
Legal & General and Wrenbridge Land
on behalf of M&G Retail Estate

Cambridge City and South Cambridgeshire
Local Plan Examinations

Hearing Statement

Matter CC2 – City Centre and
Areas of Major Change (Issues 2A.1-2A.3)

Respondent Number: 5212
Representation References: 26788, 26789,
26790, 26792 and 26793

June 2016

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Prepared by:	Mark Harris
Checked by:	Paul Newton
Authorised by:	Paul Newton

Barton Willmore LLP
7 Soho Square
London
W1D 3QB

Tel: 020 7446 6888
Fax: 020 7446 6889
Email: mark.harris@bartonwillmore.co.uk

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CONTENTS

1.0 INTRODUCTION 1
2.0 EXAMINATION ISSUES & POLICY RECOMMENDATIONS..... 5

APPENDICES

- 1 Location Plan of Grafton Centre & Surrounding Land Ownership**
- 2 Location Plan of Emerging Schemes**
- 3 M&G Hearing Statement, October 2014**
- 4 Recommended Policy and Supporting Paragraph Amendments**

1.0 INTRODUCTION

Background & The Owner's Position

- 1.1 We act on behalf of Legal & General Ltd ("L&G") and Wrenbridge Land Ltd ("Wrenbridge"). The owner and manager of the Grafton Shopping Centre is Legal and General Ltd on behalf of Pavilion Property Trustees Ltd and Pavilion Trustees Ltd as Joint Trustees of Demeter Property Unit Trust, who purchased the Centre from M&G Real Estate in 2015. Wrenbridge is L&G's Joint Venture Development Partner appointed to lead development and asset enhancement opportunities for the Centre and surrounding land.
- 1.2 This Statement has been prepared on behalf of M&G Real Estate who submitted representations to the emerging Local Plan and secured an appearance at the Examination. M&G has approved the use of their representation and position at the Examination so that the new owners of the Centre can continue to input into the evolution of the relevant policies. This was confirmed to the Programme Officer by email on 10th May 2016.
- 1.3 Our position is generally consistent with M&G's representations to date and the Statement of Common Ground so we do not repeat matters raised to date. We do however wish to use the opportunity to submit this Statement and appear at the Examination to update the Inspector on the current objectives for the Centre and work with Cambridge City Council ("CCC") in the formulation of appropriate Development Plan policy. This is with the specific purpose of ensuring that the objectives of L&G and Wrenbridge can be delivered without unnecessary policy barriers and burdens. As such, the objection to the adoption of an SPD before any planning applications for the Grafton Shopping Centre are submitted remains. Within this Statement we do however identify a compromise position which we believe can allow the objectives of all Parties to be achieved without unnecessary cost and delay.

The Grafton Centre

- 1.4 The Centre was originally built in the early 1980s and has been the subject of incremental extensions and improvements since then. The purpose built Shopping Centre provides circa 46,000 sq.m of retail and leisure floorspace in a covered shopping centre and external shop units. The Centre is a key component of the City Centre's retail offer and Primary Shopping Area ("PSA") complementing retail in the historic core predominately in the Grand Arcade and Lion Yard. The Centre is also supported by a

multi-storey car park accessed from East Road which then links to the wider highway network. There is a further car park to the rear of Fitzroy Street accessed from Newmarket Road.

- 1.5 The current layout of the overall site is identified on the Plan provided at **Appendix 1**. This Plan also includes the L&G ownership which extends to 5.14 hectares. This identifies that whilst L&G's ownership dominates the Shopping Centre itself, the surrounding land (which comprises the wider proposed Area of Major Change ("AOMC")) is also the subject of multiple ownerships which are outside of L&G's control and influence. This comprises a further 2 hectares and due to its configuration and ownership profile limits the AOMC's development potential.
- 1.6 L&G and Wrenbridge are in the process of implementing and formulating a phased improvement programme comprising the following:
- (i) Reconfiguration of the former Eden Hall area for A1 / A3 use; alterations to the Burleigh Street and Fitzroy Street facades including new shopfronts and a replacement roof above the Mall. This will provide enhanced and remodelled units to increase retailer / restaurant operator attraction and occupancy. This is the subject of a Planning Application (Ref: 16/0598/FUL) submitted in April 2016. If approved, the scheme will be implemented from Summer 2016 and completed by Summer 2017.
 - (ii) Redevelopment of Abbeygate House (fronting East Road) for mixed use retail, restaurant, office, education and student accommodation uses of circa 7,000 sq.m on a site area of 0.14 hectares. A Planning Application submission is targeted for late 2016.
 - (iii) Redevelopment of land north of Fitzroy Street for mixed use retail, restaurant and residential use including retention of the Grade II Listed building in a scheme of circa 21,000 sq.m on land of circa 0.9 hectares. A Planning Application submission is also being targeted for early 2017.
- 1.7 The location of these sites is illustrated on the Plan provided as **Appendix 2**. In combination, these sites represent only 14% of the AOMC site area.

-
- 1.8 There is no current proposal for a wholesale redevelopment of the Shopping Centre including a significant net increase in comparison retail floorspace. This is for the following reasons:
- (i) Structural change in the retail occupier market caused by the recent economic recession and the growth of internet shopping, which has led to a reduction in the number of retail tenants, diminished floorspace requirements and / or retailers 'right-sizing' their estates.
 - (ii) The Centre's capacity to accommodate any retailer requirements that do exist is capable of being progressed entirely via remodelling / reconfiguration of existing space and the re-use of vacant units. This is reflected in the current Planning Application for the former Eden Hall area.
 - (iii) The Centre is fully operational with a high occupancy rate and retailers on leases with significant periods to run. These retailers are to be retained via localised improvements to increase consumer attraction rather than wholesale redevelopment which would significantly disrupt trading conditions. Such improvements can include enhancements to public realm which can be undertaken via specific and focused programmes (again as per the current Planning Application).
- 1.9 Improvements to the attraction / offer of the area outside the Shopping Centre can instead be undertaken and achieved through specific proposals on the sites referred to at paragraphs 1.6 (ii) and (iii) above. CCC is aware of this strategy and initial discussions with CCC regarding these schemes are expected to have taken place by the time of the Examination Hearings.
- 1.10 The individual sites and associated scale of development are entirely capable of being formulated and tested based on the criterion based policy requirements of inter alia Local Plan Policies 11 and 13. An SPD is not required to scope and test the scale of development on such sites due to the present and proposed policy framework and their limited size. As no timetable has been set for the formulation of the SPD, the proposed requirement of Policy 11 also represents a clear barrier to delivery and investment and one that is unnecessary due to the localised scale and nature of the proposed development options. This therefore runs contrary to NPPF paragraph 173. There is also no justification presented in Policy 11 to prevent the submission of any form of planning application, contrary to NPPF paragraph 182.

- 1.11 As the respective new owners of the Centre and a Cambridge based developer with numerous interests / proposals in the CCC area, L&G and Wrenbridge take their relationship with CCC very seriously. They do not wish to use this position as a means of undermining the SPD process which is used appropriately elsewhere in the Plan area. All Parties also wish to work positively and proactively with CCC to ensure the delivery of properly-planned and beneficial development for this part of the City Centre. As such, this Statement outlines a compromise position which allows certain sites and schemes to proceed in the Grafton AOMC provided policy, consultation and infrastructure impact principles have been addressed consistent with Policy 13. This then allows flexibility and deliverability throughout the lifetime of the Local Plan in accordance with NPPF paragraph 173. This position is consistent with M&G's recommendations.
- 1.12 This strategy has determined our case to the Examination which is outlined in Section 2 of this Statement.

