

Application Number	12/0705/FUL	Agenda Item	
Date Received	6th June 2012	Officer	Mr John Evans
Target Date	5th September 2012		
Ward	East Chesterton		
Site	169 - 173 High Street East Chesterton Cambridge Cambridgeshire CB4 1NL		
Proposal	Proposed residential development (erection of eleven dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Numbers 169 and 171 High Street, Chesterton.		
Applicant	Mr N Cook And Mr D Brown		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The development would result in the loss of a restaurant which is not a community facility protected by Local Plan policy, or paragraph 70 of the NPPF. 2. This amended application makes effective use of a backland, commercial site, providing an attractive, distinctive residential scheme, and an improved frontage along the High Street. 3. The impact upon neighbouring residential gardens is not considered to result in significant harm; either overshadowing or a harmful sense of enclosure.
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a rectangular shaped plot situated on the north east side of High Street, Chesterton.
- 1.2 The site is currently occupied by number 169 High Street which was last used as a Chinese restaurant, the Saigon City. This is a prominent two storey building with three levels of accommodation and front dormer windows in the roof slope. Attached to the north east is number 171, an L shaped flat roof building currently used by a hairdressers. Adjoining to the north east is number 173 High Street, which is a part of the main High Street terrace, and is occupied by Cambridge Office Environments Limited (COEL). Number 173 has a relatively deep single storey rear extension projecting some 14m to the north.
- 1.3 The majority of the site is used for car parking, with a gravel surface. There are various trees near the site boundaries, the three most significant being within the garden of number 163 High Street. None of the trees are subject to a Tree Protection Order. The northern boundary to number 125 High Street is defined by a thick conifer hedge some 3m in height.
- 1.4 The site is not within a Conservation Area. The site falls within the Chesterton High Street Local Centre.

2.0 THE PROPOSAL

- 2.1 This application seeks to address the previous primary reason for refusal relating to the principle of the development through an additional written submission. In terms of design and layout, the scheme is very similar to 12/0086/FUL, with the exception of minor changes. Committee did not refuse the previous application on design grounds.
- 2.2 This amended application seeks consent for the erection of 12 dwelling houses, consisting of seven, 3 bedroom houses, three 4 bedroom houses, one 2 bedroom house and one 2 bedroom flat. The ground floor of plot one will be used for retail and has a reconfigured shopfront and a proposed new single storey rear extension projecting 4.5m. The existing 14m deep rear extension to number 173 High Street will be demolished.

- 2.3 Plots one to four front onto the High Street and are two storeys in height, containing three levels of accommodation. They have an eaves height of 5.6m and an overall roof ridge of 9.2m. The buildings have a traditional design and appearance with a proposed buff brick and slate roof.
- 2.4 Plots 5 to 12 form a new inner mews style street and are contemporary in design and appearance. They stand 6m to the first floor parapet level, rising to an overall height of 8.3m.
- 2.5 Externally, the development provides a mixture of private and communal cycle stores and a total of 13 car parking spaces, one of which is larger, suitable for disabled users. The new inner courtyard will be surfaced with block paving.

Minor Changes to Design and layout

The window openings have privacy hood screens to units 6, 7, 8, and 10.

The proposed solar thermal panels have been included on the elevations.

Minor alteration to the refuse and cycle store serving the flat 1A.

- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Planning Statement
 3. Transport Statement
 4. Flood risk and Drainage Assessment
 5. Phase 1 Environmental Study
 6. Habitat Report
 7. Tree Survey and Arboriculture Report
 8. Archaeological desk study
 9. Utilities Statement
 10. Site Waste Management Plan
 11. Sustainability Assessment

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0756	Erection of single storey extension to form entrance lobby, and removal of asbestos roof and replacement with flat roof	Approved
12/0086/FUL	Proposed residential development (erection of 11 dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Nos 169 and 171 High Street.	Refused

Application **12/0086/FUL** was refused for the following reasons:

1. The proposal would lead to the loss of a mixed-use restaurant/public house within a prominent location in Chesterton High Street local centre. In the absence of any compelling argument that the premises could no longer cater for peoples day to day needs as a community facility for the foreseeable future, the application is contrary to paragraph 70 of the National Planning Policy Framework (2012).
2. The proposed development does not make appropriate provision for public open space, community development facilities, pre school and life-long learning facilities, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

I have attached 3 appeal decisions as **APPENDIX A** which I have referred to in the body of the report.

Table 1: Analysis of Recent public house decisions

Public House	Decision	To note
The Grove	Approved	Loss of Public House allowed by members of North Area Committee. Community use to occupy building.
The Unicorn	Delegated Refusal, appeal dismissed	Lawful A4 public house use, attractive building, Council should safe guard loss through marketing.
The Carpenters Arms	Committee refusal, appeal dismissed	Lawful A4 public house use, modest size of the building lends itself to serve local community. It would not reduce the community's ability to meet its day to day needs but would result in the loss of a facility of value to it.
The Royal Standard	Committee Refusal, current appeal	Former public house last used as a restaurant. Not in restaurant use as long as Saigon City.
Rosemary Branch	Officer recommendation refusal	Lawful A4 public house use. Council seeking to safeguard against its loss.

4.0 **PUBLICITY**

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
DC Forum (meeting of 14 March 2012):	Yes

The minutes of the DC Forum are attached to the agenda as appendix A.

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	ENV7
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 3/9 3/10 3/11 3/12 3/14 3/15 4/4 4/13 5/1 5/11 6/7 8/2 8/6 8/16 8/17 10/1

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

Central Government Guidance	National Planning Policy Framework 2012 Circular 11/95 05/2005 Circular 3/2005 Change of Use of Buildings and Land Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy Public Art
Material Considerations	Central Government: Letter from Secretary of State for Communities and Local Government (27 May 2010)

	Written Ministerial Statement: Planning for Growth (23 March 2011)
	Citywide: Cambridge Shopfront Design Guide

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The information relating to trip generation is sufficient to confirm that the level of development would not trigger ECATP payments.

In its current form the access and internal street is not acceptable to the Highway Authority for adoption and so would remain a private street. Please confirm that the applicant accepts this.

For adoption by the Highway Authority as highways maintainable at the public expense carriageways would need to be 6 metres wide and also need to provide a half metre wide maintenance strip on each side (a total of 7.0 metres). The access would require radii at the junction of at least 6 metres, together with 1.8 metre wide footways which should enter the site so that pedestrians are not mixed with vehicular traffic in the junction. The entrance should be kerbed for the level of use proposed. Car parking bays must not overhang the highway and must provide adequate space clear of the highway. The site would need a Traffic Regulation Order to manage the Highway, and the Developer would need to fund the process of implementing the order. If the layout is suitably amended and offered for adoption this should be brought to the attention of the applicant and arrangements put in place to inform future residents that such a restriction would affect their future enjoyment of the site.

Cambridgeshire County Council (Sustainable Communities)

6.2 This application would generate the following requirements:

Lifelong Learning Contribution = £1,760 (sought in line with Cambridgeshire County Council guidance, £160 x 11 dwellings x £160)

Pre-School Contribution = £8,910 (sought in line with Cambridge City Council 'Planning Obligations Strategy' SPD, £810 x 11 dwellings)

Waste Contribution = £2,090 (sought in line with Cambridgeshire County Council guidance, £190 x 11 dwellings, for developments in Cambridge/Milton catchment).

Head of Environmental Services

6.3 No objections, subject to noise and contamination related conditions.

Senior Sustainability Officer (Design and Construction)

Support.

6.4 Generally happy with the use of either solar thermal or photovoltaic panels, but not the proposed use of a wind turbine. There are insufficient wind speeds in Cambridge to make the use of this technology feasible, and as a result its carbon reduction contribution would be very limited. Given that this is infill development, air turbulence from surrounding buildings would also have a negative impact on the performance of the turbine.

6.5 We will need to see drawings to show the location of the solar panels so that we can ensure they have been located in the optimum position (the figures quoted in the report are based on them being located at the optimum orientation, south, and tilt of between 30 and 40 degrees) and integrated into the overall design of the development. The preference would be for the use of solar thermal, as this way each of the properties would benefit from some renewable energy provision, and it is a

relatively simple technology in terms of upkeep and maintenance.

Cambridgeshire County Council (Archaeology)

- 6.6 High archaeological potential. Further ground investigations recommended.

Access Officer

- 6.7 No objections.

Head of Streets and Open Spaces (Tree Team)

- 6.8 It is important to point out that the neighbouring trees will cast considerable shade on the gardens of units 5-8 and space to plant new trees on site is minimal. One new small species tree is proposed on the western boundary (out of sight of much of the development) and another small specie tree is proposed along the access road. There is also very little space for any other planting in publicly viewed areas.

Should permission be granted for this application, we would require details of the wall and fence foundations within the RPA's to avoid root damage in line with the AIA. The AIA urges that there should be advice from a structural engineer regarding the proposed foundations for the dwellings adjacent to the neighbouring trees should the ground conditions prove that the development is on shrinkable clays. We would support this approach.

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

- 7.1 The owners/occupiers of the following addresses have made representations:

119 High Street
123 High Street
125 High Street
161 High Street

163 High Street
177 High Street
10 Grayling Close
7A Thrifts Walk

7.2 The representations can be summarised as follows:

Comments on the principle of development

- Regret the permanent loss of the public house.
- The number of pubs in this area of Cambridge has declined sharply.
- The Dog and Pheasant should be allowed to return as a community pub.
- The loss of public houses should not be allowed by the back door when their restaurant activity becomes significant.
- The building is in a commanding position and serves as an anchor for the community.
- The site could be used for varied retail premises.
- The second application is the same, so the objection should stand.
- The bar area comprised approximately half of the public space.
- Outside seating was provided for drinking rather than eating.
- The overall setup was similar to in nature to other local pubs that have a separate seating area with table service.
- The takeaway service was an additional service to the village.
- The takeaway service made up in part for the loss of the Chinese restaurant at number 180 High Street Chesterton.
- The rent was set by COEL who may not necessarily be interested in allowing a profitable business.
- The application states that the ultimate reason for finishing the business was the fact that family members were moving away, which is specific to the tenants, not the premises itself.
- It is the owners responsibility to maintain the building not the tenants.

Design comments

- The density is too high.
- Change of building line to the High Street.
- It is close to various mature trees.
- The design is ugly.
- Three storey buildings are out of keeping with the street scene.
- The proposed dwelling does not follow the line of the road.

- The use of render is obtrusive.
- The proposed boundary treatment does not appear suitable.
- There are no energy conservation characteristics.
- Very little movement internally for car parking

Amenity concerns

- Strong objection from number 163 High Street regarding overlooking.
- The development will overlook the rear windows and gardens of numbers 123, 157, 161, 163 and 177.
- There will be an increase in noise and traffic.
- Invasion of privacy, overshadowing and blocking of light to number 163.
- The development will overshadow number 125.
- Excessive noise pollution.

Car and cycle parking

- Car parking in Grayling Close and elsewhere is already at saturation point.
- Cycle parking is inadequate.
- Some of the bus service information supplied is out of date.

7.3 Old Chesterton Residents Association

The representation is summarised as follows:

- Strongly object to the loss of another pub in Chesterton.
- The applicant claims that the lawful use of the premises is A3 which is incorrect in fact and law and an error made by the planning officer.
- The pub has a public bar which has operated continuously during the period during which the Dog and Pheasant was known as the Golden Pheasant and later the Saigon City.
- The application does not meet the criteria of the Council's Draft Interim Planning Policy Guidance.
- If the Penny Ferry, the Haymakers and the Saigon City reopen Chesterton will still be short of one establishment per 750 residents as recommended in the IPPG.
- The premises was only unviable on the previous business model.
- Development within the Local Centre should retain the same number of retail outlets.

- The demolition of number 169 High Street would result in the loss of an attractive landmark building.
- Car parking inadequate.
- The orientation of the semi's will create overlooking.
- Restricted garden space is totally out of keeping.
- Solar panels likely to be ramshackle and unattractive.

7.4 **Cambridge Past Present and Future** have made representations as follows:

- Object. Contrary to NPPF paragraph 70.
- Several other pubs in the area have been lost. In the right hands the pub could be a successful business.
- Proposal contravenes local plan policy 5/11.

7.4 Campaign for Real Ale (CAMRA)

- Object.
- The number of pubs in this area of Cambridge has declined sharply.
- Local population is rising.
- The traditional design and location on the High Street has potential for it to return as a public house.
- The pub was reorganised primarily as a restaurant with a small, little used bar area.
- The Dog and Pheasant should never have ceased to be primarily a pub.
- This scheme would prevent East Chesterton from regaining its community pub.

7.5 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. Context of site, design and external spaces
3. Residential amenity
4. Renewable energy and sustainability

5. Disabled access
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Public Art
10. Third party representations
11. Planning Obligation Strategy

Principle of Development

- 8.2 The previous application was refused solely on the basis of the loss of a mixed-use restaurant/public house, within the Chesterton Local Centre. I discuss below the reasons why the principle of redevelopment acceptable is still considered acceptable by officers.
- 8.3 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The use of the premises is a restaurant, which is not specifically mentioned as a social or cultural facility within the NPPF. While public houses are specifically mentioned in the list of potential community facilities, restaurants are absent. Restaurants were also absent from previous guidance in PPS4 which was superseded by the NPPF. Local Plan policy 6/7 protects A1 retail, but uses falling within A3 restaurants and cafes or indeed A5 uses (hot food takeaway), are not afforded protection. In other areas of the City, for example Mill Road, the proliferation of A3 and A5 uses undermines the primary objective of maintaining the shopping offer of centres. In my view the protection of restaurant uses cannot reasonably be justified under the framework of the NPPF paragraph 70.
- 8.4 The City Council has commissioned a Public House Study to review market trends in the pub industry, including a comparison of Cambridge with a number of other historic university towns and cities. The study audited the existing pub provision in Cambridge to assess the characteristics of each pub and the type of market it focussed on, followed by an assessment of the local pub market. The study included a review of national and local planning policy and decisions in relation to proposals for the change of use or redevelopment of pubs followed by recommendations for draft interim and long

term planning policy guidance. The Interim Planning Policy Guidance (IPPG) on the Protection of Public Houses in the City of Cambridge has been out to consultation and Policy Officers are currently addressing the responses received. The IPPG is due to be considered by the Development Plan Scrutiny Sub-Committee on 11 September 2012 and then by the Environment Scrutiny Committee on 9 October 2012. The IPPG should not be afforded overriding weight until it has been adopted by the Environment Scrutiny Committee, but it should be given some weight in the decision making process.

- 8.5 The premises is listed as the 'Golden Pheasant' within the draft IPPG and is categorised as a pub site providing an important local community facility in 'suburban areas'. In my view the premises should not be contained on this list because it is a restaurant, which is explained in more detail below.

