

Application Number	21/01392/FUL	Agenda Item	
Date Received	25th March 2021	Officer	Charlotte Spencer
Target Date	20th May 2021		
Ward	Market		
Site	Parkers Piece Parkside Cambridge		
Proposal	Retention of observation wheel until 31st October		
Applicant	Mr S Thurston C/o Agent		

SUMMARY	The development accords with the Development Plan for the following reasons: 1. The proposed temporary use would not harm the nature, or use of Parkers Piece and is acceptable in principle; 2. Subject to conditions, the proposed use would not have a detrimental impact on neighbouring residents.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application relates to Parkers Piece which is a Protected Open Space located within the city centre. Parkers Piece is a rectangular shaped green space that is bordered by Gonville Place to the South East, Regent Terrace to the South West, Park Terrace to the North West and Park Side to the North West. The buildings that surround the space comprise a mixture of uses including residential dwellings, restaurants, hotels as well as Parkside Pool and the Fire and Police Stations.
- 1.2 Parkers Piece lies within the Central Conservation Area and the footpaths that intersect the space are Public Rights of Way. Within the centre of Parkers Piece lies 'Reality Checkpoint' which is a Grade II Listed Building.

2.0 THE PROPOSAL

- 2.1 The application is seeking planning permission for the retention of an observation wheel for a temporary period until 31st October 2021. The observation wheel was installed in late May 2021 and is located within the Eastern sector of Parkers Piece.
- 2.2 The observation wheel is 36 metres tall and supported by eight stanchions with a white painted finish and it holds 24 fibre glass gondolas. To the front of the wheel lies the ticket booth and Astroturf deck. There is also a coffee van and some seats on the decked area. The whole area takes up a space of 22 metres by 30 metres.
- 2.3 During the determination process, Certificate B was amended, further details regarding parking and deliveries and further details regarding noise issues were submitted.

3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
07/0573/FUL	Installation and operation of 'Hiflyer' tethered balloon (to rise to 155.75 metres) with viewing platform, winch retrieval, ancillary cabling and access works (temporary period of 5 years operating 12 months of the year)	Refused 17.08.2007
07/1067/FUL	Temporary ice rink from November 2007 to January 2008 and from November 2008 to January 2009 to include viewing platform, and marquee structures for changing facilities and a café	Approved 21.11.2007
07/1065/ADV	Advertising boards	Approved 07.11.2007
09/0480/FUL	Erection of a temporary ice rink including 2 marquees, a box office hut, Christmas market, advertising, decorations and associated fairground rides	Approved 04.09.2009

10/0590/FUL	Temporary ice rink including 2 marquees, box office hut, advertising, decorations and associated fairground rides	Approved 27.08.2010
12/1308/NMA	Non material amendment on application 10/0590/FUL for moving marquee from the back of the ice rink to the right hand side	Approved 29.10.2012
12/1351/ADV	Installation of a plastic banner	Approved 07.12.2012
14/0906/FUL	Installation of a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children' rides and food concessions; and a Christmas market with stalls and concessions, to one quadrangle of Parkers Piece	Approved 19.10.2015
20/03552/FUL	To renew the installation of a temporary real-ice ice rink with viewing platform and back-of-house/plant area; a family entertainment area with children' rides and food concessions; and a Christmas market with stalls and concessions, to one quadrangle of Parkers Piece. Event to run from 1 st November 2020 to 31 st January 2025	Under determination

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 10 34 35 55 56 57 59 60 61 65 67 79 81

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework July 2018 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents (These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the	Cambridgeshire and Peterborough Flood and Water

Executive Councillor by an out of cycle decision.)	
Previous Supplementary Planning Documents (These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2015) Parkers Piece Conservation Plan (2001) Appendix F: Tall buildings and the Skyline

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 Initially requested a condition requiring a Traffic Management Plan. Following receipt of further information from the applicant's agent regarding parking and delivery vehicles no further comments have been received from the Local Highways Authority.

Environmental Health

- 6.2 The site was visited on 28th May 2021 18:45 -19:30 hours to determine the impact of the wheel's operation on the locality.
- 6.3 The floodlights were directed to the commercial Kelsey Kerridge building and unlikely to be a significant impact due to the proposed 8pm curfew. The flashing 'light show' of the many

lights located around the wheel may cause annoyance to the locality due to the intensity and height of the wheel, however, the 8pm curfew and distance to nearby receptors is reasonable to mitigate the impact.

