



Planning Committee Date	3 rd August 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/02520/FUL
Site	Midsummer Common, Stourbridge Common and Locations along the Tow Path
Ward / Parish	Market, Abbey and East Chesterton
Proposal	Installation of 11 sculptures and 5 benches and associated structures forming a sculpture trail of a scale model of the solar system for a temporary period from 25th July 2022 to 4th September 2022 (including installation and removal) from Midsummer Common via Riverside and Stourbridge Common, Cambridge along the River Cam towpath to Cow Hollow Wood, Waterbeach - this is a cross boundary application, please see 22/02402/FUL.
Applicant	Urban Scale Interventions Ltd
Presenting Officer	Phoebe Carter
Reason Reported to Committee	Land within ownership of the Council Planning Committee
Member Site Visit Date	N/A
Key Issues	-Visual Impact
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for the installation of 11 sculptures and 5 benches and associated structures forming a sculpture trail of a scale model of the solar system for a temporary period from 25th July 2022 to 4th September 2022 (including installation and removal) from Midsummer Common via Riverside and Stourbridge Common, Cambridge along the River Cam towpath to Cow Hollow Wood, Waterbeach. This is a cross boundary application linked to application 22/02402/FUL submitted to South Cambridgeshire District Council.
- 1.2 Our Place in Space (OPIS) is part of Festival UK 2022 which creates a public art event which is centred around a scale model of the solar system which combines a three dimensional sculpture trail, interactive Augmented Reality (AR) app and learning and events programmes. It is a visitor attraction and immersive learning experience. The installation would be temporary and removeable. The sculpture trail would be in place for 28 days with an additional 7 days for installation and removal. Set up for the sculptures will commence 25th July 2022 and they will be removed by 4th September 2022. The trail will be open to the public between 30th July 2022 and 28th August 2022 inclusive.
- 1.3 Officers recommend that the Planning Committee Approves the application

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area (Central, Riverside)	X	Local Nature Reserve	X
Listed Building		Flood Zone	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	X
Scheduled Ancient Monument		Controlled Parking Zone	X
Local Neighbourhood and District Centre		Article 4 Direction	
City Wildlife Sites (Ditton Meadows, Midsummer Common, River Cam)	X	Green Belt	X
Railway	X	Public Right of Way and Bridleway	X

- 2.1 The application seeks planning permission to install sculptures calculated to exactly match the location of planets in the solar system from the Sun to Pluto on a scale of 10 km.
- 2.2 The trail starts with the Sun on the western side of Midsummer Common with Shadow Earth. Mercury, Venus, Earth, Moon and Mars are positioned across the open space to the north east corner. The trail continues along Riverside onto the existing public footpath/cycleway on Stourbridge Common, where the Jupiter sculpture will be positioned together with a bench, and eastwards using the Chisolm Trail bridge onto the towpath on the north side of the river. The Saturn sculpture and a bench will be located at this point. A bench will be positioned at Grassy Corner and the next sculpture, Uranus, is at Baits Bite Lock. A bench and the next sculpture Neptune are sited along the towpath finishing with the final sculpture, Pluto in Cow Hollow Wood to the west of Clayhithe Road. The main public footpath from the towpath to Waterbeach follows the road but there is also a footpath through the wood which would mark the end of the trail.

3.0 The Proposal

- 3.1 The application seeks planning permission for the installation of 11 sculptures and 5 benches and associated structures forming a sculpture trail of a scale model of the solar system for a temporary period from 25th July 2022 to 4th September 2022 (including installation and removal) from Midsummer Common via Riverside and Stourbridge Common, Cambridge along the River Cam towpath to Cow Hollow Wood, Waterbeach. This is a cross boundary application linked to application 22/02402/FUL submitted to South Cambridgeshire District Council.
- 3.2 Our Place in Space (OPIS) is part of Festival UK 2022 which creates a public art event which is centred around a scale model of the solar system which combines a three dimensional sculpture trail, interactive AR app and learning and events programmes. It is a visitor attraction and immersive learning experience. The installation would be temporary and removeable. The sculpture trail would be in place for 28 days with an additional 7 days for installation and removal. Set up for the sculptures will commence 25th July 2022 and they will be removed by 4th September 2022. The trail will be open to the public between 30th July 2022 and 28th August 2022 inclusive.
- 3.3 A number of events will be held on Midsummer Common to compliment the sculpture trail and an AR App will be available to provide additional information virtually along the route as well as enabling the public art to be visited remotely.
- 3.4 The installations comprise brightly painted pre-fabricated sculptures which will be as follows:

The Sun: Translucent fibre glass sphere with flexible silicone flares

Would be sited on a steel base plate over ground anchors and a concrete ballast. The structure is 3.2 metres in height and 2.4 metres in width. The structure has an internal steel structure which a painted fibre glass sphere

Shadow Earth: Painted fibre glass sphere

Would be sited on a steel base plate over ground anchors and a concrete ballast. The structure is 2.8 metres in height and 2.4 metres in width. The structure has an internal steel structure which a painted fiber glass sphere

Planets: Spheres held within painted steel archways

Benches: Arrow benches measuring 2.1 metres in length, 1.3 metres in height and 0.75 metres in depth. The seat height is 0.75 metres off the ground. The arrows will show the distance to the sun statue situated on Midsummer Common. The arrows allow visitors places to pause, rest and give distances and wayfinding assistance to the next sculpture. The steel base has a removable panel allowing up to 500kg of ballast to be hidden inside.

