



Planning Committee Date	7 th February 2024
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/03980/S73
Site	Public Toilet, Silver Street, Cambridge
Ward / Parish	Newnham
Proposal	S73 to vary condition 2 (approved drawings) of ref: 19/1167/FUL (Refurbishment of existing basement toilets and associated works to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure) to move the building by 0.9m to avoid clashing with an existing pipe.
Applicant	Declan O'Halloran – Cambridge City Council
Presenting Officer	Laurence Moore
Reason Reported to Committee	Third party representations Land within ownership of the Council Application submitted by a member or officer of the Council
Member Site Visit Date	N/A
Key Issues	1. Character/Heritage Impacts 2. Neighbour Comments
Recommendation	APPROVE subject to conditions.

1.0 Executive Summary

- 1.1 The application seeks S73 permission to vary condition 2 (approved drawings) of ref: 19/1167/FUL (Refurbishment of existing basement toilets and associated works) to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure) to move the building by 0.9m to avoid clashing with an existing pipe.
- 1.2 The proposed development seeks to alter the siting of the approved WC Kiosk serving the Silver Street Public Toilets. The design, functional and operational use of the scheme shall remain as approved under application reference, and this application is for the relocation of the consented scheme only.
- 1.3 The proposed development would allow for a 0.9m shift in the position of the approved WC Kiosk, which would allow for a greater distance between the development and the adjacent public highway, reducing the prominence of the development within the street scene.
- 1.4 The development would not allow for any adverse impacts on the character of the site or surrounding conservation area, and would not detract from the setting of adjacent listed buildings. The conservation officer shares this view.
- 1.5 The development would not allow for any highway safety implications, subject to conditions.
- 1.6 The development would not allow for any significant visual changes when compared with the plans approved, and the changes will not have a wider impact outside of the site, and the proposed alterations are therefore considered acceptable as minor material amendments.
- 1.7 Officers recommend that the Planning Committee approve this application subject to conditions.

2.0 Site Description and Context

None-relevant		Flood Zone 3	x
Conservation Area	x	Controlled Parking Zone	x
Listed Building	x		
Building of Local Interest			
Historic Park and Garden	x		

*X indicates relevance

- 2.1 The existing public conveniences have been provided and operated by Cambridge City Council since 1985. Separate segregated facilities for men and women are located underground (accessed via stairs) with one mobility impaired cubicle at street level (timber clad beneath a pitched tiled roof).
- 2.2 The facilities are located close to the drop off point for coach visitors to Cambridge on Queens Road and are heavily used by thousands of people each year. The toilets are well used but significantly outdated and therefore, they are in a poor state of repair. They are the source of regular complaint, particularly during the summer months, and give a poor first impression of Cambridge to visitors. Maintenance works have become increasingly regular sometimes resulting in their temporary closure.
- 2.3 The site is located adjacent to Silver Street bridge and Darwin College, both Grade II Listed buildings and is situated at a prominent intersection of the River Cam and Silver Street. Silver Street is a key route into the historic centre of Cambridge with the bridge itself designed by Sir Edward Lutyens in 1932 and built in 1958-59, replacing a cast-iron bridge dating back to the 1840's. To the south of the bridge is the Mill public house (Grade II Listed) and Mill Pond, which has historically been an important location for boating in Cambridge but today, is an extremely popular meeting point for students and tourist punting around the city. To the north of the site is Queens College with Grade I and II listed buildings and mathematical bridge (Grade II listed) which spans the River Cam. A variety of architecture surrounds the site ranging from the 14th to the 21st Centuries.
- 2.4 The site is located within the Central Conservation Area.
- 2.5 The site does not fall within the curtilage of a Listed Building. However, it does affect the setting of Darwin College, Queens College and Silver Street Bridge therefore, an application for varying the previously approved listed building consent has also been submitted.

3.0 The Proposal

- 3.1 This application seeks: S73 to vary condition 2 (approved drawings) of ref: 19/1167/FUL (Refurbishment of existing basement toilets and associated works) to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure) to move the building by 0.9m to avoid clashing with an existing pipe.
- 3.2 The proposed development seeks to alter the siting of the approved WC Kiosk serving the Silver Street Public Toilets. The design, functional and operational use of the scheme shall remain as approved under application

reference, and this application is for the relocation of the consented scheme only.

- 3.3 The proposed development would allow for a 0.9m shift in the position of the approved WC Kiosk, which would allow for a greater distance between the development and the adjacent public highway.
- 3.4 The parent application was brought to Planning Committee on 6th October 2021. The application was approved. This application seeks to amend the consented scheme to allow for a shift in positioning to avoid complications with the existing drainage layout.

