



## **25/02660/S73 – Units 5 And 6 Christs Lane Cambridge Cambridgeshire CB1 1NP**

### **Application details**

**Report to:** Cambridge City Planning Committee

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

**Ward/parish:** Market

**Proposal:**

S73 to vary condition 5 of ref: 19/1674/S73 (S73 to vary condition 17 of planning permission ref C/04/0632 (Comprehensive redevelopment providing units for purposes within Classes A1(retail) and A3 (Food and drink), 15 residential apartments, the creation of new public spaces, including the re-opening of Christ's Lane, associated highway works, servicing, and landscaping) to extend the opening hours of Units 5 and 6) to vary condition 5 to read all servicing, delivery and collections shall be undertaken between the hours of 0700 to 2300 Monday to Saturday and 1000 to 2100 on Sundays, Bank and other public holidays, unless otherwise agreed in writing by the local planning authority.

**Applicant:** Tesco Stores Ltd

**Presenting officer:** Charlotte Peet

**Reason presented to committee:** Third party representations

**Member site visit date:** N/A

**Key issues:**

- Noise/ Amenity Impacts

- Other Matters

**Recommendation:** Approve subject to conditions

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## 1. Executive summary

- 1.1 The application seeks permission to vary Condition 5 (delivery hours) of application ref. 19/1674/S73 to include Sundays and Bank and Public Holidays between 10am and 9pm. The report examines the need for this alteration and considers the potential impacts in terms of noise and amenity to surrounding occupiers. It is concluded, in consultation with the Environmental Health Officer, that due to the existing noise climate the proposal would not be harmful to surrounding residents.
- 1.2 Officers recommend that the Planning Committee approve the application.

Table 2 Consultee summary

Consultee	Object / No objection / No comment	Paragraph Reference
Conservation Officer	No objection	12.18
County Highways Development Management	No objection	12.19
Environmental Health	No objection	12.11 – 12.17
Landscape Officer	No comment	N/A
Third Party Representations	Objections	12.9 – 12.25

## 2. Site description and context

2.1 The application relates to Units 5 And 6 Christs Lane which are ground floor retail units, currently occupied by Tesco.

2.2 Christs Lane is a public right of way and a busy pedestrian route within Cambridge City Centre. Christs Lane hosts various retail units, the bus station is located to the northeast of the site. The retail frontage is designated as a primary retail frontage and is within the primary shopping area.

2.3 The site/ application property is located within the Central Conservation Area. To the north west of the site is Christs College, the buildings surrounding the courts are grade I listed and the college site is a designated historic park and garden. To the south east of the site is Emmanuel College, the buildings surrounding the court are grade II listed. The proposal is close to other grade II listed buildings (4-7 St Andrews Street, the Church of St Andrew and St Andrew War Memorial).

## 3. The proposal

3.1 The application seeks permission to vary Condition 5 (delivery hours) of application ref. 19/1674/S73 to include Sundays and Bank and Public Holidays between 10am and 9pm

**3.2** The current condition reads:

**3.3** All servicing, delivery and collections shall be undertaken between the hours of 0700 to 2300 Monday to Saturday only, excluding Sundays, Bank and other public holidays, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).

**3.4** Additional information on noise has been submitted whilst the application was considered, re-consultation was undertaken. This sets out the following additional information:

1. Two additional deliveries are anticipated (one for fresh goods in the morning, and an ambient delivery early afternoon)
2. This is required as fresh stock can drop from 97% availability to 84% on key items such as sandwiches over weekends, especially on Bank Holiday weekends
3. Neighbouring residential properties have been constructed to mitigate noise impact from bus station as set out in relevant planning conditions

#### **4. Relevant site history**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
19/1674/S73	S73 to vary condition 17 of planning permission ref C/04/0632 (Comprehensive redevelopment providing units for purposes within Classes A1(retail) and A3 (Food and drink); 15 residential apartments; the creation of new public spaces, including the re-opening of Christ's Lane; associated highway works, servicing; and landscaping) to extend the opening hours of Units 5 and 6.	Permitted 09.04.2020
C/04/0632	Comprehensive redevelopment providing units for purposes within Classes A1(retail) and A3 (Food and drink); 15 residential apartments; the	Permitted 30.08.2005

	creation of new public spaces, including the re-opening of Christ's Lane; associated highway works, servicing; and landscaping	
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Table 2 Relevant site history

**4.1** The site history includes the redevelopment of the Bradwell's Court area through the creation of both commercial units and residents area and associated infrastructure. The development was considered to add to the viability of the city and reactive various public areas. The application was then varied in 2020 for Unit 5 and 6 to increase the opening hours by one hour.

