



25/04408/CL2PD – Nightingale Avenue Recreation Ground, Nightingale Avenue, Cambridge

Application details

Report to: Cambridge City Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward: Queen Ediths

1. **Proposal:** The application seeks a certificate of lawfulness under S192 for the Excavation for concrete foundations to secure 6 steel posts in place.

Applicant: Peter Mullord, Cambridge City Council

Presenting officer: John McAteer

Reason presented to committee: Applicant is a member of the City Council

Member site visit date: N/A

Key issues: 1. Permitted Development Rights

Recommendation: Approve subject to conditions

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1. Executive summary

- 1.1 The application seeks a certificate of lawful development for the excavation of concrete foundations to secure five steel posts in place.
- 1.2 Officers have reviewed the application with a view to establishing whether the proposal falls within works permitted under Schedule 2, Part 12, Class A of the General Permitted Development Order 2015.
- 1.3 Due to the nature of the application, no consultees were notified of the proposed works.
- 1.4 Officers consider the proposed works to fall within permitted development, and therefore recommend that a certificate should be granted.

2. Site description and context

- 2.1 The existing site comprises the Nightingale Avenue Recreation Ground, a piece of recreational ground located between Nightingale Avenue and Fendon Road in the City of Cambridge. The grounds are protected open as identified in the Cambridge Local Plan (2018).
- 2.2 The site contains a tennis court, a sports court, a bowling green, a recreational pavilion and a playground. The site has residential properties located in the surrounding area.

3. The proposal

- 3.1 The application seeks a Certificate of Lawful Development under Section 192 of the Town and Country Planning Act (1990) for the excavation of concrete foundations to secure 6 steel posts in place.

4. Relevant site history

Reference	Description	Outcome
19/0040/FUL	Demolition of existing pavilion and construction of new pavilion and associated landscaping.	Permitted
07/1351/FUL	Construction of Bituman macadan court with fencing for basketball and football. Construction of tennis court with fencing and construction of peripheral footpath.	Permitted

Table 2 Relevant site history

5. Considerations and Assessment

The application has been submitted on behalf of Cambridge City Council as part of a public art commission within the Nightingale Avenue Recreation Ground. In this instance, Schedule 2, Part 12, Class A of the General Permitted Development Order of 2015 would apply.

5.1 Rights to Permitted Development

A. The erection or construction and the maintenance, improvement or other alteration by [F1 or on behalf of] a local authority or by [F1 or on behalf of] an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.

5.2 Assessment

The application seeks to establish that the excavations required for concrete foundations to secure six steel posts in place would fall under permitted development rights as established under Class A, Part 12 of Schedule 2 of the General Permitted Development Order 2015.

Officers are satisfied that the Recreation Ground does not fall within a site of special scientific interest, nor does it contain a scheduled monument. As a result, it is considered that the proposal does not conflict with criteria established by Class A and would fall under permitted development rights established under said legislation.

Summary

- 5.3 It appears to the Local Planning Authority that the proposed works would fall within the provisions of permitted development, in accordance with Class A of Part 12 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6. Recommendation

- 6.1 **Approve**