4.0 Relevant Site History

23/03902/S19LB - S73 to vary condition 2 (approved drawings) of ref: 19/1350/LBC (Refurbishment of existing basement toilets and associated works to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure) to move the building by 0.9m to avoid clashing with an existing pipe. – Pending consideration.

19/1350/NMA1 - Non material amendment on application 19/1350/LBC as the above ground building has been moved by approximately 0.9m. The new location is approximately 5.3m back from the road (an increase of 0.7m), 0.95m from the guardrail and perimeter wall to the basement stairs and 2.5m from Darwin College at its closest point (a decrease of 0.6m). - WDN

19/1167/FUL - Refurbishment of existing basement toilets and associated works to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure). - PERM

19/1350/LBC - Refurbishment of existing basement toilets and associated works to include the provision of a new guard rail to the basement stairs, and the erection of a replacement wheelchair accessible WC and kiosk (following demolition of the existing wheelchair accessible WC structure).- PERM

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 10: The City Centre

Policy 11: Development in the City Centre Primary Shopping Area

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Protection of human health from noise and vibration

Policy 36: Air quality, odour and dust

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of Cambridge's historic environment

Policy 62: Local heritage assets

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Cambridgeshire and Peterborough Flood and Water
Greater Cambridge Biodiversity – Adopted February 2022

5.5 Other Guidance

Cambridge Historic Core/Central conservation area

6.0 Consultations

6.1 County Highways Development Management –No Objection

- 6.2 No objection subject to previously recommended conditions being re-applied.
- 6.3 Conditions pertaining to traffic management plans and restricting construction delivery times shall be re-applied in the interest of highway safety,

6.4 Conservation Team –No Objection

- 6.5 No objection, no recommended conditions.

6.6 Historic England – No Objection

- 6.7 No objection, no recommended conditions.

7.0 Third Party Representations

- 7.1 4 representations have been received.
- 7.2 Those in objection have raised the following issues:
- Character, appearance and scale
 - Sustainability/Water Use
- 7.3 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.

8.0 Assessment

8.1 Planning Background

- 8.2 The parent application was brought to Planning Committee on 6th October 2021. The application was approved. This application seeks to amend the consented scheme to allow for a shift in positioning to avoid complications with the existing drainage layout.
- 8.3 This application is for the proposed alterations to the specific siting of the proposals only, and all other aspects of the development remain as approved under application reference: 19/1167/FUL. As this is a S73 application relating to a change in the approved plans and in particular siting, members are strongly advised to curtail their consideration of the S73 application to the differences proposed between schemes sought for permission and the material issues these differences raise. It would be unreasonable to revisit matters not sought for change considering the fall-

back position relating to the existing consent which is still capable of implementation.

8.4 Principle of Development

- 8.5 The application seeks amendments to a previously consented scheme. The principle is established and there is no material change in circumstance to warrant the principle being re-considered.

8.6 Design, Layout, Scale and Landscaping

- 8.7 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.
- 8.8 This application seeks to amend the previously consented scheme for the refurbishment of the Silver Street Public Toilets, approved under application reference: 19/1167/FUL.
- 8.9 The proposed amendments will allow for the relocation of the consented WC kiosk to avoid complications with the existing infrastructure arrangements. The proposed relocation will move the consented structure 0.9m south-east of the consented location. The proposed location will allow for greater distance between the kiosk and the highway, reducing the prominence of the development within the street scene whilst remaining within the identified red line boundaries of the consented scheme.
- 8.10 The designs of the WC kiosk shall remain as approved, with only the proposed siting of the kiosk being altered. The development is therefore considered consistent with the previously consented scheme approved under 19/1167/FUL, with regards to design, and is not considered to allow for any adverse impacts on the character of the site or surrounding conservation area and will not detract from the setting of adjacent listed buildings. The conservation officer shares this view.
- 8.11 The proposed development will not allow for any significant visual changes when compared with the plans approved, and will not allow for any wider impacts outside of the site when compared with the consented scheme, and is therefore acceptable.
- 8.12 The development is considered to be compliant with the provisions of policies 55, 56, 57, 58, 59, 61, 62 of the Cambridge Local Plan 2018, and is supported.

- 8.13 In line with the advice of the PPG, it is considered that the scale and/or nature of the proposed minor material amendments would not result in a development that is substantially different from the one which has been approved. The proposed amendments are therefore within the remit of section 73 of the Town and County Planning Act 1990.
- 8.14 In accordance with the PPG, to assist with clarity, a decision notice for the grant of planning permission under section 73 will also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 8.15 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.