## 5. Policy

### 5.1 National policy

National Planning Policy Framework 2024  
 National Planning Practice Guidance  
 National Design Guide 2021  
 Circular 11/95 (Conditions, Annex A)

## **5.2 Draft Greater Cambridge Local Plan 2024-2045 (Regulation 18 Stage Consultation - December 2025 to January 2026)**

1. The Regulation 18 Draft Greater Cambridge Local Plan (the draft 'Joint Local Plan' (JLP)) represents the next stage of preparing a new joint Local Plan for Greater Cambridge. Once it is adopted, it will become the statutory development plan for the Greater Cambridge area, replacing the current (adopted) Local Plans for Cambridge City and South Cambridgeshire District.
2. Following endorsement by Joint Cabinet in November, the draft JLP will proceed to a formal public consultation (under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012). This is currently scheduled between 1 December 2025 and 30 January 2026.
3. In line with paragraph 49 of the National Planning Policy Framework (NPPF), local planning authorities may give weight to relevant policies in emerging plans according to several factors. The draft JLP is consistent with policies in the current NPPF, but represents an earlier stage of the plan making process. Therefore, at this stage, the draft JLP and its policies can only be afforded limited weight as a material consideration in decision making.

## **5.3 Cambridge Local Plan (2018)**

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 10: The City Centre

Policy 11: Development in the City Centre Primary Shopping Area

Policy 27: Site specific development opportunities

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Protection of human health from noise and vibration

Policy 36: Air quality, odour and dust

Policy 40: Development and expansion of business space

Policy 41: Protection of business space

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 60: Tall buildings and the skyline in Cambridge

Policy 61: Conservation and enhancement of Cambridge's historic environment  
Policy 62: Local heritage assets  
Policy 64: Shopfronts, signage and shop security measures  
Policy 65: Visual pollution  
Policy 71: Trees  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

#### **5.4      Supplementary Planning Documents (SPD)**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Development affecting Conservation Areas SPD – Adopted 2009  
Landscape in New Developments SPD – Adopted March 2010  
District Design Guide SPD – Adopted March 2010  
Listed Buildings SPD – Adopted 2009  
Public Art SPD – Adopted January 2009

#### **5.5      Other guidance**

Central Conservation Area Appraisal  
Buildings of Local Interest (2005)  
Cambridgeshire Design Guide For Streets and Public Realm (2007)

#### **5.6      Area Guidelines**

Cambridge Historic Core Conservation Area Appraisal (2015)

### **6.      Consultations**

#### **Publicity**

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

#### **Conservation Officer – No Objection:**

The application has been assessed and it is considered that the proposal would not give rise to any harm to any heritage assets.

#### **Landscape Officer – No Objection:**

The proposed amendments do not raise any issues of concern to the landscape team. It is therefore considered that the Section 73 proposals are acceptable in Landscape terms.

**Waste Officer – No Objection:**

At this stage Greater Cambridgeshire Shared Waste Services do not have any comments

Once further details regarding the proposed layout of the site are submitted, we would be happy to provide comments and guidance regarding the waste strategy for the development.

**Environmental Health – No Objection:**

**1<sup>st</sup> Comments**

The proposed hours do not impinge on night-time hours.

My view is that the proposed delivery hours are considerate in that they are respectful of the expectations of a higher level of amenity on Sunday / Bank Holiday mornings and evenings (not starting too early or ending too late).

I am aware that the delivery bay(s) are accessed via Drummer Street bus station. There are several bus movements in this locality until past 21.00hrs on Sundays and Bank Holidays. It is unlikely that the noise from a delivery vehicle in this area will be significantly different to that of the buses manoeuvring.

**2<sup>nd</sup> Comments**

Further to my comments of 6th August 2025, I confirm that I have reviewed the recent additional information consulted on (specifically the applicants' response to comments and questions) and we maintain the view that these proposals are low risk in terms of potential noise impacts, and therefore we have no objections. In our view, the additional information submitted is reasonable, as is the reliance on "context" which is a fundamental consideration when assessing commercial noise.

The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7. Third party representations**

**7.1** 8 representations have been received in objection.

**7.2** Those in objection have raised the following issues:

- Heritage impacts
- Character of the area

- Noise impacts
- Amenity impacts
- Precedent
- Lack of evidence
- Public benefits
- Highway safety
- Conditions
- Planning committee
- Justification
- Community engagement

**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. Planning background**

**8.1** This application follows one previous application to increase the operating hours at Units 5 and 6 (ref. 19/1674/S73).