- 6.4 During the visit the wheel was not connected to the mains power and the generator was operating the wheel. The generator was audible on the boundary of Parkers Piece at varying levels of intensity depending on lulls in traffic. The operation of the generator without further acoustic mitigation is unacceptable. It is important that the generator is only to be used in an emergency.
- 6.5 The main concern was the loud regular metallic ‘clanking’ as the wheel rotated which did not comply with the stated ‘silent operation’. This noise was clearly audible on Park Terrace, Regent Terrace and Gonville Place and likely to be audible on residential receptors.
- 6.6 Confirmation is required that mains power has been supplied to the wheel and the metal clanking noise has been resolved.
- 6.7 The following conditions are recommended:
- Restrict hours of use to 11am-8pm
 - Generator only to be used in the event of mains power failure emergency
 - No amplified music

Urban Design and Conservation Team

- 6.8 Parkers Piece is one of the most important historic open green spaces in the Conservation Area and one of its key characteristics is its relatively unbroken openness. Apart from the lighting columns, the main space is completely free of structures -those that there are tend to be at the periphery. It has little in the way of subdivision by fences or railings and the grass surface is largely unbroken except for the footpaths crossing the space. The other key conservation characteristic is the presence of a Grade II Listed Building – the so-called ‘Reality Checkpoint’. That it is free of structures, trees and shrubbery and anything tall other than lighting columns and is literally ‘open space’ is an important part of its attraction to many and makes the listed building the most visible feature.

- 6.9 The observation wheel is particularly tall and although being of a filigree construction, is extremely visually prominent. From a conservation point of view the visual dominance detracts from the listed building and the wider Conservation Area. Whilst there is no objection to having this type of recreational device on the Piece, it seems locating them nearer the periphery and fixed facilities makes more sense and reduces the visual dominance of the open space.
- 6.10 I consider the proposal will adversely affect the character of the Listed Building and will not preserve or enhance the character or appearance of the Conservation Area. The proposals will not comply with Policies 61/62. With reference to the NPPF and the effect on the significance of the heritage asset, paragraph 196 would apply.

Sport England

- 6.11 Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy in that the development only affects land incapable of forming part of a playing pitch. No objections.
- 6.12 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:
- 29 Bateman Street
 - 1 Eden Street
 - 48A Eden Street;
 - 1 Gresham Place, Gresham Road;
 - 142 Gwydir Street;
 - 10 Lyndewode Road;
 - 37 Northfield, Girton;
 - 3 Norwich Street;
 - 87 Ox Meadow, Bottisham;
 - 11 Parker Street;
 - 8 Park Terrace;
 - 9 Park Terrace;
 - Camden House, Emmanuel College, Park Terrace;

- 20 Parkside;
- 27 Parkside;
- 32 Parkside;
- Lower Flat, 32 Parkside;
- 82 Radegund Road;
- 15 Shelly Garden;
- 5 St Pauls Walk;
- 100 Tenison Road;
- 9 Wilburforce Road;
- 80B York Street.

7.2 The representations can be summarised as follows:

Visual Impact

- Wheel is unsightly and not in keeping with the ethos of Cambridge;
- Aesthetically incompatible;
- Overpowers the green space and surrounding architecture;
- Substantially higher than most surrounding buildings.

Impact on neighbour amenity

- Lighting of wheel is visible from residences;
- Lights are disturbing;
- Concern regarding the use of the generator as it is loud and emits fumes;
- If wheel is accompanied by music will erode the quiet enjoyment;
- Loss of privacy;
- Vista will be impaired from surrounding properties.

Transport

- Situated in the heart of a residential area which suffers from traffic congestion
- Cycle provision is an underestimation.

Importance of Parkers Piece as an Open Space

- Extension of the commercialisation of Parkers Piece which is inappropriate to a public space;
- Damage the turf;
- 6 months is too long;
- Valued public commodity;
- Peaceful green is more important than ever.