2.0 EXAMINATION ISSUES & POLICY RECOMMENDATIONS

2.1 Our case in relation to this Matter is consistent with the submissions made by M&G Real Estate to date and relates specifically to Issues 2A.2 / Policy 10 and 2A.3 / Policy 11. The 2014 Hearing Statement submitted on their behalf by GL Hearn is attached as **Appendix 3** for ease of reference.

2.2 The present position of L&G and Wrenbridge is outlined below under each of the specific Issues. We then outline recommended amendments to Policies 10, 11 and 13 in order for the Plan to achieve soundness. The amendments are presented at **Appendix 4**.

Issue 2A.2 Policy 10

(i) Increased flexibility for changes of use from A1 particularly in primary and secondary frontages.

2.3 Our position is consistent with the GL Hearn Statement, specifically paragraphs 32-35. We recommend an amendment to Policy 10 as presented at **Appendix 4** to introduce the necessary flexibility whilst still offering CCC control on the loss of A1 uses.

(ii) Is the cap on non-Class A1 uses within the primary frontage too prescriptive? Should it be lowered from 70% to 50%?

2.4 Our position is as stated at paragraph 2.3 above.

(iii) Increased flexibility for the requirements for new retail or leisure developments in excess of 2,500 sq.m taking account of viability considerations.

2.5 As presently drafted this requirement represents a major policy hurdle for City Centre development which is contrary to the 'Town Centres' first objective of the NPPF. It also presents an onerous policy requirement that is not applied to Out-of-Centre development.

2.6 On this basis, we recommend increased flexibility for retail or leisure developments above this size threshold as the proposed blanket requirement for a mix of large / small units can and should not be applied to all forms of development. For instance, a proposed scheme in the City Centre may be formulated specifically to suit a single

large-space operator (e.g. a Department Store and / or Warehouse style operator) whose business model does not allow for the provision of smaller units for independent and local traders within a sales area. To introduce this requirement may therefore deter such an operator and encourage them to promote their scheme in an Out-of-Centre location as the policy expectation otherwise renders their proposal unviable in a City Centre location. In addition, there is no specific requirement in National Policy / Guidance or the Evidence Base for this policy.

- 2.7 We therefore propose an amendment to Policy 10 which requires a promoter to consider the ability to provide a mix of units. This will then provide the Policy with the necessary flexibility and allow consideration of this objective without frustrating development in an otherwise appropriate location.

(iv) Should the range of suitable upper floor uses in the primary shopping area be widened to include the full range of NPPF main town centre uses?

- 2.8 We support a widening of the suitable upper floor uses to be consistent with the NPPF main town centre use definition. There is no evidence or justification to omit certain main town centre uses that are not stated in policy. This will then provide a clear encouragement for such uses to potential scheme promoters and also be consistent with other Policies in Plan (e.g. Policy 77) subject to normal development management considerations.

Issue 2A.3 Policy 11

(i) Has progress been made in relation to the preparation of the SPD? Should the policy contain a timeframe for preparation of the SPD and indicate that no application should be submitted until it is adopted?

SPD Status & Progress

- 2.9 We are not aware of any specific progress being made in the preparation of the SPD. L&G and Wrenbridge have commenced initial discussions with CCC regarding their investment and improvement programme (linked with the present Planning Application) but no specific discussions have been held regarding a programme for an SPD and how this is to be co-ordinated by CCC.

- 2.10 We would welcome an update from CCC on a programme for an SPD and anticipate that this will have been established in discussion with Officers prior to the Hearing session.

SPD Production Timescale

- 2.11 If maintained in its present form, the Policy should state a timescale for the preparation of an SPD in order to provide clear guidance on the deliverability of such a document. In the event that the SPD does not make sufficient progress or reached Adoption within that timescale, then the Policy should expressly allow the submission of any Planning Application in order to avoid unnecessary delay and cost. We recommend the introduction of a 12-month timescale for SPD Adoption from Adoption of the Local Plan.

No Planning Application prior to SPD Adoption

- 2.12 We recommend that Policy 11 and Figure 3.1 should be amended to provide clear guidance on the scale of development that can take place in advance of SPD adoption allowing the submission of Applications in the interim.
- 2.13 The supporting paragraphs of Policy 13 (see specifically paragraph 3.25-26) are clear that a site-wide masterplan only needs to be developed for sites which will be the subject of "*substantive*" development. Limited small-scale development may take place provided it would not prejudice the longer-term development of the sites. There is no definition of "*substantive*" in the Plan.
- 2.14 The NPPF states: "*that a masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability.*" (Paragraph: 004 Reference ID: 10-004-20140306). There is no specific threshold for production of a masterplan as this clearly cannot be applied universally. We therefore consider that the masterplan requirement needs to be tailored to the specific characteristics of each AOMC and the effect that scheme would have on the locality and its infrastructure. A tailored approach and requirement therefore needs to be introduced to the Policy 11 area.
- 2.15 A masterplan is currently proposed under Policy 11 to test the precise quantum of net new retail floorspace and residential units. This originates from the Evidence Base identifying up to 12,000 sq.m of new comparison floorspace in this location. Such a scale of development could only be brought forward via a wholesale and comprehensive redevelopment of the covered Shopping Centre. This is due to the configuration of this part of the overall site. In contrast, the proposed developments that L&G and

- Wrenbridge are formulating are for two individual and discrete development sites in their ownership and control on the edges of the AOMC.
- 2.16 Both sites are outside the main Shopping Centre and represent mixed-use development opportunities that are far smaller than the scale of growth anticipated in the Evidence Base. The developments are not comprehensive in nature so are entirely capable of being promoted under the terms of individual and robustly justified planning applications which have been formulated following consultation with CCC, statutory consultees, the local community and other appropriate interests. Such developments can also be considered against the proposed policy framework of Policy 10 (in terms of land use); Policy 11 (in terms of development / infrastructure requirements); and parts of Policy 13 (particularly criterion d) together with wider Local Plan policies and other material considerations. The requirements will then allow for consideration to be given to the individual scheme's effect on the wider AOMC area and surrounding areas.
- 2.17 If during the consideration of these individual proposals it is necessary to identify specific infrastructure improvements and works in the AOMC area or wider locality, then these are also entirely capable of being identified and delivered through the development management process via a S106 Agreement or another appropriate mechanism. This can be achieved without, or in advance of a Masterplan / SPD.
- 2.18 In contrast, a Masterplan is only necessary where there is a comprehensive and large scale redevelopment of the Shopping Centre which would then have a direct effect on the surrounding area. As there is no intention to promote such a form of development there is no justification for its production in advance of smaller sites proceeding. It therefore represents an unnecessary policy tool and burden on development that is discouraged by NPPF paragraph 153.
- 2.19 The policy should instead be worded with much greater flexibility to make clear the scale of development that can proceed in advance of the Masterplan. This would then maintain the requirement and objective whilst allowing smaller scale development to proceed. Should L&G / Wrenbridge (or any other future owner) then contemplate the scale of development anticipated by Policy 11 then it would be clear that a comprehensive masterplanning exercise is required in the first instance. In the interim, the terms of Policy 11 and the wider Local Plan will provide an appropriate degree of control to ensure the proper planning of the area and the specific objectives listed.
- 2.20 Against this background, at **Appendix 4** we recommend an amendment to Policy 11 to allow minor or other development proposals to proceed in advance of the adoption of a

Masterplan SPD. This amendment retains the objective of preparing a Masterplan / SPD which can then provide a framework for such development in the future as required and when it is progressed by CCC.