## **9. Assessment**

**9.1** From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:

1. Principle of Development
2. Noise/ Amenity
3. Other Matters

## **10. Planning Assessment**

**10.1 Principle of Development**

**10.2** Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306].

**10.3** The applicant has sought to amend the conditions attached to the planning permission by seeking to make a minor material amendment. Paragraph 13 of Planning Practice Guidance advises that there is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission [Paragraph: 013 Reference ID: 17a-013-

20140306] Case law has established the test which governs section 73 cases is to be found in *R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7*, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application." (para. 33).

**10.4** Where an application under section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].

**10.5** Modifications include:

1. The application seeks to vary Condition 5 (Delivery Hours) of 19/1674/S73 to increase the delivery hours to include 10am to 9pm on Sundays.

**10.6** Consent ref. 19/1674/S73 sought consent to extend opening hours for Unit 5 and 6 to allow opening to take place one hour earlier. This was permitted, subject to conditions, one of which was Condition 5.

**10.7** Condition 5 limited delivery and servicing hours, it reads as follows:

1. All servicing, delivery and collections shall be undertaken between the hours of 0700 to 2300 Monday to Saturday only, excluding Sundays, Bank and other public holidays, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).

**10.8** This application seeks to increase servicing and delivery hours to include the hours between 10am and 9pm on Sundays and public holidays. The hours on Monday – Saturday would not be altered.

**10.9** The amended condition would read as follows:

1. All servicing, delivery and collections shall be undertaken between the hours of 0700 to 2300 Monday to Saturday and 1000 to 2100 on Sundays, Bank Holiday and other Public Holidays only. Reason: To ensure that impact of the development is managed to minimise

adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).

**10.10** The Cover Letter explains that this amendment is required to allow appropriate operation of the retail units, as the shop requires provision of daily fresh goods and consumables such as newspapers. The original third-party representations sought further evidence of delivery failures. The applicant has now provided further information in their latest noise response document. They outline that fresh products, due to the absence of delivery opportunity on Sundays and Bank Holidays can drop from 97% to 84% and therefore cause key products such as sandwiches to be unavailable. It is explained that this is particularly problematic on Bank Holiday weekends when the Saturday delivery must last until Tuesday.

**10.11** The Cover Letter highlights that there would be no other changes to the delivery arrangements. Condition 3 of consent ref. 19/1674/S73 limits serving to the approved, ground floor, enclosed service area via Drummer Street Bus Station and deliveries would remain in this location. The Noise Response highlights that only two additional deliveries are anticipated.

**10.12** Policy 10 supports development that would add to the vitality and viability of the city and achieve a suitable mix of uses. The proposal is required to support a business within the city to operate successfully and effectively for their customers. As such, the proposal is supported.

**10.13** **Noise and Amenity**

**10.14** The application is submitted with an Environmental Noise Assessment (June 2025) and Noise Response Document. The Environmental Health Officer has reviewed both documents and the details submitted with the application and considered this change in light of potential environmental impacts to occupiers such as noise and disturbance. Officers find the proposed changes acceptable, and do not raise concerns about the amenity of the Emmanuel College accommodation or Christ's Lane flats.

**10.15** The EHO officer sets out that the proposed hours would not impinge on nighttime hours and the hours would remain respectful of a higher level of amenity on Sundays and public holidays as they would not be too late or early. The Officer has also given a very detailed consideration of the assessment made by the applicant and the additional information. They outline within their comments that noise monitoring was carried out on a Sunday and during a Tesco delivery to understand the existing noise climate. Following this a BS4142 type survey was then carried to assess the potential noise impact and this was then placed within the existing

noise context. The Officer explains that the information provided on the existing noise climate, in terms of levels of noise and characteristics, and determined that the proposal would not significantly alter the noise climate and therefore would not be harmful to amenity of the surrounding residential occupiers.

