



<b>Planning Committee Date</b>	14.06.2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00801/FUL
<b>Site</b>	Parkers Piece, Parkside, Cambridge
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
<b>Applicant</b>	Mr S Thurston
<b>Presenting Officer</b>	Charlotte Spencer
<b>Reason Reported to Committee</b>	Called-in by Cllr Porrer and Cllr Bick Third party representations Land within ownership of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise and disturbance and amenity impacts 2. Impact on use and enjoyment of Parker's Piece 3. Heritage impacts
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks temporary planning permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
- 1.2 Officers recommend that the Planning Committee grant temporary planning permission for the period sought.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building	Adj	Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	X
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Public Right of Way	X		

- 2.1 Parkers Piece is a Protected Open Space located within the City Centre. It 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 and hotels as well as Parkside Pool and the Fire and Police Stations.
- 2.2 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 Grade II Listed.

## 3.0 The Proposal

- 3.1 The application is seeking planning permission for permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
- 3.2 The Observation Wheel would be located within the eastern quadrant of Parkers Piece close to the centre, where the diagonal paths cross. It would be 36 metres tall and supported by eight stanchions with a white

painted finish and it holds 24 fibre glass gondolas. At the base of the wheel the 'station' is integrated into the structure. The integrated deck allows passengers to enter up to 4 gondolas at a time, two with level access and two with steps. To the front of the wheel lies the ticket booth and the Astroturf deck. There would also be a coffee van and some seats on the decked area. The whole area takes up a space of 22 metres by 30 metres.

- 3.3 It is proposed that the Observation Wheel be open for public use between 1 April and 31 August for the years 2022-2025. A ten day erection and dismantle period is required either side of these dates and as such permission is requested from 22<sup>nd</sup> March to 10<sup>th</sup> September.
- 3.4 The description has been amended along with the details within the Design and Access Statement to clarify the proposed dates. Further consultations have been carried out as appropriate.

#### 4.0 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)	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 rink with viewing platform and back of house/plant area; a family entertainment area with children's ride, food concessions and other associated entertainment (including Big Wheel) to one quadrangle of Parkers_Piece. Nov 2021 - Jan 2025	Approved 04.11.2021 <i>*Only permitted for one year</i>
21/01392/FUL	Retention of Observation Wheel until 31 <sup>st</sup> October	Approved 18.10.2021

4.1 The Observation Wheel was previously approved by the Planning Committee under reference 21/01392/FUL. The Observation Wheel also formed part of the ice-rink permission (20/03552/FUL) which was also determined by Planning Committee, although members agreed to only allow permission for the 2021/22 season rather than the 4 years that was applied for.

4.2 The size, scale, location and details of the Observation Wheel which forms part of this current application is identical to that which was approved in 2021. However, they are now seeking for permission for it to be erected for the summer season over multiple years.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Environment Act 2021

Equalities Act 2010

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 10: The City Centre

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 60: Tall buildings and the skyline in Cambridge

Policy 61: Conservation and enhancement of historic environment

Policy 65: Visual pollution

Policy 67: Protection of open space

Policy 68: Open space and recreation provision through new development

Policy 79: Visitor attractions

Policy 81: Mitigating the transport impact of development

## **5.3 Neighbourhood Plan**

N/A

## **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Cambridgeshire Flood and Water SPD – Adopted November 2016

Open Space SPD – Adopted January 2009

## **5.5 Other Guidance**

Central conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management – No Objection**

6.2 No significant adverse effect upon the Public Highway.

### **6.3 Conservation Officer - Objection**

6.4 Parkers Piece is one of the most important historic green spaces in the Conservation Area and one of its key characteristics is its relatively unbroken openness. The Grade II Listed 'Reality Checkpoint' is located in the middle of the space and the openness allows for it to be the most visible feature and an important marker of the centre of the Piece.

6.5 The Observation Wheel is particularly tall and is extremely visually prominent within the space and detracts from the Listed Building and the wider Conservation Area.

6.6 There is no objection to having this type of recreational device on the Piece, however, it would be more acceptable, subject to visual impact studies, for the wheel to be located nearer to the periphery of the Piece.