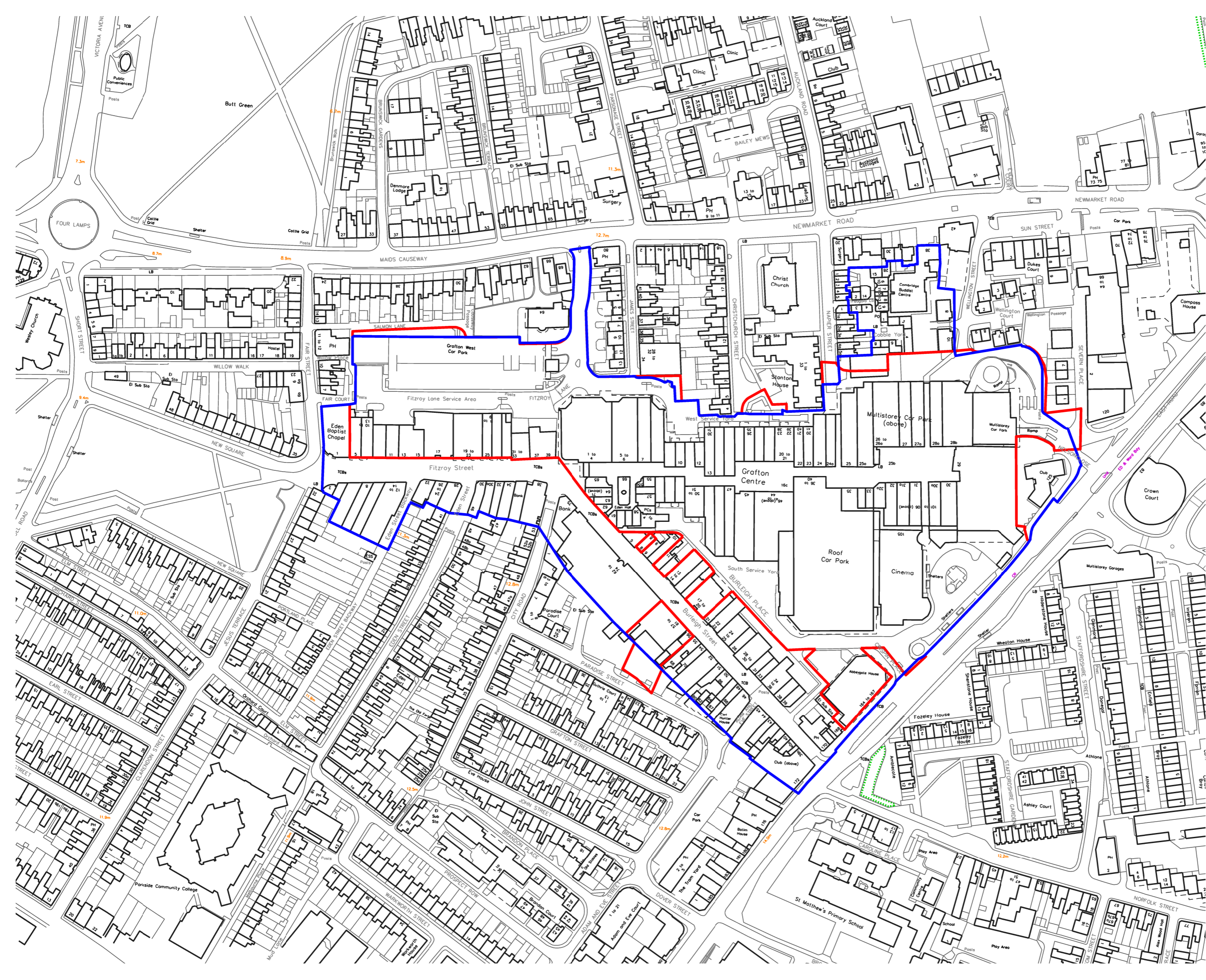
- 2.21 This amendment is sound as the Masterplan requirement will not then represent a policy barrier to otherwise appropriate development. It will allow less significant development to proceed and otherwise be tested appropriately against the Plan's policies, primarily 11 and 13.

(ii) Should the policy seek to ensure that proposals for the Grafton Centre take full account of potential retail impacts on the vitality and viability of the Historic Core?

- 2.22 Both the Grafton Centre and the Historic Core lie within the defined City Centre Primary Shopping Area. As such, there is no differentiation between these locations in retail policy terms both at a national and local level. The Grafton Centre is also identified in the Evidence Base as the first sequential location for new development.

- 2.23 On this basis and in accordance with NPPF paragraph 26, the Policy and future should not need to take into account potential retail impacts. Instead, any retail development should be actively encouraged without an impact assessment due to the terms of the Local Plan and the NPPF.

APPENDIX 1
LOCATION & OWNERSHIP PLAN



- Area of Major Change
- Legal and General Ownership Boundary

Rev p1: Preliminary Issue for Comment. KR-XX.XX.2016

Drawing Status:
PRELIMINARY ISSUE FOR COMMENT

CMP Architects
Client
Wrenbridge

Project
Camps, Grafton Centre

Title
Legal and General Ownership Boundary Plan

Scale: 1:1000@A1/1:2000@A3 KR
Date: 11.05.2016

Drw No: **C104/SK**
Revision: **p1**
This drawing is copyright. Do not scale from drawing. Subject to accurate site survey.

