



17<sup>th</sup> September 2021

**Report to:** Joint Development Control Committee

**Lead Officer:** Joint Director of Planning and Economic Development

---

## **21/02528/S73 – Queen Edith’s (Regional Surge Centre 20, Addenbrooke’s Hospital, Hills Road, Cambridge)**

Proposal: Retention and continued use of Regional Surge Centre 20 (RSC 20), ancillary buildings and infrastructure constructed pursuant to planning permission granted under Schedule 2, Part 12 A, Class A of the GPDO (2015) (As Amended) without compliance with conditions A.2. (b) (time period) and condition A.2(c) (use of land) of that planning permission.

Applicant: Cambridge University Hospitals NHS Foundation Trust

Key material considerations: Principle of development; Context of site, design and external spaces; Carbon reduction and sustainable design; Water management and flood risk; Light pollution, noise, vibration, air quality, odour and dust; Residential amenity; Highway Safety; Car and cycle parking.

Date of Member site visit: - N/A

Is it a Departure Application?: No

Decision due by: 28 September 2021

Application brought to Committee because: In the wider public interest.

Presenting officer: James Truett, Planning Officer, Strategic Sites Team

## Executive Summary

1. This is a section 73 application seeking to vary conditions attached to a planning permission which was granted by a Development Order.
2. The planning permission relates to a temporary building which was constructed for use during the coronavirus pandemic (Regional Surge Centre 20).
3. This proposed condition variations seek to extend the time period of use to 31 December 2024, and the time period for the land to be restored to a serviced development plot (with underground services and connections retained on or before 31 December 2025).
4. The proposed section 73 application is considered in accordance with the relevant national and local planning policies, and it is recommended that planning permission be granted, subject to conditions.
5. This is one of three separate section 73 applications submitted in relation to the retention of a Regional Surge Centre (RSC) granted permission by a Development Order and constructed on the Cambridge University Hospital (CUH) Addenbrookes site as permitted development, to be used for the purposes of responding to the Coronavirus pandemic. The reports relating to the two other planning applications can be found elsewhere on the committee agenda.

## Relevant planning history

6. 14/0120/FUL - Redevelopment of existing parking area to provide education centre (3,985 sqm), private hospital (10,405 sqm), hotel and conference centre (12,540 sqm), ancillary hot food takeaway (Class A5, 605 sqm) and ancillary D1 (530 sqm) and associated car parking and public realm works, known as The Forum Cambridge. – Approved 26 June 2014
7. 14/1247/FUL - Siting and use of portacabins for training purposes for a temporary period. – Approved 28 August 2014
8. 15/0509/NMA - Non material amendment on application 14/0120/FUL for various working minor alterations to approved plans and elevations. – Part Approved Part Refused 03 July 2015

## 9. Relevant Government Legislation

Schedule 2, Part 12 A, Class A of the Town and Country Planning (General Permitted Development) (England) Order	<p>Emergency development by a local authority or health service body</p> <p><b>Permitted development</b></p> <p><b>A.</b> Development by or on behalf of a local authority or health service body on land owned, leased, occupied or maintained by it for the purposes of—</p> <p>(a) preventing an emergency;</p>
---	--

2015 as inserted by the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020	<p>(b) reducing, controlling or mitigating the effects of an emergency; or</p> <p>(c) taking other action in connection with an emergency.</p> <p><b>Conditions</b></p> <p><b>A.2.</b> Development is permitted by Class A subject to the following conditions—</p> <p>(a) if the developer is not the local planning authority, the developer must, as soon as practicable after commencing development, notify the local planning authority of the development;</p> <p>(b) any use of the land for the purposes of Class A ceases on or before 31st December 2021; and</p> <p>(c) on or before the expiry of a period of 12 months beginning with the date on which the use of the land ceases for the purpose of Class A—</p> <p>(i) any building, works, plant, machinery, structure and erection permitted by Class A is removed; and</p> <p>(ii) the land is restored to its condition before the development took place, or, if the developer is not also the local planning authority, to such other state as may be agreed in writing between the local planning authority and the developer.</p>
--	--