8.16 Heritage Assets

- 8.17 The application falls within the Cambridge Historic Core/Central Conservation Area. The application is within the setting of the Grade II listed building: Silver Street Bridge, and is within close proximity to Grade I listed buildings, Darwin College and Queens College.
- 8.18 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.
- 8.19 Para. 205 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 significance of a heritage asset should require clear and convincing justification.
- 8.20 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.
- 8.21 The designs of the WC kiosk shall remain as approved, with only the proposed siting of the kiosk being altered.

8.22 The development is therefore considered consistent with the previously consented scheme approved under 19/1167/FUL, with regards to design, and is not considered to allow for any adverse impacts on the character of the site or surrounding conservation area and will not detract from the setting of adjacent listed buildings. The conservation officer shares this view.

8.23 It is considered that the proposal, by virtue of its scale, massing and design, 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 (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policies 60 and 61.

8.24 Carbon Reduction and Sustainable Design

8.25 Concerns have been raised regarding the sustainability criteria of the development, with comments stating that Grey Water should be used for the operational needs of the development.

8.26 The application seeks to amend the siting of the proposed development by circa 0.9m only, with all other aspects of the development including design, construction and operational means, being retained as approved under application reference 19/1167/FUL.

8.27 As noted within the assessment of the parent application; the space in the proposed development will not be heated to comfort temperatures and thus is classed as a non-exempt building with a low energy demand for the purposes of Building Regulations. Due to the relatively low degree of thermal control, a passive approach has been adopted to heating. The above and below ground spaces will be insulated to avoid internal cold surfaces and to minimise the risk of condensation forming. It is proposed that all services are given time-clock and presence controls such that lights, fans, hot water heater etc. can be disabled when not required. Low energy LED lighting will be used and operated on PIR (movement detecting) sensors, to ensure only the required amount of electricity is used. The proposal is therefore, being designed to minimise the use of electricity in accordance with the NPPF, Policy 28 of the Local Plan and the Sustainable Design and Construction SPD (2020).

8.28 As noted within the assessment of the parent application; Policy 31 requires new development to take a water sensitive approach recognising water should be re-used where practicable, offsetting potable water demand. The proposal includes a rainwater collection tank as part of its design which is featured as the sculptural element of the building. The water collected is proposed to be used to contribute to flushing toilets. The proposal also aims to reduce water consumption on the site by using low volume flushes. Taps are proposed to be low-flow taps with electronic movement sensors to monitor flows. The proposal has therefore, taken a

practicable approach in minimising potable water usage in accordance with policy 31 of the Local Plan.

- 8.29 The application seeks changes to the siting/location of the development only, and therefore the development is considered to remain compliant with the provisions of policy 28 and policy 31.
- 8.30 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28, 29 and 31 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.31 Biodiversity

- 8.32 The application seeks to amend the siting of the proposed development by circa 0.9m only, with all other aspects of the development including design, construction and operational means, being retained as approved under application reference 19/1167/FUL.
- 8.33 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.
- 8.34 The parent application was subject to formal consultation with the Council's Ecology Officer, who raised no objection to the proposal and recommended several conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 8.35 These conditions will be re-applied in the interest of ecological enhancements and preventing harm to protected species.
- 8.36 Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018), subject to the previously applied conditions being re-applied.

8.37 Flood Risk

- 8.38 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 8.39 The site is in Flood Zone 3 and is therefore considered at high risk of flooding.

- 8.40 The application seeks to amend the siting of the proposed development by circa 0.9m only, with all other aspects of the development including design, construction and operational means, being retained as approved under application reference 19/1167/FUL.
- 8.41 As noted within the assessment of the parent application; The basement is located within flood zone 3 however, this has always been the case and therefore, the development does not pose any greater risk than currently exists in terms of fluvial flooding. The Environment Agency has raised no objection in this regard subject to inclusion of flood resilience measures. The key element of flood resilience in the basement is the existing water membrane. This is due to assessed as part of the refurbishment works to ensure it is fit for purpose. The internal refurbishment will also utilise water resilient materials.
- 8.42 The basement has been subjected to flooding during storm surges due to the adjacency and level of the Anglian Water foul water overflow system. It is therefore, proposed that a non-return valve will be installed to the existing outlet of the foul water manhole and thus prevent surcharge waters rising up through gullies and appliances located within the basement. During surcharge conditions, the valve would close and thus prevent any foul water generated from the facility draining away. During these conditions there would be a requirement to temporarily close the facility. The provision of the non-return valve will improve the management of flooding of the basement and should minimise disruptions and closure caused by flooding. Operational status of the toilets is currently monitored several times on a daily basis by an attendant and this procedure will remain in place.
- 8.43 The applicant has suitably addressed the issues of water management and flood risk, and the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

8.44 Highway Safety and Transport Impacts

- 8.45 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.
- 8.46 Para. 115 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, or the residual cumulative impacts on the road network would be severe.
- 8.47 The application seeks to amend the siting of the proposed development by circa 0.9m only, with all other aspects of the development including design, construction and operational means, being retained as approved under application reference 19/1167/FUL.

