

Application Number	11/0263/FUL	Agenda Item	
Date Received	8th April 2011	Officer	Miss Amy Lack
Target Date	3rd June 2011		
Ward	Market		
Site	Parkside Cambridge Cambridgeshire		
Proposal	Erection of a temporary bus supervisor's kiosk in Parkside, opposite Warkworth Terrace.		
Applicant	Mr Mark Kemp Box ET 1028 Castle Court Shire Hall Cambridge CB3 0AP		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Parkside, a public highway, runs on a south east to north west axis and serves a mix of residential and commercial buildings, many of which are listed. To the south west of the site is the large area of public open space known as Parker's Piece. The south west side of Parkside is currently being used for long distance coach services and in addition to the kiosk (which is the subject of this application) three bus stops and shelters have been installed.
- 1.2 The site falls within the City of Cambridge Conservation Area No. 1 (Central) and is adjacent to an area designated as protected open space. Many of the buildings on the north east side of Parkside are Grade II listed. The surrounding trees are protected, by virtue of their location within a Conservation Area. The site falls within the controlled parking zone (CPZ).

2.0 THE PROPOSAL

- 2.1 This application seeks consent for the retention of a temporary Bus Supervisors Kiosk. Located on a 'built out' pavement opposite Warkworth Terrace and the Police Station the kiosk

measures approximately 2 metres by 2.5 metres with an overall height of 2.5 metres. The design of the kiosk comprises a stainless steel frame with a mid-rail in the side panels, separating the lower opaque black infill from the clear polycarbonate glazing on the upper half of the panel. The curved roof is constructed in clear polycarbonate covered in a light reflective film.

- 2.2 The background to this application is documented in the previous application and in supporting statements to this application by the applicant, summarised as follows: In 2005 Cambridgeshire County Council conducted a consultation on the proposed changes to the Emmanuel Street/Drummer Street and St Andrews Street areas as part of Stage 4 of the Core Traffic Scheme. The measures proposed were to help accommodate the anticipated growth in local bus services, improve transport reliability, air quality and provide clearer footways around the Grand Arcade and Christ's Lane. One of the main proposals was the re-location of the long distance coach services out of Drummer Street. In January 2006, the County Council's Cambridge Traffic Management Area Joint Committee reviewed the feedback and decided to create three new bus stops for long distance coach services on the south west side of Parkside. Three bus shelters were installed in 2006 and the Traffic Regulation Order came into operation on 5 March 2007.
- 2.3 The accompanying Design and Access Statement to previous planning reference 06/1284/FUL explained that the kiosk is required for the on-street staff who man the bus stops from 8am until 6pm, seven days a week who are there to provide customer care and perform operational tasks. The customer care will include assisting passengers with luggage and providing advice to those who may have missed their coach or lost their luggage. On the operational side the work includes issuing drivers with details of passenger journey bookings and making alternative arrangements if buses are delayed or breakdown. The need for a bus supervisor to be present has generated the need for the kiosk which has electricity, telephone and internet connection points to provide up to date information to the supervisor. The kiosk does not sell tickets. It has been confirmed that this is still how the kiosk operates and why its retention is sought.

2.4 Despite the consideration of alternative sites for bus stops, the long distance bus operators wish to maintain stops in the central area to serve passenger demand and are unlikely to relocate services to any location more remote from the city centre. The County Council recognises the need to support long distance bus services as part of the transport options available to city users. As such, permission is sought to retain the kiosk to allow bus company staff to continue to operate from this location for the foreseeable future. The applicant has not provided a timescale or specified the period of time sought, however, they do advise that it may take at least 3 years to develop and commence implementation of any new bus management strategy.

2.5 The application has been submitted with the following supporting information:

1. Design and Access Statement; and
2. Supporting statement of need.

3.0 SITE HISTORY

Reference	Description	Outcome
06/1284/FUL	Erection of a temporary bus supervisor's kiosk (4 years) in Parkside opposite Warkworth Terrace.	A/C

3.1 The decision notice for the previous temporary permission 06/1284/FUL is attached to this report as Appendix A.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

5.0 POLICY

5.1 Central Government Advice

5.2 Planning Policy Statement 1: 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 Planning Policy Statement 5: Planning for the Historic Environment (2010): sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.4 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.

5.5 Planning Policy Guidance 13: 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.

5.6 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.