## 10. Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	<p>1 - The presumption in favour of sustainable development</p> <p>14 - Areas of Major Change and Opportunity Areas – general principles</p> <p>17 - Cambridge Biomedical Campus (including Addenbrooke's Hospital) Area of Major Change</p> <p>32 - Flood Risk</p> <p>34 - Light pollution control</p> <p>35 - Protection of human health and quality of life from noise and vibration</p> <p>36 - Air quality, odour and dust</p> <p>55 - Responding to context</p>

	56 - Creating successful places 69 - Protection of sites of biodiversity and geodiversity importance 70 - Protection of priority species and habitats 71 - Trees 75 - Healthcare facilities 81 - Mitigating the transport impact of development 82 - Parking management
--	---

## 11. Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards
Supplementary Planning Documents	Greater Cambridge Shared Planning Sustainable Design and Construction SPD 2020
Area Guidelines	Cambridge University Hospitals (CUH) Strategic Masterplan (2010)

## Consultation

### Cambridgeshire County Council (Highways Development Management)

12.No objection. No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

### Environmental Health

13.No objection. The development proposed is acceptable and informatives are recommended related to proposed end use and compliance with the Greater Cambridge Shared Planning Sustainable Design and Construction SPD.

### Urban Design Team

14.No objection. The proposals are considered acceptable in urban design terms.

### **Sustainability Officer (Design and Construction)**

15. No objection. The proposals are considered acceptable in sustainable design and construction terms. Should the building be retained beyond 2024, further sustainability enhancements should be considered.

### **Sustainable Drainage Officer**

16. No objection. The development proposed is acceptable.
17. 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.

### **Representations from members of the public**

18. No representations were received.

### **The site and its surroundings**

19. The site is located within the Addenbrooke's Hospital Campus, on the Southern edge of Cambridge. The site occupies the former Car Park F, located off Keith Day Road, which has now been demolished. It lies to the South of the Frank Lee Centre and to the North of the Clinical Research Centre. It is entirely surrounded by RSC 56.
20. The Regional Surge Centre, which is currently under construction, will have capacity for 20-beds to enable the Cambridge University Hospital NHS Foundation Trust to respond and recover from the ongoing and anticipated requirements of the Coronavirus pandemic.
21. The site is within the Cambridge Biomedical Campus (including Addenbrooke's Hospital) Area of Major Change covered by Cambridge Local Plan (2018) policy 17.

### **The proposal**

22. This is a section 73 planning application which seeks to vary relevant conditions attached to a planning permission which was granted by a Development Order - namely Schedule 2, Part 12 A, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as inserted by the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 ('the GPDO').
23. RSC 20 is being constructed on the Cambridge University Hospital (CUH) Addenbrooke's site as permitted development, under Schedule 2, Part 12 A, Class A of the GPDO. The building will act as a regional specialist centre to be used for the purposes of responding to the Coronavirus pandemic.

24. This application proposes to vary conditions A.2. (b) (time period) and condition A.2 (c) (use of land) of Schedule 2, Part 12 A, Class A of the GPDO (2015) (As Amended) by virtue of Section 73 of the Town and Country Planning Act (1990).

25. The original wording for condition A.2. (b) and condition A.2. (c) of Schedule 2, Part 12A Class A of the GPDO (2015) (As Amended) is as follows:

- Condition A.2. (b) any use of the land for the purposes of Class A ceases on or before 31 December 2021.
- Condition A.2. (c) on or before the expiry of a period of 12 months beginning with the date on which the use of the land ceases for the purpose of Class A—
  - i. any building, works, plant, machinery, structure and erection permitted by Class A is removed; and
  - ii. the land is restored to its condition before the development took place, or, if the developer is not also the local planning authority, to such other state as may be agreed in writing between the local planning authority and the developer.

26. The proposal seeks to vary condition A.2. (b) and condition A.2. (c) of Schedule 2, Part 12A Class A of the GPDO (2015) (As Amended) to read as follows:

- Condition A.2. (b) any use of the Regional Surge Centre 20 Shall Cease on or before 31 December 2024; and
- Condition A.2. (c) on or before 31 December 2025 –
  - i. The Regional Surge Centre 20 shall be removed; and
  - ii. The land shall be restored to a serviced development plot with underground services and connections retained.

27. The reason for the application is to retain the building beyond 31 December 2021, given the on-going challenges of the Coronavirus pandemic for the NHS.