- 8.48 The proposed change in location of the development is not considered to give rise to any adverse implications on highway safety subject to conditions, the Highways Officer shares this view.
- 8.49 The conditions applied to the previously consented scheme, which pertain to the need for Traffic Management Plans prior to commencement, and a restriction to construction delivery times, will be re-applied to this permission, in the interest of highway safety.
- 8.50 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.51 Amenity

- 8.52 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.
- 8.53 Neighbouring Properties
- 8.54 The application seeks to amend the siting of the proposed development by circa 0.9m only, with all other aspects of the development including design, construction and operational means, being retained as approved under application reference 19/1167/FUL.
- 8.55 The shift in positioning is not considered to allow for any adverse impacts on the amenity of neighbouring occupiers, and the development is considered as compliant with the provisions of policy 56.

8.56 Third Party Representations

- 8.57 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
Character	<p>The design of the development remains as approved and thus is acceptable.</p> <p>Full assessment of this point is contained within sections 8.7 and 8.17 of this report.</p>
Sustainability/Water Use	<p>The operational means of the development remain as approved, and thus are acceptable.</p> <p>Full assessment of this point is contained within section 8.25 of this report.</p>

8.58 Planning Balance

- 8.59 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).
- 8.60 The designs of the WC kiosk shall remain as approved, with only the proposed siting of the kiosk being altered. The development is therefore considered consistent with the previously consented scheme approved under 19/1167/FUL, with regards to design, and is not considered to allow for any adverse impacts on the character of the site or surrounding conservation area and will not detract from the setting of adjacent listed buildings. The conservation officer shares this view.
- 8.61 The proposed development will not allow for any significant visual changes when compared with the plans approved, and will not allow for any wider impacts outside of the site when compared with the consented scheme, and is therefore acceptable.
- 8.62 The development is considered to be compliant with the provisions of policies 55, 56, 57, 58, 59, 61, 62 of the Cambridge Local Plan 2018, and is supported.
- 8.63 In line with the advice of the PPG, it is considered that the scale and/or nature of the proposed minor material amendments would not result in a development that is substantially different from the one which has been approved. The proposed amendments are therefore within the remit of section 73 of the Town and County Planning Act 1990.
- 8.64 In accordance with the PPG, to assist with clarity, a decision notice for the grant of planning permission under section 73 will also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

9.0 Recommendation

9.1 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 shall be begun before the expiration of three years from the date of permission 19/1167/FUL 19.10.2021.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by 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 Prior to commencement of the construction of the building, samples of the external materials to be used in the construction of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 and 61)

- 4 No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

- 5 No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)

- 6 During the construction phase of the development, deliveries of materials and/or the removal of waste shall only take place between the hours of 09:30-15:30 seven days a week.

Reason: In the interests of highway safety in accordance with the NPPF and policy 81 of the Cambridge Local Plan

- 7 Prior to the installation of any external lighting, a lighting scheme shall be submitted to and agreed in writing by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details.

Reason: To ensure appropriate lighting is implemented taking into account habitat and biodiversity considerations for roosting bats in accordance with policy 70 of the Cambridge Local Plan.

- 8 Prior to commencement of construction of the new building, details of biodiversity enhancements shall be submitted to and agreed in writing by the local planning authority. The biodiversity enhancements shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity associated with the development in accordance with the NPPF and policy 70 of the Cambridge Local Plan.

- 9 Demolition of the existing building shall only take place from January to February (inclusive) or September to December (inclusive) in any calendar year, which is outside the bird breeding season, unless a report prepared by an ecologist is submitted to and agreed by the local planning authority which demonstrates the demolition of the building will not impact upon breeding birds.

Reason: In the interests of protecting the biodiversity of the site in accordance with the NPPF and policy 70 of the Cambridge Local Plan.

- 10 Notwithstanding the approved plans, further details of the proposed electronic turnstiles shall be submitted to and agreed in writing by the local planning authority. The agreed turnstiles shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the area in accordance with the NPPF and policies 55, 56 and 61 of the Cambridge Local Plan.

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