Planning Process

- At the date of receiving the letter the wheel was being installed;
- Wheel operating two weeks before the end of public consultation;
- Description incorrect as wheel is being installed;
- Gone through the back door of permitted development;
- No publicly displayed notices;
- Parker's Piece is defined as a public space and the 1985 Act specifically limits closure of any part of the city's public spaces to more than 6 days at any one time;
- Will become a fait accompli;
- Consultation is a sham.

Other

- Assume North Pole will be the sequel to the extended period resulting in a portion of Parkers Piece being taken over by commercial activities for more than 6 months of the year;
- No details of revenue divulged and so there is lack of transparency;
- Parker's Piece is now being used as a revenue for the Council which curtails public informal recreation;
- Anti-social behaviour;
- Concern regarding social distancing/coronavirus.

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 the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces and impact on heritage assets
3. Light pollution, noise, vibration, air quality, odour and dust
4. Residential amenity
5. Car and cycle parking
6. Third party representations

Principle of Development

- 8.2 Policy 10 of the Cambridge Local Plan (2018) states that Cambridge City Centre will be the primary focus for developments attracting a large number of people and for meeting retail, leisure, cultural and other needs appropriate to its role as a multi-functional regional centre. Any new development within the City Centre should: a. add to the vitality and viability of the city centre; b. achieve a suitable mix of uses; c. preserve or enhance heritage assets and their setting, open spaces and the River Cam; d. be of the highest quality design and deliver a high quality public realm; and e. promote sustainable modes of transport.
- 8.3 Policy 67 of the Cambridge Local Plan (2018) states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.
- 8.4 Policy 79 of the Cambridge Local Plan (2018) states Proposals for new visitor attractions within the city centre will be supported where they: a. complement the existing cultural heritage of the city; b. are limited in scale; and c. assist the diversification of the attractions on offer, especially to better support the needs of families. The locations of any new attractions should have good public transport accessibility.
- 8.5 The observation wheel, which is already in place, is a temporary structure seeking permission to be in place until 31st October. The intention of the wheel is to aid in the recovery of the City Centre following the Covid-19 pandemic. It is located within an area with a mixture of uses and has good cycle and walking routes to other attractions within the city. As such it is considered that the wheel maintains, strengthens and diversifies the range of visitor attractions within the city centre. The visual impact on heritage assets will be discussed in more detail below
- 8.6 Due to the limited footprint of the wheel and its associated structures in relation to the overall size of Parkers Piece, it is considered that the area will remain a predominantly 'green

space' for recreational use. The wheel is sited within the eastern quadrant which is used for informal recreation and it has not resulted in the loss of any of the formal playing pitches elsewhere on the Piece. Therefore, it is considered that the wheel replaces the existing informal recreational aspect with another and as such there is no net loss of recreational facilities. In addition, it is noted that Sport England has not raised any objections to the proposal.

- 8.7 Parkers Piece has historically been used for recreational purposes including temporary uses and associated structures such as fun fairs, markets and fetes. As such, it is considered that use of the land for an observation wheel would be in keeping with the historic use of the space.
- 8.8 Subsequently, it is considered that the proposed temporary structure and use would comply with Policies 10, 67 and 79 of the Cambridge Local Plan (2018) and so is acceptable in principle, subject to all other material considerations.

Context of site, design and external spaces and impact on heritage assets

- 8.9 Policies 55, 56 and 57 of the Cambridge Local Plan (2018) seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment. Policy 67 adds that development proposals will not be permitted which would harm the character of open space. Policy 65 states proposals for items that could constitute visual pollution within the public realm will only be permitted where it can be demonstrated that they do not have an adverse impact on the character and setting of the area and its visual amenity; they are in keeping with their setting, in terms of size, design, illumination, materials and colour; and consideration has been given to the cumulative impact of the proposals, with an emphasis on avoiding an accumulation of street clutter. Policy 60 refers to tall buildings and states that any proposal for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form will be considered against the following criteria: location, setting and context; impact on the historic environment; and scale, massing and architectural quality.