28. The site area for RSC 20 is 0.13ha, with a non-residential floor area of 736 square metres. The site is shared with RSC 56, which is the subject of a separate application, the report for which can be found elsewhere on this Agenda.

29. The application is supported by the following submitted documents:

- Location Plan RSC 20 - 20124-LSI-RSC-XX-DR-A-1171-S2-P01
- Site A Proposed Site Plan RSC 20 - 20124-LSI-RSC-XX-DR-A-2035-S2-P02
- External Elevations RSC 20 - 2165-ESS-00-ZZ-DR-W-3000
- Floor Plan RSC 20 - 2165-ESS-00-00-DR-W-1000
- Roof Plan RSC 20 - 2165-ESS-00-00-DR-W-1075
- FRA / Drainage Statement (for information)
- Ecology Report (for information)
- Archaeology Statement (for information – to follow)
- Tree Survey (for information only)
- Transport Statement (for information only)
- Design, Access, and Planning Statement - Addenbrookes RSC 20

## **Planning assessment**

### **Principle and Parameters of the Development**

30. 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. Carbon Reduction and Sustainable design
4. Water management and flood risk
5. Light pollution, noise, vibration, air quality, odour and dust
6. Residential Amenity
7. Highway safety
8. Car and cycle parking

### **Principle of Development**

31. The principle of the development has been established through the existing planning permission granted under Schedule 2, Part 12 A, Class A of the ('the Coronavirus Amendment Order 2020'). This permits the emergency development by a local authority or health service body for the purposes of: (a) preventing an emergency; (b) reducing, controlling or mitigating the effects of an emergency; or (c) taking other action in connection with an emergency. Officers are satisfied that the principle of the development falls under Schedule 12, Part 12A, Class A of the Coronavirus Regulations, being emergency development by a health service body.

32. The supporting documentation which accompanies the application provides justification for the need to retain RSC 20 for a further three-year period, beyond 31 December 2021. The retention of RSC 20 is driven by the following:

- Maintaining the ability to respond to subsequent Coronavirus Waves
- Maintaining social distancing on wards
- Maintaining safe pathways for Coronavirus patients
- Expanding intensive care beds and facilities
- Reduce waiting times for non-coronavirus services

33. Whilst the approach being taken to vary these conditions is unusual, the High Court has held that where a previous planning permission was granted by a Development Order, these conditions could be varied or removed by a section 73 application. Officers acknowledge the need to retain the building past 31 December 2021 given the on-going challenges for the Coronavirus pandemic, and the need for certainty in the ability of the NHS to respond. The principle of extending the time period for a further three-year period is therefore considered acceptable, subject to the following evaluation.

34. As there is no preceding application which specifies the approved plans, a relevant condition is included ensuring that the proposed development is carried out in accordance with the approved plans.

## **Context of site, design and external spaces**

### Response to context

35. The RSC 20 is located in the former Car Park F situated off Keith Day Road.. As part of the development the underground connections, tunnels and utilities, between the site and the existing hospital have been delivered to allow safe patient transfer and operation of the RSC 20 and RSC 56. The proposed amendments to the condition seeks to retain these.
36. The building is a single-storey modular, pre-fabricated temporary facility with a plant room at roof level. The functional and modular nature of the facility means that a temporary planning permission is not inappropriate. However, it is an expectation that the longer-term consideration of the site will feature in the review work which is underway in respect of the 2010 Cambridge University Hospitals Strategic Masterplan. The extension of the time period planning permission to 31 December 2024 (three-year extension to the existing permission), and the use of land condition to 31 December 2025 is therefore supported.
37. The height of the facility is 3.7 metres above ground level. The design is considered acceptable within the context of Addenbrooke's Hospital, and given that there are other similar modular buildings of a temporary nature on the Addenbrooke's Hospital. The proposals have been reviewed by the Council's Urban Design Team, who have raised no objection to the proposal.
38. The existing vegetation on the site will be maintained and there is no further soft landscaping proposed. Considering the temporary nature of RSC 20, and that the site will be returned to a serviceable development plot on or after 31 December 2025, this is considered acceptable.
39. On the basis of the above assessment, the proposal is considered compliant with Cambridge Local Plan (2018) policies 55 and 56 in respect of context of site, design and external spaces.