5.7 East of England Plan 2008

SS1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes
T13 Public Transport Accessibility

ENV6: The Historic Environment
ENV7: Quality in the Built Environment

5.8 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/12 The design of new buildings

4/4 Trees
4/11 Conservation Areas

4/13 Pollution and amenity

8/2 Transport impact

5.9 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

Cambridge Historic Core Conservation Area Appraisal (2006): Provides an appraisal of the Historic Core of Cambridge.

Parkers Piece Conservation Plan (2001)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

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

Architectural liaison officer

6.2 Whilst this area shows high levels of crime and anti-social behaviour there have been no reported incidents against the temporary bus shelter. It is located close to Parkside Police Station and is in a well lit, busy area. It is also subject to CCTV coverage from the camera located at the junction of Mill Road

with Gonville Place. Accordingly, there are no comments to make on this application.

Historic Environment Manager

- 6.3 The park is an important area of open space and the buildings around it (many Listed) form an important townscape and feature of the Conservation Area and the visual clutter that comes with buses is to its detriment.
- 6.4 A permanent kiosk would be wholly unacceptable in Conservation terms being too eye-catching, too flimsy in appearance and in an inappropriate location. Without a guarantee that the temporary kiosk shall be removed, it seems difficult to grant an extended period in line with guidance. If an extended period is to be allowed, it should be as short as is reasonable in these circumstances (certainly no more than another 4 years) with the *caveat* that there will be no more extensions after that.
- 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 Councillor Rosenstiel has commented on this application. He believes that there is no definitive timescale for when the temporary facility will be no longer be needed and he objects to the granting of any indefinite consent. He states that in his view this is a temporary facility that needs to be kept on temporary consents.
- 7.2 The owners/occupiers of the following addresses have made representations:
- 31, Parkside, Cambridge CB1 1JE
- 7.3 The representations can be summarised as follows:
- Originally locals were told that the consent granted in 2007 was temporary for 4 years until the railway station could accommodate the provision and the kiosk removed. The building of a new interchange has been delayed but can

reassurance be given the intension is still to move the bus facilities to the railway station?

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

8.0 ASSESSMENT

- 8.1 The previous planning application dealt with the issue of trees and From the consultation responses, representation received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of temporary development
2. Context of site, design and external spaces
3. Highway safety
4. Third party representations

Principle of temporary development

- 8.2 Planning permission was granted for a bus supervisors kiosk under planning application reference 06/1284/FUL for a temporary period of 4 years only. This expired at the end of March 2011. The condition 2 of this permission which restricted its permanence reads as follows:

The building hereby permitted shall be removed from the site and the land restored to its former condition before the end of March 2011, or upon completion of permanent replacement accommodation, whichever is the sooner.

- 8.3 This condition was considered necessary because the building construction and materials were deemed inappropriate for the location for more than a temporary period.
- 8.4 Paragraph 112 of Government Circular 11/95: The Use of Conditions in Planning Permission, states that: 'A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or

redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.'

- 8.5 Long distance bus services coming into and leaving the City is a public service provision that will be considered within the wider Cambridge Area Transport Strategy (CATS). This is a new transport strategy for Cambridge being brought forward by the County Council, in partnership with the City Council. It is a funding dependant strategy and as such, whilst it is being developed, the applicant argues that a second permission for the kiosk is required because at present there is no clear timescale for its implementation. As the current arrangement for long distance travel from Parkside is well established with both operators and passengers it is strongly desirable to retain this function from this location. The applicant advises that it may take at least 3 years to develop and commence implementation of any new bus management strategy. Permission is therefore sought to retain the kiosk to allow bus company staff to continue to operate effectively in a safe environment for the foreseeable future, but no definitive period for the temporary consent has been specified.
- 8.6 In my opinion, the principle of the development on a temporary basis is acceptable. It extends the period of consent for an existing structure, as such, no protective methods are required for works near to protected trees. Consultation with the Architectural liaison officer has confirmed that during the time that the kiosk has been in situ it has not been the subject of any incidents of crime or anti-social behaviour. Whilst plans to relocate the service to the Railway Station area appear to have been discounted, a new bus management strategy is being undertaken. I am satisfied that the granting permission for a second temporary permission is in accordance with guidance contained within Government Circular 11/95 justified where highway or redevelopment proposals have been postponed. The kiosk is considered 'vital' by the applicant to the success of the operation of the long distance services which run and terminate from this location. I consider this service provision, as with other public transport services, a key driver to the vitality and viability of the city centre. In principle, I consider the proposal in accordance with East of England Plan (2008) policies SS1, T1 and T13 and Cambridge Local Plan (2006) policies 3/1 and 3/4.