**APPENDIX 2
EMERGING SCHEMES LOCATION PLAN**



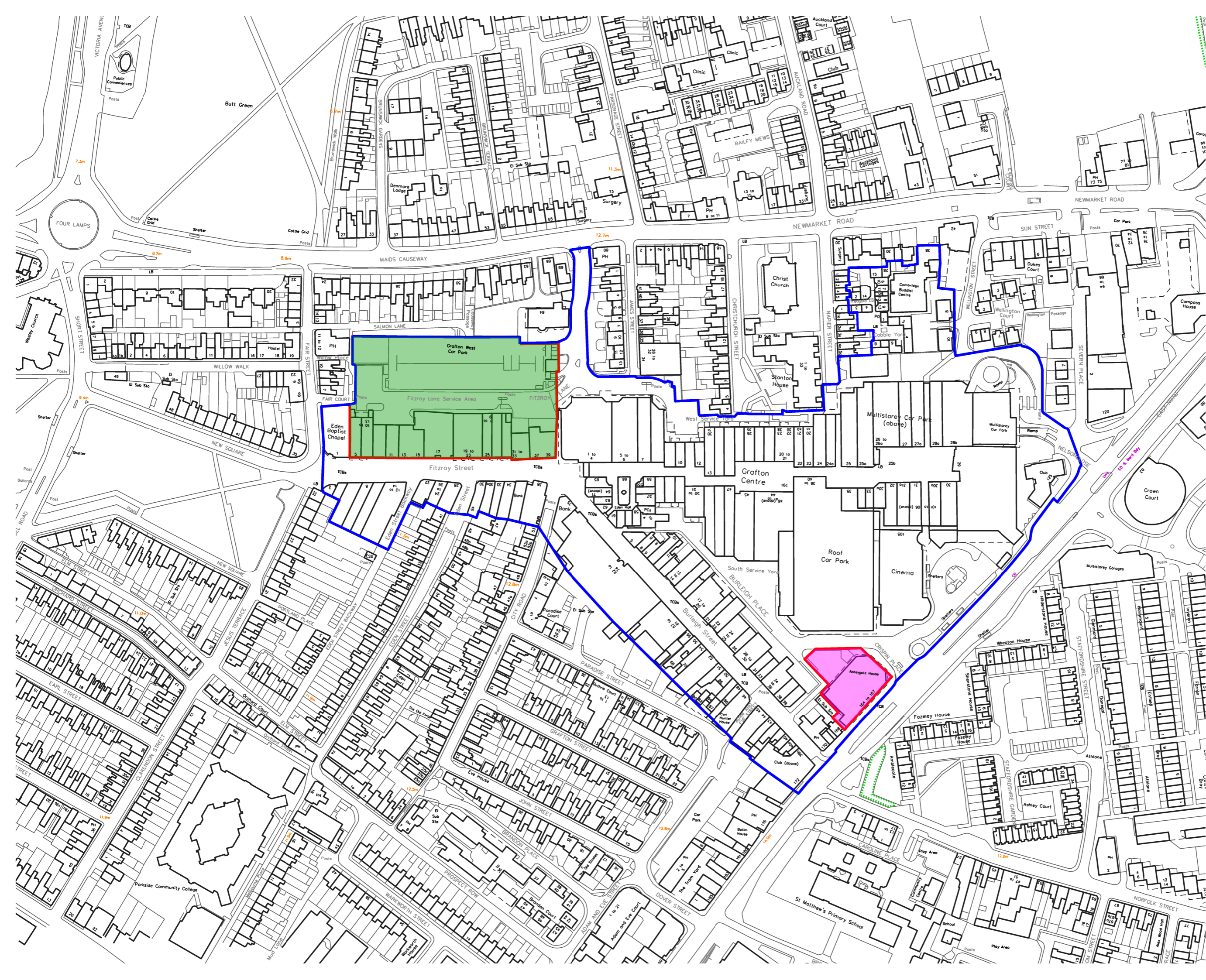
 Area of Major Change

 Abbeygate House Site

- Proposed Uses:
- Retail
 - Restaurants
 - Offices
 - Student Union / teaching
 - Student accommodation
 - Residential
 - Hotel

 Fitzroy Street Site

- Proposed Uses:
- Retail
 - Restaurants
 - Residential
 - Public car park
 - Private car park
 - Offices
 - Student accommodation
 - Student teaching
 - Hotel



Rev p1: Preliminary Issue for Comment. KR-XX.XX.2016

Drawing Status:
PRELIMINARY ISSUE FOR COMMENT

CMP Architects
 Client
 Wrenbridge

Project
 Cambs, Grafton Centre

Title
 Boundary Plans for Fitzroy Street and Abbeygate House

Scale: 1:1000@A1/1:2000@A3 KR
 Drawn: 11.05.2016
 Date: 11.05.2016

Drw No: **C104/SK**
 Revision: **p1**

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APPENDIX 3
M&G / GL HEARN HEARING STATEMENT, OCTOBER 2014

Cambridge City Local Plan Review

Hearing Statement on behalf of M&G Real Estate

Matter 4: Retail and City Centre

Representation references: 26788; 26789; 26790; 26792; 26793

13 October 2014

Introduction

1. This Statement is submitted on behalf of M&G Real Estate (“M&GRE”) the owners of the Grafton Centre, which is located within the Primary Shopping Area (PSA) in Cambridge City Centre.
2. M&GRE has engaged in the Local Plan Review process and duly responded to the public consultation in September 2013 (rep ID: 26788; 26789; 26790; 26792; 26793).
3. Subsequently M&GRE has worked with the Council in the preparation of the Local Plan and specifically sought to ensure those policies relating to retail development and the Grafton Centre are worded appropriately to facilitate retail development coming forward over the plan period. In this regard M&GRE and Cambridge City Council (“the Council”) have jointly prepared a Statement of Common Ground to demonstrate to the Inspector that there is a willingness to work together to deliver development in the Fitzroy/Burleigh/Grafton area to help meet the retail capacity needs of the City.
4. This Statement should be read in conjunction with both our previous representations and the Statement of Common Ground. This Statement seeks only to summarise and expand upon the matters raised within those documents.
5. With regard to the matters identified by the Inspector, this Statement should be read with connection with Matter 4 only; specifically this Statement addresses questions b and d.

The Grafton Centre

6. The Grafton Centre was built in the early 1980s and has been the subject of extension and improvements including a major extension to include a cinema and foodcourt in the early 1990s. Further smaller extensions were implemented in the mid-2000s in order to improve its retail offer. In 2008 planning permission was granted for a major refurbishment of the Centre but this was not implemented.
7. The Grafton Centre is seen as providing “everyday” shopping facilities for local residents on a range of budgets, including a number of popular high street brands such as Debenhams and BHS. By contrast the Grand Arcade together with Lion Yard in the historic core provide more “high-end” brands which both meet the needs of Cambridge’s residents but also, significantly, attract shoppers from across the region and tourists.

8. Since Grand Arcade opened in 2008 the Grafton Centre has suffered from a reduced footfall and therefore turnover. It is considered that this is due to the effects of the recession; as a result of competition from Grand Arcade/Lion Yard; and as a result of a lack of significant investment in the Centre. It is for these reasons that M&GRE is now considering plans for the Centre's improvement and extension and has been working with the Council to ensure planning policy is supportive of further retail development at the Grafton Centre. M&GRE is undertaking feasibility assessments of development options with a view to bringing forwards plans which will both ensure the retention of existing tenants and attract new ones which will improve the profile of the Centre locally.

Areas of agreement

9. Policy 6, part c identifies that in the period to 2022 there is capacity to support some 14,141 sq. m net of comparison floorspace in Cambridge City Centre; and specifically the Fitzroy/Burleigh Street/Grafton area should be the focus for delivery of this floorspace.
10. Policy 11 provides further detail as to how the Fitzroy/Burleigh Street/Grafton area could be developed for a mixture of retail and leisure floorspace, also including an element of residential and student housing accommodation. The policy makes clear that the precise quantum of new retail floorspace and residential/student units will be subject to testing and demonstration through the development of a masterplan an approach which M&GRE supports.
11. M&GRE broadly supports Policies 6 and 11 which identify that the Fitzroy/Burleigh Street/Grafton area offers a significant opportunity to deliver new comparison floorspace to help meet the City's retail capacity needs up to 2022.
12. M&GRE and the Council agree that further clarification on the quantum of development (in line with the Council's evidence base) should be included in Policy 11 in order to be compliant with the Town and Country Planning (Local Planning) (England) Regulations 2012. It is agreed that Policy 11 should include reference to the provision of up to 12,000 sq. m of comparison retail floorspace.
13. Both parties also agree that appropriate clarification should be provided in the supporting text to Policy 6 and in Policy 11 to highlight the uncertainties surrounding planning for a specific level of floorspace given the caveats included in the evidence base regarding future forecasting, the assumptions that sit behind the forecasts and the need to fully test the physical capacity of the Fitzroy/Burleigh Street/Grafton area via a masterplan process. The justification for this is provided as follows.
14. Notwithstanding its support for the policy approach M&GRE has some concerns about the interpretation of the evidence base as provided for in the Retail Study Update 2013 (RD/E/130) and the Arup City Centre Capacity Study 2013 (RD/E/120) in terms of setting a capacity figure for the city centre and the specific ability of the Fitzroy/Burleigh Street/Grafton area to accommodate some of this capacity, as detailed below.
15. The Retail Study Update 2013 calculates the comparison retail capacity estimate (14,141 sq. m) on the basis of a quantitative assessment of forecast increases in available expenditure as a result of anticipated growth in population and expenditure per head figures, on the basis of constant market shares. It is noted that this modelling was undertaken using outdated assumptions on Special Forms of Trading (i.e. lower forecasts of SFT) which has the effect of increasing the available expenditure estimates which consequently increase floorspace capacity figures. Adopting updated assumptions (i.e. higher forecasts of SFT) would in fact reduce the floorspace capacity figures.
16. The Retail Study Update 2013 applies sensitivity testing to take account of other major planned developments coming forward in the wider sub-region (in Peterborough, Huntingdon and Northstowe) recognising that such developments have the potential to influence shopping patterns within the catchment and divert expenditure from Cambridge. This sensitivity testing consequently identified potentially reduced capacity figures as follows:

- 2017: -2,855 sq. m (negative capacity)
 - 2022: -1,832 sq. m (negative capacity)
 - 2027: 13,637 sq. m
17. Paragraph 7.62 of the Retail Study Update 2013 thus concluded that wider planned developments could meet all available need in the City in the short to medium term and further capacity would only emerge for Cambridge in later stages of the plan period (from 2027). Whilst the recommended strategy as set out in the Retail Study Update 2013 is to plan to meet the capacity identified for 2022 with a baseline scenario (14,141 sq. m) it was noted that such figures should be treated as an upper limit. The Retail Study Update 2013 further states that the Council should acknowledge the fact that this capacity will be sensitive to developments in the wider area and crucially that “some of the capacity identified may be met elsewhere” (paras. 9.24 and 9.25).
 18. In addition Arup has undertaken a City Centre Capacity Study which considers the Fitzroy/Burleigh Street/Grafton area in more detail and its ability to deliver new development. It concludes that the area has physical capacity to deliver some 12,000 sq. m of comparison retail floorspace alongside residential and student accommodation above (page 76). It suggests that such development options should be tested against a detailed design assessment and brought forward through the preparation of a masterplan.
 19. M&GRE is concerned about the level of testing that has been undertaken by Arup in reaching its conclusion that the Fitzroy/Burleigh Street/Grafton area can accommodate 12,000 sq. m of further retail floorspace. An assumption has been made that this would require the redevelopment of the Grafton Centre and the introduction of first floor trading. No discussions took place with M&GRE regarding the potential for redeveloping the Grafton Centre. Given it is a fully trading shopping centre, the practicalities of significantly redeveloping all or part of the Centre are questionable.
 20. Taking the evidence base as a whole into account, M&GRE is concerned about the levels of new retail floorspace being planned for at the Fitzroy/Burleigh Street/Grafton area. The quantitative capacity figure of 14,141 sq. m is potentially an overestimate of what may be appropriate for Cambridge city centre in the short to medium term and further there is no robust evidence to demonstrate that the Fitzroy/Burleigh Street/Grafton area can physically accommodate a further 12,000 sq. m of retail floorspace.
 21. M&GRE is concerned that planning for this large amount of floorspace for the city centre and in the Fitzroy/Burleigh Street/Grafton area specifically may make the city centre vulnerable in the short to medium term to the pressure of out of centre development claiming this identified capacity, should this capacity not be delivered in the Fitzroy/Burleigh Street/Grafton area, for whatever reason.
 22. Thus, whilst M&GRE remains supportive of the identification of further development potential of up to 12,000 sq. m in the Fitzroy/Burleigh Street/Grafton area in Policy 11 further clarification should be included in the supporting text to Policy 6 and in Policy 11 regarding the need for flexibility recognising the difficulties of forecasting and the need to test actual capacity via preparation of a masterplan (SPD).
 23. The further proposed Modifications to the supporting text to Policy 6 and to Policy 11 itself included in the Statement of Common Ground reflect this joint position.
 24. Policy 6 identifies the Fitzroy/Burleigh Street/Grafton area as being within the PSA in Cambridge City Centre. The City’s historic core is also identified as a PSA and is afforded equal status in terms of the application of the sequential and impact tests as set out in Paragraphs 24-27 of the National Planning Policy Framework (“NPPF”). M&GRE is in agreement with the Council that this is the correct approach to inform the creation of a hierarchy of centres and identify those areas where retail capacity should be accommodated.
 25. As drafted Policy 6 seeks to focus new comparison goods floorspace in the Fitzroy/Burleigh Street/Grafton area and the historic core. The policy provides equal status to both areas but identifies that the Fitzroy/Burleigh Street/Grafton area has more opportunity to deliver a significant proportion of

the identified capacity for comparison goods floorspace through redevelopment. This is by virtue of the area being subject to less constraints (i.e. in relation to the historic environment and in terms of physical capacity to expand) and because the historic core has relatively recently been subject to a comprehensive redevelopment (i.e. Grand Arcade) which has, in our view, maximised the available space in the area for retail development. Notwithstanding this, should infill or redevelopment opportunities become available in the historic core, such proposals would be supported by Policy 6.

26. It is agreed with the Council that the development of comparison floorspace in the Fitzroy/Burleigh Street/Grafton area will complement the retail offer of the historic core and not undermine it. The Fitzroy/Burleigh Street/Grafton area will continue to primarily cater for the needs of local residents rather than be a regionally significant retail destination. Given this, M&GRE agrees with the Council that it is not necessary to require development coming forward at Fitzroy/Burleigh Street/Grafton area to be subject to a retail impact assessment as the area is located within a PSA in the City Centre and is of equal status to the historic core. The NPPF supports development which increases choice and competition and given the comprehensive development that has occurred in the historic core, it is only reasonable that the Fitzroy/Burleigh Street/Grafton area is able to respond to that competition (and from out of centre retail destinations) by bringing forward plans for its improvement, including the addition of a greater proportion of comparison goods floorspace.

Areas of disagreement

Policy 6 – Locally set threshold for retail impact assessment

27. M&GRE does not support the proposed 2,500 sq. m threshold for retail impact assessments in relation to out-of-centre retail development as set out in Policy 6 part b.
28. The Grafton Centre has been performing poorly in recent years and is therefore vulnerable to the impacts of competing retail development in edge/out-of-centre locations. 2,500 sq m of comparison goods floorspace (or significant comparison goods floorspace delivered as part of a major foodstore development) is likely to have a harmful impact upon the vitality and viability of the Grafton Centre, particularly as it is these “everyday” goods that it currently provides for. 2,500 sq m is a significant amount of retail floorspace which should not be permitted without the appropriate sequential and impact tests being met.
29. Paragraph 26 of the NPPF provides the basis for local authorities to set a proportionate, locally set threshold and M&GRE considers it is appropriate to set a lower threshold in Cambridge. This is particularly important given the Council’s own evidence base suggests that the City’s market share for comparison goods has declined by 5%, despite the opening of Grand Arcade which should have boosted the City’s draw. M&GRE has already indicated that the Grafton Centre’s footfall has decreased significantly in recent years and is becoming more vulnerable to competition from retail in non-central locations.
30. Allowing significant retail floorspace to be delivered in competing edge or out-of-centre locations will undermine the viability and deliverability of significant retail development in the City Centre and further reduce the City Centre’s market share. A lower threshold would help to protect the City Centre from retail development in other areas of the City and support the long term viability and vitality of the city centre.
31. In this context, it is suggested that a threshold of 1,000 sq m be set which would align with the threshold for major applications. Policy 6 should be amended to this effect as shown in Appendix 1.

Policy 10 – Unduly restrictive

32. M&GRE considers the policy approach set out in Policy 10, part d to be unnecessarily restrictive, inflexible and out-dated.
33. There is no clear evidence to demonstrate why the optimum mix of uses in a frontage is 70% A1 units, 30% other use. There is no evidence to demonstrate why this may be the most appropriate mix of uses so as to maintain the vitality of a centre overall. This policy position disregards the benefits that other retail uses such as A3 can have on the vitality of a centre. It is widely recognised in the retail sector, there is growing trend for A1 floorspace to be consolidated and replaced by an increased food and beverage and leisure offer. The most vibrant centres provide a wide range of uses and are not focussed so predominantly upon traditional retail floor space.
34. Installing an arbitrary 70% target for A1 uses is inflexible and when considering that the plan period is up to 2031, such a position makes unnecessary and unjustified assumptions about the market demands for retail floorspace in 17 years' time. City centres must be able to respond to this demand so as to remain competitive.
35. In a rapidly changing retail environment with the continued growth of internet shopping and other special forms of trading it is difficult to predict with any certainty how these changes will affect the high street and it is therefore important that planning policy remains flexible so as to be able to adapt to changing markets forces as may be necessary.

Policies 11 and 13 – the redevelopment of the Fitzroy/ Burleigh Street/Grafton area

36. M&GRE is concerned about the mechanism proposed in Policy 11 for bringing forward a Masterplan for the Fitzroy/ Burleigh Street/Grafton area.
37. It is evident that as the Fitzroy/Burleigh Street/Grafton area boundary extends well beyond M&GRE's ownership, and much of the Area of Major Change is in multiple ownership. Reference is made in the policy to a "scheme promoter" which is expected to take the lead in taking forward a Masterplan. Given the multiplicity of ownerships in the area M&GRE considers that it is for the Council to take responsibility for the development of the masterplan and take the lead role in engaging with stakeholders and driving the consultation process in order to deliver the masterplan.
38. M&GRE is also concerned that Policy 11 requires a Masterplan to be developed before any planning applications are submitted in the Fitzroy/Burleigh Street/Grafton area, including the Grafton Centre. Policy 13 also sets out strict criteria that will be applied to all but minor developments.
39. M&GRE cannot support these policies as currently worded as they are unduly restrictive and potentially preventative of development which could nonetheless contribute to the improvement of the Fitzroy/Burleigh Street/Grafton area in anticipation of a masterplan. Whilst a masterplan approach to the area's development is appropriate, policy should not prevent all development prior to its adoption. Such an approach would be at odds with the NPPF's key element of guidance: the presumption in favour of sustainable development; and could potentially force retail development to seek alternative locations including out-of-centre.
40. As outlined in this Statement the Grafton Centre is becoming increasingly vulnerable to out of centre retail development and from increased competition from the historic core. In part, the Centre's lack of investment in recent years is compounding the effects of these factors. In this context, it is essential that M&GRE is able to implement plans for the Centre's further development and much needed upgrade in the short term so as to protect its position and ensure the long term vitality of the wider Fitzroy/Burleigh Street/Grafton area. Such proposals being delivered would not preclude the implementation of a more comprehensive development coming forward during the course of the plan period but such comprehensive proposals could take a significant period of time come to fruition and in the meantime the Grafton Centre must respond to the critical issues it currently faces via new investment.

41. M&GRE thus suggests further changes to Policies 11 and 13 as shown in Appendix 1 which would overcome the concerns outlined above.

Appendix 1 to M&GRE Examination Statement

Cambridge Local Plan

M&G Real Estate Proposed Further Modifications to Policies 6, 11 and 13*

October 2014

[*Note: The Council and M&GRE have agreed further Modifications to the supporting text to Policies 6 and to Policy 11 which are incorporated into the modified Policies below. These are set out in Appendix A to the Statement of Common Ground. The Council thus does not agree with all the suggested Modifications set out below]

Policy 6 Hierarchy of Centres and Retail Capacity (part)

...b. The sequential approach and impact assessment

Retail and other main town centre uses are directed to these centres in line with the sequential approach set out in the National Planning Policy Framework. Development should contribute positively to the vitality and viability of the centre, and should be appropriate to the scale, character and function of the centre.

Any retail developments proposed outside these centres must be subject to a retail impact assessment, where the proposed gross floorspace is greater than 2,5001,000 sq. m. A retail impact assessment may be required below this threshold where a proposal could have a cumulative impact or an impact on the role or health of nearby centres within the catchment of the proposal.

c. Meeting retail capacity

The Council has identified a capacity to support 14,141 sq m net of comparison retail floorspace between 2011 and 2022. Cambridge City Centre should be the focus for meeting most of this need. This will be through:

1. redevelopment in the Fitzroy/Burleigh Street/Grafton Primary Shopping Area (see Policy 11); and
2. other appropriate redevelopment/infill where opportunities arise in the historic core. Exploration of the potential for extension to the Lion Yard/Grand Arcade in the former Post Office yard behind St Andrew's Street for retail and mixed-use purposes is encouraged.

The council has not identified any capacity for additional convenience goods floorspace, above existing commitments and the two medium-sized supermarkets at NIAB (see Policy 19) and the University of Cambridge's North West Cambridge site.

Policy 11: Fitzroy/Burleigh Street/Grafton Area of Major Change

The Fitzroy/Burleigh Street/Grafton Area of Major Change (AOMC), as shown in Figure 3.1, is the primary focus for providing additional comparison retail in the City Centre, along with other mixed uses.

This area is supported as a location for expansion and/or redevelopment for retail and leisure use (A1, A2, A3, A4 and D2), with residential and student accommodation on upper floors. The evidence base suggests that up to 12,000 sq m of new comparison retail floorspace could be provided in the area although tThe precise quantum of net new retail floorspace and residential/student units will be subject to testing and demonstration through the development of a masterplan for the area.

With the exception of very minor development, or other development proposals which can be justified in being brought forward in advance of -the adoption of a masterplan for the area, development should, where applicableDevelopment should:

- a. be of a high quality, with well-designed edges securing significant townscape improvements to Burleigh Street and East Road);
- b. be sensitive to surrounding residential areas;
- c. improve the bus interchange, including an increase in capacity and better waiting facilities for passengers;
- d. be focused on providing access by sustainable modes of transport including improvements for pedestrians and cyclists such as a managed cycle parking facility, and with no increase in car parking above current levels;
- e. improve the public realm along Fitzroy Street and Burleigh Street, by removing unnecessary signage and street furniture, and using a simple and durable palette of materials; and
- f. promote linkages to the historic core.

The Council will coordinate the production of a masterplan for the area, bringing together ~~the scheme promoter, other~~ landowners, Cambridgeshire County Council and other relevant stakeholders. ~~The scheme promoter will be expected to prepare the masterplan and a~~This will include a comprehensive transport assessment and travel plan ~~in consultation with the council~~. It will need to be consulted upon locally and will be adopted by the council as a supplementary planning document (SPD). ~~before the submission of any planning application.~~

Policy 13: Areas of major change and opportunity areas – general principles

Development within the AOMCs and opportunity areas should be of the highest quality design and incorporate the principles of sustainable design and construction. With the exception of very minor development, or other development proposals which can be justified in being brought forward in advance of the adoption of a masterplan for the area,

the development of each site within the AOMCs and the opportunity areas shall only be permitted in the following circumstances:

- a. when the necessary infrastructure and associated arrangements to support that development have been secured, either by delivery as part of the development or through other stakeholders including relevant local authorities; or
- b. where acceptable alternative infrastructure provision, including temporary provision where appropriate, has been secured; or
- c. where an assessment shows that a particular development can take place in advance of such provision without causing unacceptable impacts.

Additionally, unless it can be demonstrated that development a particular development can be justified in being brought forward in advance of the adoption of a masterplan for the area, -development shall only be permitted:

- d. where it is in accordance with a comprehensive implementation plan for the area which has demonstrable support from all key landowners or it is supported by evidence to demonstrate that the comprehensive and successful delivery of the development can still take place without this being secured; and
- e. where the development is based on clearly articulated and justified objectives and approach through the provision of a site-wide masterplan, strategies and other overarching coordination documents; and,
- f. in instances where the infrastructure provision is to be phased, an approved phasing strategy is in place.

In terms of movement, density and activity, development should:

- g. be of higher densities in the City Centre, and around key transport interchanges (including the proposed Cambridge Science Park Station), district centres and local centres; and
- h. create active and vibrant places that encourage social interaction and meeting, and foster a sense of community.

In protecting existing assets, landscape and water management, development should:

- i. seek to protect existing public assets, including open space and leisure facilities. Where the loss of such assets is unavoidable, appropriate mitigation should be provided, including where applicable the replacement of assets in an alternative location, in addition to infrastructure generated by the needs of the development;
- j. ensure public rights of way are protected, and enhanced where possible;
- k. develop a new, strong landscape framework that is guided by and incorporates existing positive landscape and townscape features; and,
- l. where practicable, undertake on-site strategic landscaping to the agreed framework early in the development of the site so that this will become established as development proceeds.

APPENDIX 4
RECOMMENDED POLICY AND SUPPORTING PARAGRAPH AMENDMENT

Appendix 4: Recommended Policy and Supporting Paragraph Amendments

New text in **bold**

Deleted text is ~~struck through~~

Policy 10: Development in the City Centre Primary Shopping Area

In the primary shopping area (PSA) in the City Centre, as defined on the policies map, proposals for new retail use (A1) will be supported. Proposals for other centre uses, as defined in the table in this policy, will be supported, provided:

- a. the proposal complements the retail function and makes a positive contribution to the vitality, viability and diversity of the City Centre;
- b. provision is made for an active frontage, such as a widow display, in keeping with the character of the shopping area; and
- c. it would not give rise, either alone or cumulatively, to a detrimental effect on the character or amenity of the area through smell, litter, noise or traffic problems.

Changes of use from A1 to another centre use (as defined in the table in this policy) will be appropriate where they satisfy the above criteria.

~~Additionally, in the primary frontage (as defined on the policies map):~~

- ~~d. retail (A1) uses should not fall below 70 per cent in any frontage (measured as a proportion of the number of units within the 'A' use classes in the street frontage or shopping centre) unless it can be shown that such change would be beneficial to the vitality and viability of the frontage.~~

~~In the secondary frontage (as defined on the policies map):~~

- ~~e. retail (A1) should remain the predominant use on the frontage (i.e. above 50 per cent) unless it can be shown that such a change would be beneficial to the vitality and viability of the frontage.~~

Within the primary shopping area, the loss of centre uses at ground floor level to non-centre uses (see table) will not be permitted, unless it can be demonstrated that the use is no longer viable, by the evidence of active marketing for at least 12 months showing that the premises are not reasonably capable of being used or redeveloped for a centre use acceptable in the PSA.

Residential and student accommodation, offices and community facilities **and all other main Town Centre uses as defined by the NPPF** are supported on upper floors, provided that the use would have safe and convenient access and would not inhibit the functioning of the ground floor use.

Any new retail or leisure developments above 2,500 sq m should **consider the ability to** provide a mix of small and large retail units to cater for national retail occupiers and the demands of smaller independent and local traders. **Where this cannot be provided, this should be demonstrated in a planning application.**

Small units in the secondary frontage should not be joined together to make a larger unit, unless it can be shown that this would add vitality or viability of the street frontage.

The daily market in the Market Square and the arts and crafts market on All Saints Garden will be protected, and proposals to enhance these markets and, where appropriate, create new markets will be supported.

Uses suitable and not suitable at ground floor level in the primary shopping area

Centre uses (uses suitable at ground floor level in the PSA)	Non-centre uses (uses not suitable at ground floor level in the PSA)
Shops (A1 uses)	Business uses, including offices and research and development (B1)
Financial and professional services (A2 uses)	General Industry (B2)
Cafés and restaurants (A3 uses)	Storage and distribution (B8)
Drinking establishments (A4 uses)	Residential institutions (C2 and C2a)
Takeaways (A5 uses)	Residential (C3)
Hotels (C1 uses)	Houses in multiple occupation (C4)
Non-residential institutions such as healthcare, nurseries, schools, libraries and places of worship (D1 uses)	Other sui generis uses
Assembly and leisure (D2uses)	
Certain sui generis uses typically found in centres, including theatres, nightclubs, amusement arcades, launderettes, tattooists, beauty parlours	

Supporting Text

- 3.5 Cambridge City Centre is a regional shopping centre. The primary shopping area (PSA) in the City Centre is shown on the policies map. This is the area where retail development is concentrated and comprises the historic core and the Fitzroy/Burleigh Street area, including Grafton. The daily market in the Market Square and the weekend arts and crafts markets are also essential contributors to the range and choice of shopping in the City Centre.
- 3.6 The National Planning Policy Framework (NPPF) defines the PSA as the primary frontages and those secondary frontages adjoining or closely related to the primary frontages. The primary frontages are the streets where retail is particularly concentrated and are shown on the policies map. In these areas, the Council wants to maintain a high concentration of shops.
- 3.7 The main secondary frontages are also shown on the policies map and fall within the PSA. In the secondary frontages there is more scope for different uses complementary to the retail function of the City Centre, such as cafés, restaurants, bars and pubs, banks and estate agents. In some parts of the secondary frontage there are concentrates of uses, for example food and drink uses along Bridge Street. The concentration of uses provides a distinct character, but the Council would generally like to maintain a diversity of uses along frontages to maintain footfall and vitality and viability, and

avoid any amenity problems such as those that can be associated with concentrations of food and drink uses. In the secondary frontages the Council wants retail to be the predominant use or – where it is already below this level- there should be no further losses of retail.

- 3.8 The table within the policy identifies those uses that the Council thinks are appropriate at ground floor level in the PSA. The NPPF identifies office and residential uses as town centre uses. While the value of these uses in centres is recognised, these are only appropriate in upper floors in the primary and secondary frontages in Cambridge. These uses would not provide active frontages. The Cambridge Retail and Leisure Study Update 2013 identifies a significant capacity for additional comparison shopping, and best location for this is with the City Centre at the top of the retail hierarchy. Therefore, ground floor units should not be lost to offices or residential use, including student hostels, and any applications for such change of use would have to provide evidence of marketing and show there were exceptional circumstances why a unit could not be used for a centre use.
- 3.9 The Council wants to provide a diversity of uses within the City Centre, including opportunities for smaller independent traders. The policy requires that any substantial new retail schemes provide a mix of unit sizes, and this should be discussed with the Council at a pre-application stage. The joining together of shop units in the secondary frontage to create larger units will generally be resisted, as these are likely to be less suitable for smaller independent traders. The markets in Cambridge are supported and opportunities to enhance them or to create new markets are supported in principle.

Policy 11: Fitzroy/Burleigh Street/Grafton Area of Major Change

The Fitzroy/Burleigh Street/Grafton Area of Major Change (AOMC), as shown in Figure 3.1, is the primary focus for providing additional comparison retail in the City Centre, along with other mixed uses.

This area is supported as a location for expansion and/or redevelopment for retail and leisure use (A1, A2, S3, A4 and D2), with residential and student accommodation on upper floors. The precise quantum of net new retail floorspace and residential/student units will be subject to testing and demonstration through the development of master plan area for the area.

Development should, **as necessary and appropriate**:

- a. be of a high quality, with well-designed edges securing significant townscape improvements to Burleigh Street and East Roads;
- b. be sensitive to surrounding residential areas;
- c. improve the bus interchange, including an increase in capacity and better waiting facilities for passengers;
- d. be focused on providing access by sustainable modes of transport including improvements for pedestrians and cyclists such as a managed cycle parking facility, and with no increase in car parking above current levels;
- e. improve the public realm along Fitzroy Street and Burleigh Street, by removing unnecessary signage and street furniture, and using a simple and durable palette of materials; and
- f. promote linkages to the historic core.

The Council will coordinate the production of a masterplan for the area, bringing together the scheme promoter, other landowners, Cambridgeshire County Council and other relevant stakeholders. **This will include** a comprehensive transport assessment and travel plan ~~in consultation with the Council~~. It will need to be consulted upon locally and adopted by the Council as a supplementary planning document (SPD) before the submission of any planning application. **This is with the exception of a planning application for very minor development, or other development proposals which can be justified against Policy 13 and demonstrably brought forward in advance of adoption.**

Supporting Text

- 3.10 This part of the City Centre provides the greatest opportunity for accommodating the need for additional comparison retail, but also leisure, student accommodation and housing. The Cambridge Retail and Leisure Study Update 2013 identified it as the first priority for comparison retail in sequential terms, and the Cambridge City Centre Capacity Study 2013 identified it as an area of potential change.
- 3.11 The area is distinct from the historic core, and has an important role as an everyday, family shopping destination. However, the quality of the shop units along Fitzroy Street and Burleigh Street is varied, and the public realm is cluttered with street furniture and signage and could be improved. The Grafton shopping centre was built in the early 1980's and there is scope for positive regeneration of the area through sensitive modernisation and extension of the centre.
- 3.12 The area will need to be looked at comprehensively, and a master plan produced. The Council will work pro-actively with landowners, developers and Cambridgeshire County Council as highway authority in the development of the masterplan. The masterplan will be subject to public consultation before it is adopted as a supplementary planning document.

Policy 13: Areas of major change and opportunity areas – general principles

Development within the AOMCs and opportunity areas should be of the highest quality design and incorporate the principles of sustainable design and construction. With the exception of very minor development **and / or forms of development defined in individual AOMC policies**, the development of each site within the AOMCs and the opportunity areas shall only be permitted in the following circumstances:

- a. when the necessary infrastructure and associated arrangements to support the development have been secured, either by delivery as part of the development or through other stakeholders including relevant local authorities; or
- b. where acceptable alternative infrastructure provision, including temporary provision where appropriate, has been secured; or
- c. where an assessment shows that a particular development can take place in advance of such provision without causing unacceptable impacts.

Additionally, development shall only be permitted:

- d. where it is in accordance with a comprehensive implementation plan for the area which has demonstrable support from all key landowners or it is supported by evidence **in a planning application** to demonstrate that the comprehensive and successful delivery of the development can still take place without this being secured; and
- e. where the development is based on clearly articulated and justified objectives and approach through the provision of a site-wide masterplan **and / or where appropriate a planning application supported by** strategies and other over-arching coordination documents; and
- f. in instances where the infrastructure provision is to be phased, an approved phasing strategy is in place.

In terms of movement, density and activity, development should:

- g. be of higher densities in the City Centre, and around key transport interchanges (including the proposed Cambridge Science Park Station), district centres and local centres: and

- h. create active and vibrant places that encourage social interaction and meeting, and foster a sense of community.

In protecting existing assets, landscape and water management, development should be:

- i. seek to protect existing public assets, including open space and leisure facilities. Where the loss of such assets is unavoidable, appropriate mitigation should be provided, including where applicable the replacement assets in an alternative location, in addition to infrastructure generated by the needs of the development;
- j. ensure public rights of way are protected, and enhanced where possible;
- k. develop a new, strong landscape framework that is guided by and incorporates existing positive landscape and townscape features; and
- l. where practicable, undertake on-site strategic landscaping to the agreed framework early in the development of the site so that this will become established as development proceeds.

Supporting text:

- 3.21 Construction on several of the sites within the AMOCs in this plan is well advanced and based on the planning permissions currently in place. These developments will continue unless landowners/developers choose to submit new proposals, which will be considered in accordance with this policy.
- 3.22 The Council wishes to ensure that the AOMCs and opportunity areas are developed in the most appropriate way, taking account of the sustainability, mixed-use and design objectives set out elsewhere in the plan
- 3.23 As a first step, this plan include site specific policies for each of the AOMCs and opportunity areas. These policies set the broad framework for development and specify the principal land uses, accessibility considerations and landscape requirements for each area.
- 3.24 This policy outlines a number of important additional requirements applicable to the consideration of planning applications for each of the AMOCs and opportunity areas. The purpose is to ensure that each area can be designed with the principles of sustainable development in mind, with appropriate densities of development. It also requires the protection/provision of landscape and other environmental requirements.
- 3.25 If appropriate, more detailed policy/guidance for the individual AOMCs and opportunity areas will be in partnership with Cambridge County Council, landowners and developers, with public consultation. The Council will also work in partnership with South Cambridgeshire District Council where sites cross administrative boundaries and/or raise significant cross/boundary considerations. Subsequent planning applications should conform to approved guidance.
- 3.26 Substantive development will not be permitted in advance of the preparation and approval of a site-wide masterplan, strategies and other over-arching documents as required by the scale and nature of development. Limited small-scale development may be permitted, providing it would not prejudice the longer-term development of the sites and is not considered to be premature in advance of the preparation of these documents.
- 3.27 The appropriate planning policy guidance mechanism will be identified before work commences on design and delivery of development in each of the different and varied AOMCs and opportunity areas. The Council will **where appropriate under the site-specific policies** actively promote with key partners, the production of further policy/guidance for any other large or complex sites

within built-up part of the city that come forward for development. Subsequent planning applications will be expected to be in accordance with the approved documents. Where sites and developments are comparable in size and complexity to existing AOMCs and opportunity areas, the policy will also apply.