vi) Clarification was requested on how much staff time was currently allocated to the management of the existing facility and whether the existing staff would be transferred under TUPE to the new provider. The Head of Streets and Open Spaces advised that two members of staff were affected, but that as the service was ending they would not qualify for TUPE.

- vii) The Senior Interim Surveyor was questioned on whether the projected rental income was overly ambitious. The committee were advised of the logic behind the assumptions and the rental income projections.
- viii) The committee expressed concern about the layout of the toilet provision, particularly the limited amount of space in the lobby.
- ix) The committee questioned the quality of the report.
- x) Alternative baby change provision in the local area was noted.
- xi) The committee questioned that lack of co-ordination between Grand Arcade and Lion Yard in respect of the problems with the lifts. It was suggested that consideration should be given to an amendment, which would specify an acceptable level of maintenance being agreed prior to approval of the change. The Executive Councillor welcomed the proposal.
- xii) It was noted that a significant proportion of the community and not just shoppers used the existing facilities extensively. The Head of Streets and Open Spaces noted the comments.

Councillor Ward proposed an amendment to require that Lion Yard supply a maintenance service level agreement to the satisfaction of the Council prior to the proposal being approved. The amendment was agreed unanimously.

The Scrutiny Committee considered and approved the recommendations by 6 votes to 3.

The Executive Councillor agreed the recommendations.

11/9/SR City Centre Management Capital Grants Scheme

Matter for Decision: To review the City Centre Management Capital Grants scheme, and consider

Decision of Executive Councillor:

The Executive Councillor resolved to

- i) Note the progress and achievements to date of the City Centre Management Capital Grants Scheme.