

Application Number	19/1500/S73	Agenda Item	
Date Received	13th November 2019	Officer	Lewis Tomlinson
Target Date	12th February 2020		
Ward	Abbey		
Site Proposal	Cambridge Retail Park Newmarket Road Section 73 to remove Condition 5 of C/02/0136/RM (Demolition of existing buildings and erection of non- food retail units and garden centre, Drive thru restaurant with associated servicing, Car Parking, Landscaping, new access and relocation of existing amenity car park (reserved matters - to original application C/99/1121/OP)) - removal of bollard.		
Applicant	c /o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> • The proposed removal of the bollard would not have any significant impact on the surrounding highway network.
RECOMMENDATION	APPROVAL

0.0 BACKGROUND TO NON-DETERMINATION APPEAL

0.1 The applicant has submitted an appeal for the application to the Planning Inspectorate on the grounds of non-determination. The Council needs to provide its views on the application through the submission of a Statement of Case (SoC). Under the Council’s scheme of delegation, the application would have needed to be considered by the members of the Planning Committee. Officers are therefore bringing the application to Planning Committee in order to confirm the Council’s view which will form its SoC.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is Cambridge Retail Park an edge of centre (mainly) bulky goods retail site. The car park serves a number of shops within the retail park and is served by three vehicular accesses; two from Newmarket Road and one from Coldhams Lane. The two accesses from Newmarket Road are signalised, with the Coldhams Lane junction a roundabout operating under priority control.

2.0 THE PROPOSAL

- 2.1 Planning application reference C/02/0136/RM was granted permission on 22nd February 2002 for the demolition of existing buildings and erection of non-food retail units and garden centre, drive thru restaurant with associated servicing, car parking, landscaping, new access and relocation of existing amenity car park.

- 2.2 Condition 18 of this approval reads;

Means of vehicular access for customers travelling by private motor vehicles shall be from Newmarket Road and a new fourth arm of the "Beehive roundabout" only. There shall be no means of access / egress through the site for motor vehicles (other than buses) between Coldham's Lane and Newmarket Road and details of the measures to prevent such a vehicular route shall be submitted to the local planning authority as part of the reserved matters for landscaping of the site.

Reason: To ensure the traffic impact of the development is acceptable

- 2.3 The condition above in this case refers to a rising bollard within the site preventing access for general traffic from Coldhams Lane to Newmarket Road, and vice versa. This application seeks to remove condition 5 from planning permission C/02/0136/RM in order regularise the removal of the bollard. The applicant has provided the following information to explain why the application seeks to remove the condition:

The rising bollard was implemented when the Park was developed and has been operational through to the middle of

2018 enabling buses to pass through the car park and preventing general traffic from using the route. Bus services using this route have now been withdrawn. The bollard and associated mechanisms which were not working were removed in July 2019 to improve the internal circulation, with the cycle lane straightened and additional traffic calming measures introduced with approximately 50m between speed humps and raised tables. (Page 1 of the Transport Statement by ttp consulting)

2.4 The applicant has submitted a Transport Statement along with additional information to support the removal of the bollard.

3.0 SITE HISTORY

Reference	Description	Outcome
C/02/0136/RM	Demolition of existing buildings and erection of non-food retail units and garden centre, drive thru restaurant with associated servicing, car parking, landscaping, new access and relocation of existing amenity car park.	Approved

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2019
 Planning Practice Guidance 2014
 Circular 11/95 – The Use of Conditions in Planning Permissions
 (Annex A)

5.2 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 35, 55, 80, 81

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control and Transport Team)

6.1 Existing Situation

The Retail Park car park is served by 3 vehicular accesses; 2 signalled accesses off Newmarket Road and 1 priority roundabout off Coldhams Lane. It is noted prior to the removal of the bollard, vehicles had to enter and exit via the same route, i.e. to/from Coldhams Lane or to/from Newmarket Road.

Automatic Number Plate Recognition (ANPR) survey data previously submitted within this assessment and used to monitor traffic movements and footfall change at the car park comprised 24hour data undertaken between 6th and 12th September 2019 collected at the Retail Park access points. Whilst such data was acknowledged to include the peak hour periods, it did not differentiate between peak and off-peak traffic.