- 8.10 Parkers Piece lies within the Central Conservation Area. Within the centre of Parkers Piece lies 'Reality Checkpoint' which is a Grade II Listed Building. In addition, there are Grade II Listed Buildings facing Parkers Piece along Parkside and Park Terrace. Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 189 – 202 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Policy 61 of the Cambridge Local Plan (2018) aligns with the statutory provisions and NPPF advice.
- 8.11 One of the key characteristics of Parkers Piece is its unbroken openness and lack of structures, with exception to the lighting columns and footpaths, and the café and toilets along the periphery. This characteristic also allows the Listed 'Reality Checkpoint' to be the most visible feature.
- 8.12 Although the wheel is on a limited footprint, it does have a height of 36 meters and so is taller than all surrounding buildings and is visually prominent within the space and from outside of the space. Due to its siting near to the 'Reality Checkpoint' and its visual prominence, it is considered that the wheel detracts from the Listed Building as this is no longer the most visible feature. In addition, it is considered that the wheel along with its ancillary buildings and structures at the base adds visual clutter to a very open area which would not retain or enhance the character of the area.
- 8.13 However, as the wheel is a temporary structure it is considered that the impact on the historic assets would also be temporary and so the harm is considered to be limited. In addition, the wheel has already been constructed using permitted development rights and so the visual harm has already been done and the additional time period requested under this application would not result in any further harm. Paragraph 196 of the NPPF states that where a development will lead to less

than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Due to the temporary nature of the wheel, it is considered that the development leads to less than substantial harm and it is considered that the benefits of the wheel to aid the city in the recovery following the pandemic would outweigh the harm that has occurred. It is also noted that this area of Parkers Piece has previously had permission for a temporary Ice Rink, Christmas Market and funfair which results in similar visual harm and so it is considered that it is difficult to refuse this application for this reason alone.

- 8.14 It is noted that some damage would occur to the grass, however, as the wheel has already been erected it is considered that the damage associated with the installation of the wheel has already been done. However, it is considered reasonable that if approved a condition should be added to ensure that remedial works to the damaged area are conducted.
- 8.15 Subsequently, it is considered that on balance, subject to the imposition of a condition to ensure that the area is returned to an acceptable standard after the removal of the wheel, the extended period of time of the wheel would have an acceptable level of impact on the character and appearance of the surrounding area, Conservation Area and setting of the Listed Buildings. Therefore, the application complies with Policies 55, 56, 58 60, 61 and 65 of the Cambridge Local Plan (2018).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 Parker's Piece has a number of residential properties in close proximity to its outer boundaries. Due to the siting of the wheel and the separation distance to the residential neighbours it is considered that it would not have an impact on residential amenities in terms of loss of light, loss of outlook or sense of dominance. Whilst the wheel allows views from high level, the wheel is located over 150 metres from the residential properties and so it is not considered to result in an unacceptable loss of privacy.

Lighting

- 8.17 Policy 34 of the Cambridge Local Plan (2018) states that development proposals that include new external lighting or changes to existing external lighting will be permitted where it can be demonstrated that it minimises impact to local residential amenity.
- 8.18 The wheel includes some floodlights and a flashing light show. The floodlights are directed towards the Kelsey Kerridge building and so unlikely to have a detrimental impact on the residential neighbours. Whilst it is acknowledged that the flashing light show could cause annoyance to neighbouring properties due to the intensity and the height of the wheel it is considered that the proposed 8pm curfew would mitigate this impact. The opening hours of the wheel can be controlled by way of a condition to ensure that the wheel and associated lighting stops at 8pm. Subsequently, it is considered that the proposal is compliant with Policy 34 of the Cambridge Local Plan (2018).

Noise

- 8.19 Policy 35 of the Cambridge Local Plan (2018) states development will be permitted where it is demonstrated that it will not lead to significant adverse effects and impacts on health and quality of life/amenity from noise and vibration, and adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures.
- 8.20 The application states that the wheel should be powered by mains electricity and that the generator is only to be used in emergencies. However, during a site visit from the Environmental Health Officer the generator was powering the wheel. This has since been confirmed by the applicant as being the case as the mains electricity was not suitable. However, the applicant is currently trying to resolve this with the electricity provider.
- 8.21 The Environmental Health Officer also raised concern regarding a loud 'clanking' noise created when the wheel was rotating. The applicants have confirmed that this is a temporary issue, however, they are seeking discussions with the manufacturers to either resolve or mitigate this issue. This is due to take place

before the Committee meeting so any updates will either be reported in the Amendment Sheet or verbally at Committee.