## **Carbon Reduction and Sustainable design**

40. Given the temporary nature and use of the building, officers are of the view that it would not be appropriate to seek the inclusion of sustainability enhancements. The Sustainability Officer has raised no objections to the retention of RSC 20 but does comment that should it be retained beyond 2024, sustainability enhancements should be considered.

## **Water management and flood risk**

41. The site is located in Flood Zone 1 and no increase in impermeable surfaces is proposed as a result of the retention of RSC 20. The site utilises permeable



paving and an open graded sub-base to slow the surface water run-off, in the vehicular paved areas, to the existing drainage network. The Council's Sustainable Drainage Officer has no objection to the retention of the Regional Surge Centre and considers the Flood Risk Assessment and Drainage Strategy statement to be acceptable considering the temporary nature of the development.

42. On this basis, the issues of water management and flood risk are considered to have been satisfactorily addressed, and the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

### **Light pollution, air quality, noise, vibration, odour and dust**

43. Considering the temporary nature of the proposal the Council's Environmental Health team considers the risk of operational noise, local air quality, artificial lighting and contaminated land to be very low. There are also considered to be no long-term unacceptable adverse impacts.
44. Subject to the recommended informatives from the council's Environmental Health team, related to; proposed end use ground stability and contamination; and compliance with the Greater Cambridge Shared Planning Sustainable Design and Construction SPD, the proposal is in accordance with Cambridge Local Plan (2018) policies 34, 35, 36.

### **Residential Amenity**

45. The proposed retention of RSC 20 is considered to be acceptable in terms of the impact upon residential amenity as there are no residential dwellings adjacent to the site.

### **Highway Safety**

46. The Local Highway Authority has not objected to the proposals, and it is considered the proposed development would not result in a significant adverse impact upon highway safety. On this basis the proposals are considered acceptable with regard to highway safety.

### **Car and Cycle Parking**

47. RSC 20 is located on the former Car Park F so has resulted in the displacement of the parking spaces for Hospital staff to Car Park 3, which is located on land adjacent to Robinsons Way/Francis Crick Avenue roundabout. The documentation which accompanies the application states that Car Park 3 is to be available until the end of the extension period being sought.
48. The application documentation confirms that the Regional Surge Centre's will not generate additional visitor parking as visitors are actively discouraged from visiting in response to the contagious nature of Coronavirus. Additionally, there will be no increases in staff parking requirements as the Centre's will not increase staff numbers. Therefore, the retention of RSC 20 will not have an unacceptable

adverse long-term impact on car and cycle parking. On this basis, the proposal is compliant with Cambridge Local Plan (2018) policy 82.

## **Conclusion**

49. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

## **Recommendation**

50. **GRANT PLANNING PERMISSION** for the development of land under Schedule 2, PART 12A, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the following conditions:

## **Conditions**

1. Condition A.2. (a) if the developer is not the local planning authority, the developer must, as soon as practicable after commencing development, notify the local planning authority of the development;
2. Condition A.2. (b) any use of the regional Surge Centre 20 Shall Cease on or before 31 December 2024; and
3. Condition A.2. (c) on or before 31 December 2025 –
  - i. The Regional Surge Centre 20 shall be removed; and
  - ii. The land shall be restored to a serviced development plot with underground services and connections retained.
4. 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.

## **Informatives**

1. The applicant and operators of the premises should satisfy themselves that the site is suitable for its proposed end use, taking account of ground conditions and any risks arising from land instability and contamination, including ground gases or natural hazards in the area.  
Where a site is potentially affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

2. Best endeavours should be used to comply with relevant sections of the following guidance:

- Greater Cambridge - Sustainable Design and Construction SPD, Adopted January 2020: link- (<https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd>) and in particular 'section 3.6 – Pollution' and the following associated appendices:

6: Requirements for Specific Lighting Schemes,

7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide

8: Further technical guidance related to noise pollution

- Specialist Services- Health Technical Memorandum 08-01: Acoustics (Department of Health, 2013)

## **Appendices**

None

## **Report Author:**

James Truett, Planning Officer (Strategic Sites Team)  
Telephone: 07714 639864