Further ANPR data obtained over a 24-hour period on both the 20th and 21st December 2019 has been submitted to validate the original ANPR data whilst also differentiating the peak hour periods. Survey outputs have been submitted and reviewed. Such data is acceptable for use within this assessment. As before, Access 'A' is Coldhams Lane with Access 'B' and 'C' being the two accesses on Newmarket Road. An average of 6,280 vehicles entered the car park on both days, with Saturday experiencing the highest number of vehicles. It is noted, 18% (117) of vehicles used the car park as a short cut in the AM peak (7am to 10am), whilst 1.6% (21) of vehicles used the car park as a short cut in the PM peak (4pm to 7pm). Throughout the day, 6.1% of drivers used the route through the car park as a short cut which is marginally higher than recorded in

September 2019 which detailed 5.7% of drivers used the short cut.

Car Park Speeds

It is noted the existing route is subject to a 5mph speed limit and comprises traffic calming measures in the form of a raised crossing in front of Homebase and Dunelm, along with a speed bump and further pedestrian crossing in between, with additional speed signs erected along the route. The length of the aisle created by the removal of the bollard is c115m.

Speed surveys were undertaken in the car park on Wednesday 5th February 2020 for the 12 hour period between 7am and 7pm. The data demonstrates the majority of vehicles do exceed the posted 5mph speed limit, with all 85th percentiles recording speeds of 10-12mph. As the internal roads are private, the Highway Authority cannot comment on the effects of the removal of the bollards in terms of motor vehicle speeds, volumes, and the impacts these may have on pedestrian movements within a private development. It is noted however that safety within the car park is monitored on a daily basis.

Justification for Removal of Bollard

It is noted the existing number of vehicles using the car park as a short cut is minimal in comparison to the overall number of vehicles using the car park; a worst case of 30 vehicles an hour from Newmarket Road and 9 vehicles an hour from Coldhams Lane. The impact of the removal of the bollard on the junctions from Coldhams Lane and Newmarket Road will be minimal.

The removal of the bollard is noted to benefit circa 25% of the traffic using the car park, in addition to those using the car park as a short cut (6.1%). With the ability of cars now being able to pass through the car park, it is noted the removal of the bollard in turn would help reduce the quantity of traffic passing through junctions on Newmarket Road.

It is noted ANPR data is collected on an ongoing basis at Cambridge Retail Park and will be continually monitored to determine vehicle travel patterns. Furthermore, it is noted safety within the car park is monitored on a daily basis through CCTV. Through existing observations, it is considered that no

additional traffic calming measures are required however, this will be continually monitored to ensure that highway safety is maintained throughout the car park.

Conclusion

The application as submitted is not expected to have any significant impact on the surrounding highway network. Therefore, the Highway Authority does not wish to object to the application as submitted.

Environmental Health Team

6.2 No comment.

6.3 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 comments objecting the proposal:

- 19 Ainsworth Place
- 35 Alpha Road
- 1 Arbury Road
- 26 Beacon Rise,
- 160 Newmarket Road
- 17 Belvoir Road
- 78 Blinco Grove
- 2 Boathouse Court
- 42 Owlstone Road
- Camcycle
- 9 Camside
- 26 Crathern Way
- 193 Coleridge Road
- 6 Cyprus Road
- 23 David Bull Way
- 36 Ditton Walk
- 17 Fen Road
- 24 Field Way
- 77 Garden Walk

- 8 Glisson Road
- Hills Road
- 118 Hobart Road
- 8 Holland Street
- 39 Howard Road
- 15 Latham Road
- 17 Lilywhite Drive
- 22 Manhattan Drive
- 15 Mortlock Avenue
- 61 Montague Road
- 3 Mulligan Way
- 23 Nightingale Avenue
- 21 North Lodge Park
- 1 Pearson Court
- 18 Pelham Close
- 5 Ramsden Square
- (Plurabelle Books) Unit 8, Restwell House, Coldham's Road
- 102 Ross Street
- 100 Thoday Street
- 45 St. Bedes Crescent
- 26 Stevens Close
- 52 St Thomas Square
- 173 Water Street
- 80b York Street
- 79 Riverside House, Riverside

7.2 The objections can be summarised as follows:

- Safety concerns for pedestrian and cyclist using the accessway due to increased numbers of road users accessing the right of way.
- Dangerous driving resulting from through traffic using the right of way.
- Contravention of local plan policy 80 specifically strategies 6-10 (inclusive) as outlined in clause b in supporting public transport, walking and cycling to, from and within a development.
- Unacceptable numbers of daily traffic movement through the right of way.
- Removal of the bollard will result in an increased number of vehicles using the way as a through road.