- 8.22 As the wheel is currently in use under permitted development rights it is not possible for the Council to control the current use of the generator under the planning process. However, to ensure that noise levels are suitable for the extended time periods it is considered reasonable to add conditions ensuring that following the end of the permitted development time period, the generator is only used in emergencies and that the wheel shall not operate until the 'clanking' issue is fully resolved. As such, subject to conditions it is considered that the proposal will comply with Policy 35 of the Cambridge Local Plan (2018).

Car and Cycle Parking

- 8.23 Details regarding the dismantling and removal of the wheel at the end of the proposed time period has been submitted along with confirmation that staff will not drive to the site. The Highways Authority have not raised any objection to this. The site is located in close proximity to the public car park at Queen Anne's Terrace for any visitors that do need to travel by car to the site. Otherwise, the central bus station is two minutes' walk away which includes stops for all park and ride buses and there is cycle parking on Parker's Piece in the west and south corners. As such, it is considered that the uplift in traffic would be minimal and temporary. Therefore, the proposal is compliant with Policies 80, 81 and 82 of the Cambridge Local Plan (2018).

Third Party Representations

Issue Raised	Response
Visual Impact including aesthetics, height and overpowering of space	Addressed in paragraph 8.13
Impact on neighbour amenity including concerns regarding light, noise, privacy and outlook	Addressed in paragraphs 8.17-8.23
Transport including traffic congestion and cycle provision	Addressed in paragraph 8.24

<p>Importance of Parkers Piece as an Open Space including:</p> <ul style="list-style-type: none"> - damage to turf, - impact on peaceful green - commercialisation 	<p>Addressed in paragraph 8.15 Addressed in paragraph 8.6 and 8.7 The fact that the wheel runs as a commercial operation is not a material planning consideration.</p>
<p>Planning Process including</p> <ul style="list-style-type: none"> - At the date of receiving the letter the wheel was being installed/consultation a sham - Description incorrect as wheel is being installed; - Gone through the back door of permitted development; - No publicly displayed notices; 	<p>The wheel was erected under permitted development rights</p> <p>The description at the time of submission was correct. However, due to delays in validation applicant used permitted development rights to start. The description was subsequently changed and public reconsulted.</p> <p>Under Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and subsequent amendments in June 2020 and November 2020 the wheel can be erected and the use changed for a period of up to 56 days. The Local Planning Authority has no control over permitted development rights.</p> <p>A site notice was displayed on a lamppost near to the relevant quadrant on 06.05.2021. Following the change in description, four more notices were displayed on the periphery of Parkers Piece close to the footpaths</p>

- Parker's Piece is defined as a public space and the 1985 Act specifically limits closure of any part of the city's public spaces to more than 6 days at any one time;	on 03.06.2021 This is a legal issue and not a material planning consideration.
Assume ice rink will be the sequel to the extended period	A planning application for the temporary ice rink is under consideration, however, as no decision is made, little weight can be given to this.
Lack of transparency in terms of revenue	Not a planning consideration
Social Distancing	Not a planning consideration

9.0 CONCLUSION

9.1 Having considered the proposed development against the applicable national and local planning policies and having taken all relevant material into account, it is recommended that temporary planning permission should be granted in this instance.

10.0 RECOMMENDATION

APPROVE subject to conditions.

1. The hereby approved observation wheel and associated structures shall be fully removed and the area made good, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, by the end of 31st October 2021 unless otherwise agreed in writing with the local planning authority.

Reason: To avoid harm to the special interest of the recreational area, and to limit visual harm to the character and appearance of the surrounding area, Conservation Area and nearby Listed Buildings. (Cambridge Local Plan 2018, policy 55, 56, 58, 61 and 67)

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The permitted use hereby approved shall not operate/open outside the hours of 11:00 and 20:00 hours.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policies 34 and 35)

4. The generator shall only be used in the event of mains power failure emergency to safely disembark patrons. It shall not be used as an alternative supply in the event of disconnection from the mains supply following for example non-payment.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policy 35)

5. The use of amplified music equipment/voice is not permitted.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policy 35)