Context of site, design and impact upon the surrounding Conservation Area

- 8.7 The consideration of this application remains fundamentally the same as at the earlier planning application reference 06/1284/FUL, in that, the structure is unsatisfactory for permanent siting adjacent to a sensitive open space within the Central Conservation Area. Parker's Piece is an important area of open space within the City Centre and the buildings which surround it, many of which are listed on the northern side of the park where the kiosk is sited, form an important townscape and feature of the Central Conservation Area.
- 8.8 The Council would normally expect development to be appropriate in its context and permanent, in accordance with Local Plan policy 3/12 and with regard to the areas designation as a conservation area, Local Plan policy 4/11. The Conservation Officer comments on the presence of the buses and the visual clutter that comes with them to the detriment of the Conservation Area. I agree with this observation and that the purpose of temporary consents is to enable an applicant time to sort out a more acceptable permanent solution. However, for the reasons outlined above this has not happened within the 4 year period originally permitted for its temporary installation. I also acknowledge that for this kiosk to be retained as a permanent structure would be wholly inappropriate unacceptable in this location. However, whilst the kiosk is not of a form or design that would be encouraged in this location it is acknowledged that it is a temporary structure and it is reflective of this short-term nature and it has a significant function to play in providing long distance public transport in this sustainable location.
- 8.9 Mindful of the above I recommend that an extended period be allowed but this be limited. The applicant predicts that it may take at least 3 years to develop and commence implementation of any new bus management strategy. Accordingly I recommend that a further 4 years be allowed (condition 1) and an informative also be attached to advise the applicant that should a subsequent application be received which seeks to retain the kiosk for any further period of time that it is unlikely that the local planning authority will support such an application. Subject to this condition and the imposition of a condition

consistent with the previous permission which does not permit the display of printed information or posters on the kiosk (condition 2) in order to protect the character of the Conservation Area I consider the proposal acceptable for a further 4 year period and in accordance with East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan 2006 policies 3/4 and 4/11.

Highway Safety

- 8.10 The location of the proposed kiosk has received no objection from the Highway Authority on highway safety grounds. There are two bollards proposed at either end of the kiosk, on the road side to prevent any vehicles colliding with the kiosk.
- 8.11 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.12 The third party representation received from a local resident raises concern with regard to the further extension of what was originally argued a temporary measure when considered by planning application reference 06/1284/FUL. I have addressed this concern above under the heading 'Principle of development' from paragraph 8.2.
- 8.13 The representation goes on to state that the building of a new interchange has been delayed. It also seeks reassurance that there is an intension to move the bus facilities to the railway station. It should be noted that when the previous application was considered there was not a commitment to the railway station, neither is it currently intended for the new interchange to accommodate long distance coaches.

9.0 CONCLUSION

- 9.1 Due to the benefit of operating long distance bus services close to the City Centre in this established location and the progress that is being made toward a permanent solution it is recommended that permission for a further limited period of 4 years be granted. I am mindful of the sensitive location of the site and that renewal of temporary consents is not normally

considered to be appropriate. However, it is considered that, in these circumstances the service provided from long distance service operators is valuable and while full clarity over a long-term permanent solution has yet to be achieved it is considered appropriate to retain the structure for a further limited period.

10.0 RECOMMENDATION

APPROVE FOR A TEMPORARY PERIOD OF 4 YEARS subject to the following conditions:

1. The building hereby permitted shall be removed from the site and the land restored to its former condition before the end of March 2014, or upon completion of permanent replacement accommodation, whichever is the sooner.

Reason: The building construction and materials are considered inappropriate for more than a temporary period. (Cambridge Local Plan (2006) policy 3/4).

2. No printed information or posters are to be displayed on the kiosk unless otherwise agreed in writing by the local planning authority.

Reason: To protect the conservation area (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

INFORMATIVE: The applicant is advised that the City Council is unlikely to support any subsequent renewal of the development hereby permitted. Before this permission expires the applicant is advised to secure planning permission for permanent accommodation which will remove the need for this temporary kiosk. The applicant is advised to discuss preliminary proposals with the Planning Department as soon as possible.

Reasons for Approval

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

East of England plan 2008: Policies SS1, T1, T13, ENV6 and ENV7

Cambridge Local Plan (2006): Policies 3/1, 3/4, 4/11 and 8/1

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 details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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 on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.