

Application Number	12/0428/CAC	Agenda Item	
Date Received	3rd April 2012	Officer	Mr John Evans
Target Date	29th May 2012		
Ward	East Chesterton		
Site	Penny Ferry 110 Water Street Cambridge Cambridgeshire CB4 1PA		
Proposal	Demolition of the Penny Ferry public house and clearance of site.		
Applicant	Mr RS Covell/ Ms C Macdonald C/o King And Co 238 High Street Cottenham Cambs CB24 8RZ		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1) The principle of redeveloping the site has already been established through application 09/1200/FUL, which was allowed at appeal. 2) I do not consider the adoption of the NPPF or the inclusion of the site within the extended Central Conservation Area, to materially affect the conclusions of the Inspector in allowing the appeal. 3) The demolition of the Penny Ferry will not in my view be harmful to the character, appearance or the riverside setting of the Conservation Area.
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies between Water Street and the River Cam and comprises a 0.185 hectare parcel of land that currently accommodates a vacant former public house known as 'The Penny Ferry'. The site has a 78 metre frontage and tapers in depth from 34 metres on the western boundary to 12 metres on its eastern boundary. The public house dates from the mid-nineteenth century. It is a two-storey building of simple design fronting onto Water Street. The building has been extended with a substantial single storey rear conservatory wing.
- 1.2 To the west of the site are allotments, whilst to the immediate east lies a public car park. Across Water Street to the north is housing of mixed character and design. To the south lies the River Cam with open common land known as Stourbridge Common beyond.
- 1.3 The site lies within the Flood Plain as designated within the Cambridge Local Plan (2006) and has a number of mature trees fronting the river that are the subject of Tree Preservation Orders. The site falls outside the controlled parking zone and is not within a designated district or local centre. To the South, Stourbridge Common is within the Cambridge Green Belt and is a designated Local Nature Reserve.
- 1.4 The site has recently been included within the Central Conservation Area Conservation Area, within the Riverside and Stourbridge Common Area.

2.0 THE PROPOSAL

- 2.1 This application seeks Conservation Area Consent for the demolition of The Penny Ferry public house and clearance of the site.
- 2.2 Planning permission is not sought for the redevelopment of the site, which was approved under application 09/1200/FUL in 2009. This application for Conservation Area Consent follows the recent inclusion of the site within the Riverside and Stourbridge Common extension to the Central Conservation Area.

2.3 The application is accompanied by the following supporting information:

1. Legal Advice on Conservation Area Consent application.

3.0 SITE HISTORY

Reference	Description	Outcome
09/1200/FUL	Erection of five 4-bed houses (following demolition of former public house).	Approved (Allowed on appeal)
C/86/0766	Single storey extension	Approved

The decision of the Planning Inspector in the appeal on the previous application **12/1200/FUL** is attached to this report as **Appendix A**.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV6
Cambridge Local Plan	4/10 4/11

2006	
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Area Guidelines:</u> Riverside and Stourbridge Common Conservation Area Appraisal 2012.

6.0 CONSULTATIONS

English Heritage

- 6.1 The Riverside and Stourbridge Common Conservation Area Appraisal maps do not specifically identify this pub as a building of local interest or a building important to the character, but the boundary of the extended conservation area specifically steps north to include this pub (whereas the boundary elsewhere is formed by the north bank of the river) and the map also includes an 'important view' looking straight at the pub from the south bank of the river. Therefore, I conclude this building is of some importance in the conservation area and as such there should be an expectation for its retention.

Paragraph 16 (of the appeal statement) is particularly revealing in the weight the Inspector gives to the site to be included in a future Conservation Area. Such anomalies should be removed once CAC is incorporated into Planning Permissions, which I

note is included within the provisions of the 'Enterprise and Regulatory Reform Bill' published last week.

Historic Environment Manager

- 6.2 With some careful amendments, and appropriate detailing and materials, the approved scheme could make a positive contribution to the character and appearance of the conservation area. However, until these amendments are submitted and approved, the proposal for demolition cannot be supported as the approved scheme does not adhere to policy 4/11.

Head of Environmental Services

- 6.3 No objection in principle but in order to protect the amenity of neighbouring occupiers during the demolition and construction phases of the development please attach the following standard conditions: noise and vibration impact assessment; concrete crushing; piling; demolition/construction; collections/deliveries; and dust suppression.
- 6.4 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.

7.0 REPRESENTATIONS

County Councillor Ian Manning has commented on this application. I have set out his comments below:

Given the changing nature of the planning landscape, and the major change this will bring to the area, the decision should be made at planning Committee rather than a delegated decision.

- 7.1 The owners/occupiers of the following addresses have made representations: 11 Misty Meadows, 29 Alpha Road, 17 Evergreens, 22 Church Street, 1 Barrow Close, 81 Thornton Road, 15 Riverside, 25 Izaak Walton Way, 7, 12, 17, 46, 48, 78, 157a Water Street, 173 Water Street, 10 Inverness Close, 219 High Street, 11 Bradmore Court, 6 Enniskillen Road, 1 Pearson Court, Milton.

7.2 The representations can be summarised as follows:

Objections in Principle

- The Pike and Eel has long been a special feature of Water Street, with charm and character.
- There is an interesting history behind the building, popular with visitors and walkers.
- The premises was on the site of a ferry crossing to the popular Stourbridge Fare.
- The pub is a landmark.
- The pub was highly successful until very recently.
- The premises was deliberately run down.
- Regarded with great affection by undergraduates past and present.
- Demolishing the building would completely change the character of the area.
- The pub should remain a place for local people to meet and encourage community spirit.
- Its loss would represent a sad diminution of shared semi-public space with splendid views across the river.
- Losing the pub would go against the spirit of the NPPF.
- The tests of policy 4/10 have not been met, the building is structurally sound, the advent of Chesterton Station will make a lovely riverside pub, there are no public benefits from redevelopment.
- There is only 1 pub left in Chesterton.
- The number of riverside pubs is at a critically low level.
- Ugly poor quality housing has replaced public resources in Chesterton, turning it into a soulless dormitory.

Design concerns

- The addition of yet more mediocre upmarket housing is degradation rather than preservation of the Conservation Area.
- There are no buildings taller than 2 storeys in this location.
- The view from the other side of the river will be degraded.
- The long views of Stourbridge Common will be spoilt as the new high rise development overlooking Midsummer Common bears witness.
- The Riverside and Stourbridge Conservation Area Appraisal notes the need for visual improvements to boundaries and other areas to preserve and enhance the setting of the common.

Amenity issues

- Loss of privacy for those living opposite the development.

Traffic related issues

- Increase in traffic on surrounding roads.
- Parking in the area is at saturation.

Cambridge Past, Present and Future

- Object. Lack of design and access statement or historic assessment is inappropriate. The validity of the application is therefore questioned.
- The former public house should be preserved.
- In the right hands this could be a successful business and community asset.
- Loss of important landmark and feature of historic interest along the river corridor.
- The building is worthy of a least locally listing.
- The current proposal does not complement the riverside setting.
- Under the Localism Act it is suggested that the pub be added to 'List of Assets of Community Value'.
- Creation of mixed use neighbourhoods is supported by the NPPF.
- The proposed replacement buildings are too domineering.

Old Chesterton Residents Association

- Object. There have been significant changes in planning policy and the site has recently been included within the Riverside Conservation Area.
- The proposed replacement buildings are a gross overdevelopment of the site.
- The loss of the pub should be reviewed in light of the NPPF.
- The application gives the Planning Committee a unique opportunity to think again and address an erroneous decision that has a great impact on future generations.
- The advent of the new station will bring new life to this part of the village and the Penny Ferry will lie close to the primary cycle access route to the station.
- The intensification of residential development is leading to parts of Cambridge becoming dormitories for commuters.

Friends of Stourbridge Common

- Object. Deeply regret the building is to be demolished for housing.
- The pub contributes positively to the visual landscape.
- The case for its retention is strong for a number of reasons.
- Support comments from OCRA that there is a need to preserve community services.
- The advent of Chesterton Station and new cycle routes might help to start a ‘virtuous chain’.
- The Riverside and Stourbridge Common Conservation Area Appraisal calls for visual improvements to the boundaries and other areas to preserve and enhance the setting of the Common.

Campaign for Real Ale (CAMRA)

- Object. The Penny Ferry remains a distinguished and historic building which makes a positive contribution to the visual appearance of the Conservation Area.
- It is potentially a valuable community facility.
- Chesterton has only one pub left and deserves greater choice.

Cambridge Save Our Green Spaces

- The case is strong for retaining the building.
- The demolition of the Penny Ferry would change the vista, especially if replaced by large scale higher buildings.
- The building contributes positive to the character and appearance of the Conservation Area.
- The approved plans will be overbearing and dominant.

An online petition has been received with 426 submissions of support. The petition states the following:

- 7.3 The Penny Ferry public house and site have been included in the Riverside and Stourbridge Common Conservation because of their importance along the river frontage and the view across the river from Stourbridge Common. Loss of this historic landmark site will change significantly the nature of the Conservation Area at this point and must be rejected.

Chesterton has only one pub serving 7000 homes. With the advent of Chesterton Station, this pub and its location will be

highly sought after and viable once some renovation or refurbishment work is carried out.

The National Planning Policy Framework is now in force and clearly states that Local Authorities must guard against the loss of community assets, including pubs. The Penny Ferry pub and site are regarded by the local and wider community as a community asset.

The development proposals to replace the building are not of a high enough quality to merit the demolition of the pub building and the loss of the site.

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

8.0 ASSESSMENT

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Third party representations

Principle of Development

- 8.2 The key issue for consideration is the impact of the loss of the building on the character and appearance of the Conservation Area. I explain below the relevant changes in policy context, and the weight I consider should be placed on those changes, since express planning permission for the redevelopment of the site was allowed on appeal, (09/1200/FUL).

Character and Appearance of the Conservation Area

- 8.3 When considering applications for demolition of buildings within a Conservation Area which contribute positively to its character, the same tests are applied when considering applications for the demolition of a Listed Building set out within Local Plan policy 4/10. Given the extant permission for redevelopment of the site and the rigorous assessment of the demolition of the

Penny Ferry given by the Inspector, I do not consider that criteria a to c of policy 4/10 should be applied. It is only buildings which are considered to positively contribute to the character of a Conservation Area, which are subject to the same tests for demolition as a Listed Building within policy 4/10. The previous appeal decision establishes the clear position that the building itself is not of such merit as to constrain redevelopment of the site.

- 8.4 The Inspector concludes that the value of the site relates to the contribution of the mature trees and the open garden between the building and the river bank to the river scene and Stourbridge Common, rather than the building itself. The view of the Conservation Team is that the building is not of sufficient quality to merit it being identified as a building of local interest and the Inspector agreed with this position.
- 8.5 Inclusion of the building within the Stourbridge Common and Riverside Conservation Area, does not in itself indicate the Council's wish to retain all buildings within it. The Conservation Area Appraisal does not describe the Penny Ferry as having a positive contribution to the river setting. The NPPF sets out in paragraph 138 that 'not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance'. Given the extensive alterations to the ground floor of the premises and the extent of the hard surfaced car park area, the building does not in my view present a positive frontage which enhances the riverscape. The Inspector's decision specifically considers the proposed redevelopment of the site in light of its forthcoming inclusion within the extended Conservation Area.
- 8.6 Paragraph 138 states that the loss of a building which makes a positive contribution to the significance of a Conservation Area should be treated as either substantial harm under paragraph 133 or less than substantial harm under paragraph 134 as appropriate. Paragraphs 133 and 134 detail a series of criteria based on viable alternatives for the heritage asset and the public benefits of the proposal. However, in light of the Inspectors decision, and the Riverside and Stourbridge Common Conservation Area Appraisal, it has been established that the building does not have a positive contribution to the riverside setting. On this basis I do not consider that paragraphs 133 or 134 of the NPPF should be applied.

Reuse and Viability

- 8.7 The National Planning Policy Framework (NPPF) was Adopted in March 2012, which after the previous appeal decision. It advises that Local Planning Authorities should guard against the unnecessary loss of community facilities, which includes public houses. Since the previous approval in 2011, concerns have risen with the rate of loss of public houses in Cambridge. The Council has commissioned a public house study with the view to adopting Interim Planning Policy Guidance. The Penny Ferry was not included within the list of safeguarded riverside pubs providing an important tourist and economic function, because planning permission has been granted for its redevelopment. At this time the document is in draft form only and therefore carries limited weight for decision making.
- 8.8 I do not consider the applicant is required to demonstrate the premises are no longer viable as a public house. While I recognise that there is a considerable strength of opinion locally that the building should be retained as a public house and as community facility, the previous appeal decision has already considered this issue. At the time of the appeal Planning Policy Statement 4 (PPS4) required Local Planning Authorities to protect existing facilities that meet peoples day to day needs in local centres. Paragraphs 69 and 70 of the NPPF contain a similar framework to PPS4 which it supersedes. The Inspector concludes that there is another pub, the Green Dragon to the east and gives greater weight to policies 3/1 and 5/1, which supports the redevelopment of the site for housing.

Design and Appearance of the Approved Scheme

- 8.9 I note the detailed design comments of the Council's Conservation Officer in relation to the previously approved scheme. However the design of the approved scheme is not within the remit of this application for Conservation Area Consent. The Inspector concluded that the massing of the development would be reduced by gaps in the proposed dwellings, which would introduce glimpses of the trees at the rear of the site and the openness of Stourbridge Common beyond, onto the street scene. The Inspector noted the eaves height of the appeal proposal would be similar in height to eaves of the main 2 storey part of the public house, but the roof ridges of the proposed houses would be 1m taller. The

increase in height was not considered to be so significant as to be out of keeping with the surrounding locality.

8.10 Given that the acceptability of the redevelopment scheme has been established at appeal and that the Inspector specifically considered the immediate inclusion of the site in the Conservation Area, I do not consider that alleged shortcomings of the design of the approved scheme can provide any basis for the refusal of Conservation Area Consent.

8.11 In my opinion, the demolition of the Penny Ferry will not detract from the character of the Conservation Area, which has already been established by the previous appeal decision 09/1200/FUL. This application for Conservation Area Consent is therefore compliant with Cambridge Local Plan policy 4/11 and guidance contained within the NPPF paragraph 138.

Third Party Representations

8.12 The representations received have been addressed in the above report. The following issues have also been raised:

Lack of design and access statement or historic assessment is inappropriate. The validity of the application is therefore questioned.

The submission of a design and access statement is not mandatory for an application for Conservation Area Consent. The application is valid for determination.

Under the Localism Act it is suggested that the pub be added to 'List of Assets of Community Value'.

Under the Localism Act 2011, land and buildings can be nominated for inclusion on a List of Assets of Community Value. If the asset comes up for sale, community groups will be able to trigger a pause of up to six months in order to raise capital to purchase the asset. The Council has begun work on the internal procedures for managing a List of Assets of Community Value, but this process is not enacted until 12 October 2012.

The Pike and Eel has long been a special feature of Water Street, with charm and character.

There is an interesting history behind the building, popular with visitors and walkers.

The premises was on the site of a ferry crossing to the popular Stourbridge Fare.

I recognise that there is historic value attached to the public house, which is highlighted within the representation of Cambridge Past Present and Future. This notwithstanding, it has been established through the previous appeal decision that its loss is acceptable. The Riverside and Stourbridge Conservation Area Appraisal does not highlight the building as making a positive contribution to the significance of the Conservation Area. A record of the building can be taken prior to demolition through the imposition of a suitable planning condition.

The loss of the Penny Ferry would represent a sad diminution of shared semi-public space with splendid views across the river.

As noted within the Inspectors decision, when the public house was open, patrons had access to the river bank, however, the site was and continues to be private land with no public right of access.

The approved plans will be overbearing and dominant.

The design of the approved scheme has already been established as acceptable through the previous application decision. It is not possible to revisit detailed design matters through the assessment of this application for Conservation Area Consent.

The advent of the new station will bring new life to this part of the village and the Penny Ferry will lie close to the primary cycle access route to the station.

The possible development of Chesterton Station does not reduce the need for housing set out in Local Plan Policy 5/1, to which the Inspector gave greater weight in allowing the appeal 09/1200/FUL.

Parking in the area is at saturation.

Car parking and access was deemed acceptable through the appeal decision 09/1200/FUL. This cannot be revisited through this application for Conservation Area Consent.

9.0 CONCLUSION

- 9.1 Notwithstanding the adoption of the NPPF and the inclusion of the site within the extended Central Conservation Area, the Inspector's decision in my view has already established that the redevelopment of this site is acceptable with a design that has been approved. Since the appeal Inspector concurred with the Council's own view that the building itself does not make any positive contribution to the character of the Conservation Area, I do not consider it would be reasonable for the Council to withhold Conservation Area Consent for the demolition of the existing building. APPROVAL is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. No development shall take place until a full photographic record and survey by measured drawing and salvage of samples has been made depicting the exterior and interior of the building (including any parts to be demolished) and a copy deposited with each of the following organisations: the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge, and the local planning authority. The precise number and nature of the photographs, drawings and samples to be taken is to be agreed in advance with the local planning authority and the format in which they are to be displayed and titled is to be agreed with the local planning authority before the deposit is made.

Reason: To ensure proper recording of any aspects of the buildings special interest which are to be lost. (Cambridge Local Plan 2006, policy 4/11)

3. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6

Cambridge Local Plan (2006): 4/11

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;

3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses 『exempt or confidential information』
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

www.cambridge.gov.uk/planningpublicaccess

or by visiting the Customer Service Centre at Mandela House.