- Traffic congestion in residential surrounding residential streets.
- Health concerns arising from increase exposure to car fumes.
- The removal of the bollard will promote increases in use of motor vehicles and discourages sustainable transport methods including walking and cycling.
- Underrepresented through traffic volumes within the Transport Statement.
- A lack of justification to warrant removal of condition five (5) of the original planning approval.

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, it is considered that the main issues are:

1. Principle of removal
2. Third party comments

Principle of removal

8.2 As set out above the removal of condition 5 relates to the removal of a rising bollard within the Cambridge Retail Park. The bollard was originally implemented when the Cambridge Retail Park was developed to enable buses to pass through but to prevent general traffic from using the route. The bollard was operational until the middle of 2018 when it had mechanical issues. In July 2019, the bollard and associated infrastructure were removed. Following the removal of the bollard, the applicant straightened the cycle lane running through the site and inserted additional traffic calming measures every 50m in the form of speed humps and raised tables.

8.3 The removal of the bollard requires a robust highway safety and transport network assessment given the volume of traffic passing through the network in this part of town and the number of customer trips specifically to the retail park. Cambridgeshire

County Council is the Highway Authority for Cambridge City and their Transport Assessment Team has thoroughly assessed the submitted Transport Assessment. It is concluded that the existing number of vehicles using the car park as a short cut is minimal in comparison to the overall number of vehicles using the car park. The impact of the removal of the bollard on the junctions from Coldhams Lane and Newmarket Road will be minimal and in turn would help reduce the quantity of traffic passing through junctions on Newmarket Road.

Third Party Comments

- 8.4 Third parties have raised safety concerns of pedestrians and cyclists using the accessway due to increased numbers of road users accessing the right of way, a limited number of which will be using the park as a short cut. Whilst there may be a potentially greater risk of conflict along the accessway, the highway authority has not objected and it is noted that speed signs limit vehicles to 5mph and the applicants have since straightened the cycle lane, installed speed humps and raised tables and monitor the use of the access. Officers do not agree that the removal of the bollard would therefore necessarily result in dangerous driving. The primary reason for the bollard was related to the function of the highway network in terms of the vehicular distribution and routing of trips and the need to enable buses to serve and move through the site more easily as a prioritised mode of transport. The withdrawal of the bus service from the site reduces the primary reason for the bollard.
- 8.5 The Local Planning Authority has no control over bus service provision. Clearly, given that the network along Newmarket Road and Coldhams Lane is congested at peak hours, if there was future demand (arising from the planned growth of the eastern part of the City) and bus services were reintroduced to the park, it would appear reasonable to prioritise bus movements again. To this extent, a flexible planning condition requiring re-instatement of the bollard or some other form of ANPR fine for misuse could potentially be recommended. Officers consider such an approach could be policy 80 / 81 compliant subject to confirmation from the County Council Transport Team. Officers will report any further correspondence on this issue on the amendment sheet. Walking and cycling provision is unaffected by the proposal and officers disagree

that the removal of the bollard discourages movements to the site by bicycle or by foot.

- 8.6 It is noted that health concerns regarding pollution levels have been raised by third parties. The site lies within the Air Quality Management Area. There is no evidence before officers that the removal of the bollard would increase vehicular movements within the AQMA (they would partially be re-distributed within the AQMA) to the extent that air quality would be worsened. No comment has been received from Environmental Health. Any further comments on the amendment sheet.

Conclusion

- 8.7 In consideration of all the submitted information, comments from third parties and the advice from the Transport Assessment Team, officers accept the advice from the Transport Assessment Team as they are the technical experts and the statutory consultee for transport issues. Officers therefore consider the proposed removal of condition 5 and the bollard in question, would not have a significant impact upon the surrounding highway network or present direct conflict with policies 1, 35, 80 or 81 of the Local Plan.

10.0 RECOMMENDATION

APPROVE with no conditions