#### **6.7 Access Officer - Comment**

6.8 One gondola must take wheelchairs.

#### **6.9 Environmental Health – No Objection**

6.10 No objections subject to conditions 3, 4 and 5 of permission 21/01392/FUL being fully implemented.

#### **6.11 Sport England – No Objection**

6.12 This part of the public open space is not marked out for pitch sport use. The proposed development meets exception 3 of playing fields policy.

#### **7.0 Third Party Representations**

7.1 Representations in objection have been received from approximately 80 properties.

7.2 The following issues have been raised:

- Principle of development (loss of open space)
- Character, appearance and scale
- Heritage impacts
- Residential amenity impact (impacts on privacy, noise and disturbance, light pollution)
- Public amenity impact (loss of open space, safety risk, damage to grass)
- Impact on wildlife
- Commercial enterprise
- Lack of benefits (not used)
- Impact on property values

#### **8.0 Member Representations**

8.1 Cllrs Bick and Porrer have made a joint representation objecting to the application on the following grounds:

- Heritage Impacts
- No longer a temporary use of open space
- Damage to grass

8.2 Cllrs Bick and Porrer submitted photos via email on 25.05.2022 showing the grass following the dismantling of the wheel in January 2022.

8.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 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.

9.3 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 which is proposed to be lost.

9.4 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 attractions on offer, especially to better support the needs of families. The locations of any new attractions should have good public transport accessibility.

9.5 The Observation Wheel is a temporary structure seeking permission to be in place between 1<sup>st</sup> April and 31<sup>st</sup> August in the years 2022-2025. In addition, there would be 10 days either side of the period to erect and dismantle the structure. The wheel would be 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 the heritage assets will be discussed in more detail.

9.6 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 would remain a predominantly 'green space' for recreational use. The wheel would be sited within the eastern quadrant which is used for informal recreation and it would not result 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.

- 9.7 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 the use of the land for an observation wheel would be in keeping with the historic use of the space.
- 9.8 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.

### **9.9 Design, Layout, Scale and Landscaping and Impact on Heritage Assets**

- 9.10 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. Policy 67 adds that development proposals will not be permitted if they 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.
- 9.11 Parkers Piece lies within the Central Conservation Area. Within the centre of the 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 194 – 208 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.



- 9.12 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 allows the Listed 'Reality Checkpoint' to be the most visible feature.
- 9.13 Although the wheel and associated structures would have a limited footprint, it would have a maximum height of 36 metres. Therefore, it would be taller than all surrounding buildings and would be visually prominent from within and outside of the space. Due to its siting near to the 'Reality Checkpoint' and its visual prominence, it is considered that the wheel would detract from the Listed Building as it would no longer be 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.
- 9.14 However, the wheel would be a temporary structure that would be in place for 5 months of the year for four years. Therefore, it is considered that the impact on the historic assets would also be temporary and so the harm is considered to be limited. Paragraph 202 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 in terms of a tourist attraction would outweigh the harm that would occur. It is also noted that permission has previously been granted for the Observation Wheel in this location, and Parkers Piece has previously had permission for a temporary Ice Rink, Christmas Market and funfair.
- 9.15 It is noted that damage was done to the grass following the last time the wheel was erected. The previous permission only required the grass to be 'made good' following the removal of the wheel. As there is visual damage to the grass it is considered reasonable to strengthen this condition to request a method statement detailing how the ground will be de-compacted, turfed and temporarily fenced to ensure the new grass has time to properly establish. It is considered that the use of this condition would allow the Council to better control the re-establishment of the grass.
- 9.16 Subsequently, it is considered that on balance, subject to conditions ensuring the wheel is temporary and a sufficient method of returning the grass to an acceptable standard, the proposal would have an acceptable level of impact on the character and appearance of the surrounding area, Conservation Area and the setting of the Listed Buildings. Therefore, the application complies with Policies 55, 56, 58, 60, 61 and 65 of the Cambridge Local Plan (2018) and the provisions of the Planning (LBCA) Act 1990 and the NPPF.

## **9.17 Residential Amenity**

9.18 Policies 34, 35, 52, 53 and 58 of the Cambridge Local Plan (2018) seek to preserve the amenity of neighbouring occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

9.19 Parkers 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.

#### 9.20 Lighting

9.21 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 the impact to local residential amenity.