3.5 The sculptures anchors and concrete ballast will ensure they can't be toppled or removed.

4.0 Relevant Site History

4.1 No relevant site history.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 4: The Cambridge Green Belt

Policy 5: Sustainable transport and infrastructure

Policy 7: The River Cam

Policy 32: Flood risk

Policy 34: Light pollution control

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 61: Conservation and enhancement of historic environment

Policy 65: Visual pollution

Policy 67: Protection of open space

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 79: Visitor attractions

5.3 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Open Space SPD – Adopted January 2009

Trees and Development Sites SPD – Adopted January 2009

5.4 **Other Guidance**

Central conservation area

Riverside and Stourbridge Common conservation area

6.0 **Consultations**

6.1 **Parish Council (Waterbeach) –No Objection.**

6.2 Subject to relevant health and safety assessment and risk assessments are carried out.

6.3 **Parish Council (Milton) – No Recommendation**

6.4 Anything installed should not constrict the width of the towpath

6.5 **County Highways Development Management**

6.6 No objection.

6.7 **Sustainable Drainage Officer**

6.8 No objection due to proposed length of installation.

6.9 Conservation Officer

6.10 No objection. Temporary period of time and therefore very limited impact on character and appearance and the setting of three listed buildings.

6.11 Landscape Officer

6.12 No objection. Recommend a condition regarding ground to be returned to a state which they were prior to installation

6.13 Ecology Officer

6.14 (Submitted under application 22/02402/FUL). No objection. Lighting needs to be considered to not impact bats which can be conditioned. Other conditions recommended regarding works carried out in line with Ecological Appraisal by MKA Ecology and Biodiversity Net Gain.

6.15 Cambs Police

6.16 No comments

7.0 Third Party Representations

7.1 1 representation has been received.

7.2 Those in objection have raised the following issues:

-Conflict of cycles and pedestrians at sculptures 8, 9, 10 and 12.

8.0 Assessment

8.1 Principle of Development

8.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

8.2 Policy 7 of the Cambridge Local Plan 2018 supports development along the River Cam if: b) preserve and enhance the unique physical, natural, historically and culturally distinctive landscape of the River Cam; c) raise, where possible, the quality of the river, adjacent open spaces and the integrity of the built environment in terms of its impact, location, scale, design and form; and f) takes into account and supports recreational facilities associated with the river. Due to the temporary nature of the development and the introduction of a recreational trail it will have a limited

impact and the land will be restored. It is therefore is considered the principle of development is acceptable.

8.3 The principle of the development is acceptable and in accordance with policies 3 and 7.

8.4 Design, Layout, Scale and Landscaping

8.5 Policies 55, 56, and 59 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.

8.6 The proposed installation would be temporary and removable. Officers consider that given the temporary nature of the proposal, and the scale of the proposed sculptures, the appearance of the sculptures is not likely to cause any harm to the character or appearance of the trail. The sculpture trail would fall within this permitted development category, save for the time period. Whilst the structures would only be in place for 28 days, an additional 7 days is required for the installation and removal of the structures amounting to a total of 35 days. Under the legislation these activities should be included within the 28 day allowance. This is the sole reason that planning permission is needed.

8.7 The proposed sculptures have been located to ensure that there is sufficient space for cyclists and wheelchairs to go through the arch. Sculpture 8, located on the Tow Path in proximity to the Chisholmn trail bridge is the most confined within the City. Whilst it is acknowledged that this can be a busy route with a high footfall and cycle route the site has sufficient space surrounding it for people to pass. Concerns have been raised by Milton Cycling Group however the position has been chosen to minimise the impact on safety. Given the small footprint, access through the sculpture and their temporary period of 35 days, it is considered that any obstruction to the flow of cyclists and pedestrians would not be detrimental. In addition as part of the trail there will be 'trail guardians' at the busiest times along the route to provide advice, information and will be monitoring and managing the visitors. Officers are therefore satisfied that the proposal would not lead to a safety issue for cyclists and pedestrians.

8.8 Midsummer Common and Stourbridge Common are designated as Protected Open Spaces under Policy 67 of the Cambridge Local Plan. Given the small footprint of the sculptures and the temporary period it is not considered to harm the character of the open space. The trail adds to the recreational opportunities within the open space and would not prevent the rest of the Protected Open Space being used for informal recreation as existing. It is therefore considered to accord with Policy 67.

8.9 Overall, the proposed development would contribute positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 59.

8.10 Green Belt

8.11 Para 147 of the NPPF is engaged and dictates that the proposal is by definition inappropriate development, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case the harm to the GB is very limited due to the temporary nature of the proposal. In officers' view, the planning balance weighs in favour of granting permission as the impact of the sculptures is minimal to harm the openness of the GB.

8.12 Trees

8.13 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

8.14 The application is accompanied by an Arboricultural Impact Assessment by Haydens. It has been concluded that the positioning of the sculptures and benches have been located outside the Root Protection Areas of the trees or have a small impact within the Root Protection Zone that they are not considered to lead to significant harm. Due to this no specialist foundation design, or construction techniques have been proposed.

8.15 All trees are to remain as part of the development and should not suffer damage structural damage subject to the report being complied with in full which shall be conditioned.

8.16 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

8.17 Heritage Assets

8.18 The application falls with the Riverside Conservation Area. The application is within the setting of listed buildings surrounding the Commons.

8.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

8.20 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.

- 8.21 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 8.22 The Conservation Officer has advised that due to the temporary period of time the proposal would have a very limited impact on character and appearance and the setting of three listed buildings and Conservation Area.
- 8.23 It is considered that the proposal, by virtue of its scale and temporary nature, the proposal would not harm the character and appearance of the Conservation Area or the setting of listed buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.

8.24 Biodiversity

- 8.25 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 8.26 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that the impact is expected to be minimal due to the small footprints and temporary nature of the installation.
- 8.27 Recommendations were made for minimising and dimming the luminaries after sunset, reseeded damaged grassland with a mix of native grasses and wild flowers and for contractors to be made aware of potential presence of water vole burrows along the banks of the Cam (particularly where the banks are natural and not reinforced with wooden piling or concrete). All vehicles and contractors should remain on the main tow path during installation and disturbance to the river bank where water vole

burrows may be present. The restoration of the grassland habitats within the designated sites should be agreed with the site managers in these locations. In addition the access routes for installation and removal should be agreed with designated site managers to minimise the risk of ecological impacts.

8.28 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the installation is carried out in regards to the report, protection of species specifically in regard to lighting and the estimated biodiversity net gain is delivered.

8.29 Due to the limited nature of the proposal Officers do not consider it reasonable to request biodiversity is achieved for this proposal and therefore this will not be requested.

8.30 Lighting of the structures is required for safety reasons. A compliance condition will be added to any permission granted to ensure that the lighting does not impact bats. This will require the lighting to be dimmed from as shown on the existing plans.

8.31 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

8.32 Flood Risk

8.33 Policies 31 and 32 of the Local Plan require developments to minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.

8.34 The site is in Flood Zone 2 and 3. The trails are therefore considered at risk of flooding.

8.35 The Council's Sustainable Drainage Engineer has advised that due to the temporary nature of the proposal and footprint of the proposed sculptures it is not considered to lead to an increase of flooding.

8.36 The applicants have suitably addressed the issues of flood risk, and is in accordance with Local Plan policies 31 and 32 and NPPF advice.

8.37 Highway Safety and Transport Impacts

8.38 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

- 8.39 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 8.40 The trail has been designed for visitors to following walking or cycling beginning at Midsummer Common and ending in Waterbeach, close to the station. Parking controlled around the beginning of the trail and as such parking would need to be at public car parks. As the installation will be open for 28 days and that it is designed to be followed on foot or bicycle it is not considered that it would lead to a significant increase in parking in proximity to the trail.
- 8.41 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority who have raised no objection. It is considered that the proposal accords to Policy 80.

8.42 Amenity

- 8.43 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 8.44 Neighbouring Properties
- 8.45 The sculptures are to be located away from residential properties and owing to the short installation window, this is considered to be acceptable and in accordance with Cambridge Local Plan.
- 8.46 Construction and Environmental Impacts
- 8.47 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

8.48 Third Party Representations

- 8.49 The third party comments have been assessed within the above report.

8.50 Planning Balance

- 8.51 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).

- 8.52 This is a unique proposal that will temporarily provide intrigue along its path for those interacting with the installation. Officers strongly support temporary planning permission being granted.
- 8.53 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

8.54 Recommendation

- 8.55 **Approve** subject to:

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

9.0 Planning Conditions

- 1 The development (sculptures and benches) hereby permitted shall be removed (from the sites) and the land restored to its former condition, on or before 31 August 2022.

Reason: The construction and materials are considered inappropriate for more than a temporary period. (Cambridge Local Plan 2018 policies 27, 55 and 57 and 61)

- 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 There shall be no erection or dismantling of stages or other temporary structures, or unloading/loading of equipment, or deliveries/collections or other operational servicing in connection with the proposed use between 2300 hours and 0700 hours on any day, unless otherwise agreed in writing by the Local Planning Authority, or outside the period set out in condition 1.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties (Cambridge Local Plan 2018 policy 55 and 58).

- 4 All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological Appraisal by MKA Ecology, project 125422.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57)

- 5 All tree measures and/or works shall be carried out in accordance with the details contained in Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan by Haydens, Project 9462 dated 13/05/2022.

Reason: To protect the trees and to safeguard biodiversity interests and the character of the area (Cambridge Local Plan 2018 policies 59 and 71).

- 6 All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

- 7 The sites must be returned to the state in which they were prior to the sculptures being positioned. This plan must include all hard and soft landscape works required to return the sites to the original state.

Reason: In the interests of visual amenity. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

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