- 10.16** Officers find that the conclusions drawn by the Environmental Health Officer in light of the Noise Assessment are reasonable, and Officers are in agreement that the proposal would not adversely impact neighbouring occupiers.
- 10.17** The application would be controlled by the amended condition to limit hours, and conditions tied to the original consent ref. C/04/0632 and the amended consent ref. 19/1674/S73. Most importantly are Condition 3 (Delivery Bay) and Condition 4 (Delivery Vehicles) which restrict deliveries to the delivery bay within the bus station and restrict large delivery vehicles from accessing the site in peak hours. These conditions would be retained in order to help protect amenity of residents.
- 10.18** It is acknowledged that some of the residents are concerned about the potential noise from delivery unloading and trolleys associated with deliveries, however the deliveries are undertaken in an enclosed bay which will help to shield the residents from noises from unloading activities and therefore these are not considered to lead to significant adverse impacts.
- 10.19** It is noted that some residents have raised concerns about the lack of mitigation measured proposed to the Christs Lane flats, however as the proposal would not lead to adverse impacts over the existing circumstances, mitigation measures are not required. The Environmental Health Officer sets out that it is their opinion that the windows and gardens of these flats would not be exposed to significantly different noise levels compared to the nearby Emmanuel College windows as they are approximately the same distance to the noise.
- 10.20** **Other Matters**
- 10.21** In addition, third party comments raise concerns about the proposal setting a precedent for the other retail occupiers. Officers must assess the proposal in front of them, which relates to Units 5 and 6 only, if any further applications were submitted then this would need to be assessed on its own merits. The Environmental Health Officer specifies that within a different context the noise climate would be different and the conclusions drawn would be informed by this.
- 10.22** Third party comments have raised concerns about the impact on the Conservation Area, they suggest that civic tranquillity would be disrupted. The Conservation Officer has assessed the application and does not raise any object or concerns about the proposal. The proposal site is a busy city

centre location with existing deliveries throughout the rest of the week and vehicles movements including buses on all days. The proposal is not considered to harmfully impact the character or appearance of the Conservation Area through the provision of deliveries on Sundays.

- 10.23** The proposal has received third party representations with concerns about impacts to the transport network. The Local Highways Authority have not raised concerns about the traffic levels nor requested any further information, Officers agree that the additional deliveries are unlikely to lead to significant strains on the transport network in the locality. Officers do not consider that any further information is necessary.
- 10.24** The proposal also has received comments from third party residents raising concerns about enforceable conditions including vehicle sizes and other matters. The conditions that would be implemented regarding delivery point and hours are sufficient to protect the amenity of surrounding occupiers and are considered to meet the conditions tests in terms of enforceability. The conditions will apply across changes to occupiers of the retail unit and this is sufficient protection to residential occupiers.
- 10.25** It is noted that one resident requested the application be heard at Planning Committee, third parties do not have the power to call in planning applications under the scheme of delegation. However, due to the number of representations, the application was taken to Chair's Delegation Meeting where it was determined the application should be heard at the Committee meeting.
- 10.26** It has been raised that community engagement has been absent, the applicant is not required to engage with local people prior to submission. Officers have consulted residents within the locality to give them the opportunity to comment on the application in line with their statutory duties. The proposal is separate from the Christs College application on the northwest side of Christs Lane.
- 10.27** It is noted that the Waste Officer has referred the applicant to the waste guidance. Waste has already been considered within the original application. There are no alterations to the waste scheme as part of this application.
- 10.28** 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.
- 10.29** 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.

## **11. Planning balance**

- 11.1** 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).
- 11.2** The application is not considered to be harmful to amenity in terms of noise as set out within the report. The proposal would result in no other harm in terms of heritage, character or otherwise.
- 11.3** The application supports the improved operation of the business within the retail premises, and as such helps to maintain the viability of the city centre.
- 11.4** Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of 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.

## **12. Recommendation**

- 12.1** **Approve** subject to:
  - The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **13. Planning conditions**

1. Conditions 2 - 16 and 18 - 28 of planning permission C/04/0632 shall continue to apply to this permission. Where such conditions pertaining to C/04/0632 have been discharged, the development of 19/1674/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also. Reason To define the terms of the application.
2. Units 5 and 6, contained within the site edged red on plan ROK\_SLP\_001 shall not be open for custom between the hours of 2300 to 0700, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).

3. All commercial units within the Bradwell's Court scheme (including premises forming part of the approved scheme which front onto St Andrew's Street) shall be serviced from the approved ground floor level service yard via Drummer Street. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).
4. No servicing, deliveries or collections shall take place between the hours of 0730 to 0930 and 1630 to 1830 involving vehicles of more than 7.5 tonnes, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).
5. All servicing, delivery and collections shall be undertaken between the hours of 0700 to 2300 Monday to Saturday and, in respect of units 5 and 6 only, between 1000 to 2100 on Sundays, Bank Holiday and other Public Holidays only. Reason: To ensure that impact of the development is managed to minimise adverse impacts upon users and occupiers of the City (Cambridge Local Plan 2018 policies 35, 55 and 82).