9.22 The wheel would be lit by white lights on the spokes of the wheel itself. There are lights within the gondolas and there will be 4 floodlights on the base of the main struts facing the wheel. Whilst it is acknowledged that the lights 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. In addition, the wheel would be installed in the summer months where the evenings would be lighter with the earliest sunset being about 7.30pm on the 1<sup>st</sup> April. 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. This would also overcome any concerns regarding nocturnal wildlife. Subsequently, it is considered that the proposal is compliant with Policy 34 of the Cambridge Local Plan (2018).

#### 9.23 Noise

9.24 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.

9.25 In 2021 the wheel was powered by generators due to an insufficient electricity supply to the Piece. The Development Manager of the Council's Street and Open Space department has confirmed that the electricity is currently at the edge of the Piece and that once planning permission is granted it could be extended to the wheel's location. It was suggested that 3 weeks be given between the opening of the wheel in year one to allow the electricity supply to be extended. This timeframe is considered

reasonable as it would be unreasonable to expect the applicant to incur the cost if permission is granted. Following the given 3 week period, the condition shall state that the wheel shall only be powered by the main electricity supply and that generators shall only be used in the case of emergency.

9.26 Environmental Health have requested that the use of amplified music equipment/voice is not permitted. This is considered reasonable to keep the noise levels at a reasonable level.

9.27 It is considered that subject to the imposition of the conditions, that the proposal would comply with Policy 35 of the Cambridge Local Plan (2018).

### **9.28 Cycle and Car Parking Provision**

9.29 The Highways Authority have not raised any objection. 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).

### **9.30 Access**

9.31 The information submitted demonstrates that the gondolas can be accessed via a level surface.

### **9.32 Third Party Representations**

9.33 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Conjunction with ice rink	The ice rink/ Christmas market does not benefit from planning permission for any future years, as the previous permission was limited to the 2021/2022 winter season only. No planning application has been received by the Council for the ice rink and as such little weight can be given to this.
Commercial Enterprise for the Council	This is not a material planning consideration. The application has been taken to committee as the Council is a landowner.
Lack of transparency in terms of revenue	Not a planning consideration
Exclusive	The price to go on the wheel is not a planning consideration.

Royal Charter	This is a legal issue and not a material planning consideration.
Property Values	Impact on property values is not a material planning consideration

### 9.34 Planning Balance

- 9.35 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.36 The Observation Wheel would result in less than substantial harm to the setting of the Listed 'Reality Checkpoint' and the character and appearance of Parkers Piece and the Central Conservation Area.
- 9.37 As the wheel would be temporary, the heritage harm would also be temporary. The proposed wheel would act as a tourist attraction that would bring economic benefits to the neighbouring businesses and the city centre as a whole. In this case, the benefits of the temporary permission are considered to outweigh the less than substantial harm that would arise to the heritage assets.
- 9.38 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

### 9.39 Recommendation

9.40 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

### 10.0 Planning Conditions

1. The development hereby permitted is for a temporary period only, and shall only be erected and installed on site between 22 March and 10 September and operated on site between 01 April and 31 August in the years 2022, 2023, 2024, 2025 and at no other time. Before the end of each period, the development and all ancillary equipment, materials and services shall have been removed from the site.

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 and associated lighting 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 observation wheel, hereby approved, shall be powered from the main electricity supply within three weeks of the start of installation for year one. A generator, which shall be solar powered in the first instance, with diesel only being used in the event of failure of the solar generator, shall only be used in the event of mains power failure emergency to safely disembark patrons, and 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/voice equipment is not permitted.

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

6. No later than 1 August 2022, or the first year of operation, whichever is sooner, a scheme detailing the method of protection and reinstatement of the grassed area underneath and around the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable of works, the precise location of all protection measures and their specific type, measures to reinstate and repair the turf once the development is removed, the grass mix, and a method statement detailing how the ground will be decompacted, turfed, and temporarily fenced to protect the new turf. The development shall be carried out in accordance with the approved details and timescales, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate against excessive permanent damage to the grassed areas of Parkers Piece and to ensure that all repairs are to an acceptable standard. (Cambridge Local Plan policies 55, 56, 60 and 61).

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## Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs