



Planning Committee Date	01 March 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/02081/FUL
Site	Development Land at 75 Cromwell Road
Ward / Parish	Romsey
Proposal	Installation of public art including Bird Boxes, Finger Posts, Tree Stakes, The Hive and Sunray Trellis, Railings and a Pavilion.
Applicant	Hill Partnerships
Presenting Officer	James Truett
Reason Reported to Committee	Land within ownership of the Council/Employee
Member Site Visit Date	N/A
Key Issues	1.Design, Layout, Scale, and Landscaping 2.Amenity
Recommendation	APPROVE subject to conditions

0.0 BACKGROUND

- 0.1 This application follows the grant of planning permission to the Cambridge Investment Partnership for development of this site for the erection of 295 dwellings including 40% affordable housing; a nursery and community facility (D1), access, car and cycle parking, including basement car park, play equipment and landscaping, substation and associated works under planning permission reference 19/0288/FUL. The application was heard by the planning committee on 11th June 2019 who resolved to grant planning permission, and the decision notice was issued on 16th October 2019.
- 0.2 The Cambridge Investment Partnership (CIP) is a joint venture company set up by Cambridge City Council and Hill Investment Partnership and was set up in 2017. One of the original goals of the partnership was to deliver 500 net new Council rented homes across the City using mainly council owned sites/assets. The City Council has received £70 million support from central government as part of the Devolution Deal to help achieve this target.

- 0.3 This application is being referred to the planning committee as it is a major application (by virtue of site area) and in the interests of transparency as the land is in the ownership of the City Council.

1.0 Executive Summary

- 1.1 The application seeks planning permission for the installation of public art on development land at 75 Cromwell Road, known as the Timberworks. This includes bird boxes, finger posts, tree stakes, The Hive and Sunday Trellis, and a pavilion.
- 1.2 The proposals are of a modest scale and relate directly to a planning condition attached to the original planning consent (condition 8 of planning permission 19/0288/FUL), which required the development to be carried out in accordance with an agreed public art strategy.
- 1.3 Officers recommend that the Planning Committee approve planning permission for application 22/02081/FUL, subject to the conditions and informatives set out in section 12 of this report.

2.0 Site Description and Context

- 2.1 The application site is an irregular shaped plot of land with a strong north-south orientation, and occupies approximately 3.27 hectares in area.
- 2.2 The site is bound to the west by railway lines, to the south by residential properties along Cavendish Place and Cavendish Road, to the east by residential properties along Cromwell Road together with a small parade of shops, and to the north by residential properties along Cromwell Road and Winstanley Court.
- 2.3 Planning permission was granted in 2019 for a residential led development comprising 295 dwellings, and construction on the site is at an advanced stage.
- 2.4 The approved site layout can broadly be described as having apartment blocks along the western railway edge, with an open space separating the flats from houses along the eastern and southern sides of the site.

3.0 The Proposal

- 3.1 The application seeks planning permission for the installation of public art including bird boxes, finger posts, tree stakes, The Hive and Sunray Trellis, railings and a pavillion.

- 3.2 The proposed artwork has been designed to sit within the open space that flows through the centre of the site in order to allow for the art to be experienced most widely.
- 3.3 The pieces of artwork are designed to provide a variety of interests – from musical railings to a pavilion with a roof that plays different audio depending on the prevailing weather. Further to this there are poems on the tree stakes, birdboxes, beehives, and decorative trellis features are also included.
- 3.4 The application has received supplementary information to address representations and consultations comments.

4.0 Relevant Site History

Reference	Description	Outcome
19/0288/FUL	Erection of 295 dwellings including 40% affordable housing; a nursery and community facility (D1), access, car and cycle parking, including basement car park, play equipment and landscaping, substation and associated works.	Permission granted
19/0288/NMA1	Non-material amendment on application 19/0288/FUL to improve the function of the early years/community facility in Block A including minor adjustments to the internal layout, the creation of an external entrance for the community room and relocation of a buggy store.	Permission granted
19/0288/NMA2	Non material amendment of planning permission 19/0288/FUL: increased height of 6 houses, change of 1 house to be wheelchair adaptable and minor changes to elevations including brick details, windows, parapet heights (reduced) and door colours.	Permission granted

- 4.1 There is an extensive planning history on this site however the above application is most relevant to the current proposal.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Equalities Act 2010

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 8: Setting of the city

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 59: Designing landscape and the public realm

Policy 65: Visual pollution

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Landscape in New Developments SPD – Adopted March 2010

Open Space SPD – Adopted January 2009

Public Art SPD – Adopted January 2009

5.5 Other Guidance

Not applicable

6.0 Consultations

6.1 County Highways Development Management

6.2 No objection to the proposal as it would not impact upon highway safety.

6.3 Ecology Officer

6.4 The Councils Ecology Officer raises no objections to the proposal, despite noting that the bird boxes are not necessarily ideally located but appreciates the need for the poetry on them to be able to be read.

6.5 Urban Design Officer

6.6 No objection raised.

6.7 Environmental Health Officer

6.8 As amended: No objection raised subject to the imposition of a condition relating to noise management.

6.9 As submitted: Further information/clarification required in relation to noise impact, noise management and mitigation, locational impact of the pavilion.

6.10 Ministry of Defence Safeguarding

6.11 No objection raised.

6.12 Network Rail

6.13 No objection raised.

6.14 Anglian Water

6.15 No objection raised.

6.16 Cambridge Airport

6.17 No objection raised.

6.18 **Archaeology**

6.19 No objection raised.

6.20 **Cambridgeshire Constabulary**

6.21 Concerns raised regarding the Pavilion and the potential of Antisocial behaviour, and the public art structure's being used as climbing aides. It is understood that these items of public art are for the benefit of the residents.

6.22 **Landscape Architect**

6.23 As amended: No objection subject to conditions regarding hard and soft landscape management, and lighting and sound controls.

6.24 As submitted: Further information and clarifications requested in relation to planting, boardwalks, gravel/mulch finish, speakers weatherproofing, and lighting.

6.25 **Lead Local Flood Authority**

6.26 As amended: No objection raised subject to pollution control informatives.

6.27 As submitted: The public art is required to funnel rain water, therefore confirmation of where the surface water collected will be discharged, and how it will drain into the surface water management scheme is required.

6.28 **Public Art Officer**

6.29 No objection. We recommend the approval of the proposals contained within this Planning Application. They have been developed from the principles of the approved site wide Public Art Strategy and therefore comply with the Council's criteria and policy. The proposals as works of art, are of quality with rigorous and strong thinking to underpin their development. The proposals have the support of the Council's Public Art Panel.

7.0 Third Party Representations

7.1 1 representation has been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)

8.0 Member Representations

8.1 Not applicable

9.0 Local Interest Groups and Organisations / Petition

9.1 Not applicable

9.2 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.

10.0 Assessment

10.1 Planning Background

10.2 A full planning application was approved for the Timberworks site in October 2019 (19/0288/FUL) for the development of 295 dwellings a nursery and community facility, access, car and cycle parking, including a basement car park, play equipment and associated works. As part of this application a Public Art Strategy and Delivery plan was secured under condition 8 of this permission. The current application is for the Public Art proposed as part of the approved Public Art Strategy and delivery plan for the Timberworks site (19/0288/FUL).

10.3 Condition 8 of the planning permission for the Timberworks development reads as follows:

“The public art provision shall be fully implemented in accordance with the submitted Public Art Strategy and Delivery Plan V2 dated May 2019, unless otherwise approved in writing by the Local Planning Authority. Once in place, the public art shall not be moved or removed otherwise than in accordance with the approved maintenance arrangements.

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) (Cambridge Local Plan 2018, Policy 56).”

10.4 The applicant has been working with the council's Public Art Officer to deliver a scheme of public art which complies with the approved strategy.

10.5 **Principle of Development**

- 10.6 Policy 56 of the Cambridge Local Plan 2018 public art should be embedded into development proposals in order to deliver successful places.
- 10.7 The proposal is for the installation of pieces of public art, to implement the strategy approved as part of an application for a residential led development at the Timberworks. The proposal does not seek to change the use of the land on which it would form part of, or otherwise conflict with the wider approval for the site, and as such the proposal is considered acceptable in principle.

10.8 **Design, Layout, Scale and Landscaping**

- 10.9 Policies 55, 56, 57, 58 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.
- 10.10 Policy 59 encourages a coordinated approach to public art on new developments. This proposal is a result of ongoing collaborative work between the applicant and the council's Public Art Delivery Officer.
- 10.11 The proposed artwork is all located within the approved public open space, this is considered appropriate as this is where the artwork would have the most public benefit and most interaction with the public. The different pieces of artwork are designed to provide a range of stimulus and interest therefore encourage interaction.
- 10.12 The Council's Urban Design officer raises no objections. The Council's Landscape Officer raises no objection subject to **conditions 4 and 5** related to hard and soft landscape management, and lighting and sound controls.
- 10.13 The council's Ecology Officer has no objections, however, does raise that the Sparrow and Swift boxes are not in the most optimal position. It is recognised that these could still be used and that they integrate into the public art scheme.
- 10.14 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.

10.15 **Highway Safety and Transport Impacts**

- 10.16 There are no highway safety and transport impacts as a result of this application.

10.17 **Amenity**

- 10.18 Policy 35, 36, 56, 59, and 65 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.
- 10.19 The impact on neighbouring properties from light pollution is expected to be minimal considering the area will already be well lit from street lighting so will not cause an increase in the existing light pollution. Further to this the lighting will be directed down into the unit with limited overspill and will be on a light sensor/timer. The Environmental Health team have raised no concerns from the lighting of the Pavilion feature.
- 10.20 The impact of noise on neighbouring properties is expected to be minimal and is unlikely to cause significant negative impacts on residents. The speakers, which will enhance natural sounds such as birdsong, will operate at set times between 8am and 8pm to further mitigate against any potential noise nuisance.
- 10.21 The comments from the design out crime officer in regard to anti-social behaviour are acknowledged and understood, however, the pavilion structure itself has been designed to enable full through visibility, alongside being located in a busy main entrance area. Further to this the maintenance/management plan ensures that the landscaping management around the structure should retain visibility and covers potential issues of fly-tipping, graffiti, and repairing and replacing any damages. The purpose of the pavilion is to provide a space to encourage new residents to socialise and the measures suggested are considered sufficient to reduce the perception/fear of crime and mitigate against anti-social behaviour.
- 10.22 The Council's Environmental Health team have assessed the application and originally raised concerns over the location proposed for the pavilion structure. As a result, the applicant provided a Noise Mitigation and Management Scheme which has overcome the Officer's concerns regarding potential disturbance to residents in the flat block nearby.
- 10.23 A condition has been recommended (**Condition 3**) requiring compliance with the submitted Noise Mitigation and Management Strategy.
- 10.24 Summary
- 10.25 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 36, 56, 59, and 65.

10.26 Flood Risk and Drainage

10.27 The submitted information demonstrates that the proposed artwork and infrastructure will sit on stilts within the existing SuDs basin which ensures safe access and egress during extreme rainfall events. Therefore, the proposals cause no increased flooding risk for the site. The Lead Local Flood Authority recommends an informative for pollution control.

10.28 Third Party Representations

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

Third Party Comment	Officer Response
Support for parkland and environmental/eco-features	Acknowledged
Lack of consultation	Site notices for the application were displayed at key visible locations in May 2022 (still visible in January 2023) and again in January 2023.
Objection to Pavillion/Pergola feature (Noise, lighting, and anti-social behaviour)	The lighting and audio elements of the pavilion feature are set on a timer to reduce operation hours. Mitigation measure are suggested including 360 degree through visibility and being located in a busy area, are proposed to reduce the likelihood of anti-social behaviour. Vandalism and fly-tipping are addressed in the Public Art Management Plan Version 1.0 March 2022 through regular monitoring and quick repairs/remediation.

10.30 Planning Balance

10.31 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).

10.32 Summary of harm

10.33 There is the potential that the public art, specifically the pavilion element could attract anti-social behaviour if not properly managed. This is proposed to be mitigated through design of the public art features, provision of lighting, and noise management measures.

10.34 Summary of benefits

- 10.35 The proposal would provide public art into the new development which would provide interest and enjoyment to residents and visitors across a spectrum of ages. The audio-visual public art would also create a space for community members to meet and socialise.
- 10.36 Whilst it is not possible to eliminate the risk of the site attracting anti-social behaviour, it is considered that, taking into account the mitigation measures proposed, the benefits of the proposals in relation to developing an attractive, and inclusive space, as well as fostering a sense of community outweigh any residual risks of noise or nuisance which may be generated by the proposals. Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

11.0 Recommendation

11.1 Approve subject to:

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

12.0 Planning Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 noise mitigation and management scheme for the development as approved shall be implemented in accordance with the principles, operational noise levels and noise management detailed in the submitted document "Response to comments regarding Environmental Health 3058/22 31st May 2022 on Development Land at 75 Cromwell Road Cambridge Planning Application 22/02081/FUL" (Hill, 10th June 2022).

The details as approved shall be fully implemented prior to completion of the development and shall be maintained and retained thereafter.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework Feb, 2019 paragraphs 170, 180, 182 and Cambridge Local Plan 2018 policy 35.

- 4 All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the full occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

- 5 Prior to installation of any lighting or audio equipment a lighting and sound control strategy shall be submitted and approved in writing by the Local Planning Authority.

This strategy shall include details of lighting and audio equipment hours of operation, and a mechanism for the hours of operation and light / sound levels to be reviewed in response to resident feedback.

The development shall be carried out in accordance with the approved strategy.

Reason: To protect the amenity of adjoining / nearby properties from noise and light disturbance in accordance with policies 34 and 35 of the Cambridge Local Plan 2018.

13.0 Informatives

Pollution Control

- 1 Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