Primary A3 restaurant use of the premises

- 8.6 The acceptability of this revised application turns on the lawful use of the premises.
- 8.7 The Council determined within its reason for refusal of 12/0086/FUL that the premises was previously a 'mixed use restaurant/public house'. The applicant is firmly of the view that the premises has a lawful A3 use (restaurants and cafes), with a secondary, ancillary A4 public bar function. The addendum statement submitted in support of the application argues that there is no question that the premises is not in A3 use. Comments received from residents suggest that the premises devoted approximately half of its floorspace to public house use, with outside seating for visitors using the premises as a pub.
- 8.8 Planning Circular 3/2005 sets out that the primary use of the land must be first considered in determining whether there has been a material change of use of land. In the case of restaurant uses regard should be had not just to floorspace given over to that use, but whether customers come primarily to eat, drink or both. In addition, in the case of A4 public house premises, consideration of whether there is any obligation or expectation for customers to consume a meal and whether the premises has a public house license.

- 8.9 The applicant has submitted a statutory declaration from the previous tenants that the majority of customers visited the Saigon City to eat. While customers came to the premises to drink, this was in small numbers. The overall footprint of the bar area totaled 15 sq m compared with 39 sq m in restaurant use. The licensing of the premises included permission to serve alcohol until 00:30 and 01:30 at the weekends. The premises also had a license for live and recorded music. The outside seating was included in the license for late night refreshment as well as alcohol. This arrangement is consistent with the licensing requirements for all restaurants and does not in itself indicate a significant A4 element.
- 8.10 The A4 public house element of the business was clearly an ancillary use. The Saigon City also offered hot food takeaway (use class A5), but this was still an ancillary part of the main A3 use. In my view it cannot reasonably be argued that the primary use of the premises was anything other than a restaurant. The evidence that this is a mixed use rather than a primary A3 use with ancillary activities is inconclusive.
- 8.11 I do not consider it reasonable to retrospectively protect the use of premises which ceased over 10 years ago. I do appreciate that in some cases the differences between pub and restaurant uses may be unclear. Clearly the food offer of a public house may be an important part of its overall business. But this is not the case here where the use of the Saigon City has clearly shifted to an A3 restaurant use for such a long period of time, over 10 years.

Recent public house decisions

- 8.12 Since the previous refusal the Council has received two relevant appeal decisions relating to the loss of public houses. The Carpenters Arms, Victoria Road and The Unicorn, Cherry Hinton. In addition, an application for change of use of The Plough in Shepreth in South Cambridge District Council, is also relevant to this application. I have listed the recent status of applications involving the loss of public houses in **table 1**, in the history section.
- 8.13 I recognise that the Plough in Shepreth decision has some common characteristics with the application site. In this case the Inspector determined that notwithstanding the premises was

currently in restaurant use, regard should be had to the potential contribution to the social amenity of the village. Notwithstanding the decision to dismiss the appeal, the conclusions overall do not offer compelling support which can be directly applied to the Saigon City in Chesterton. This is because of the size and location of Shepreth, and its limited range of facilities, as discussed further below.

- 8.14 The decision was a ‘finely balanced’ case. The deliberations of the Inspector set out in paragraph 41 cannot reasonably be applied to the application site. The key difference is the fact that the Plough is situated in a rural village location whereby ‘the loss of even a potential facility takes on a particular significance’. Chesterton is relatively well served with shops and services (24 units in total) as set out in the Council’s 2008 retail study (Cambridge Sub Regional Retail Study 2008). It is also close to the City centre and other local centres. Furthermore, there are three potential public houses in the neighbourhood which can serve current and future need, the Green Dragon, The Haymakers (currently vacant) and potentially the Penny Ferry (recently refused permission for demolition). The village of Shepreth in contrast would have been left with no public house in the village (Green Man is peripheral on a busy trunk road) and with minimal shops and services.
- 8.15 The 2 other appeal decisions received in Cambridge City at the Carpenters Arms and the Unicorn, Cherry Hinton, directly relate to premises last trading as public houses. The Carpenters Arms decision gives some weight to Local Plan policy 5/11, Protection of Community Facilities but principally reaffirms the significant weight which should be placed on the NPPF. The Carpenters Arms and the Unicorn in terms of their character and site context would be more suitable for community use. In contrast, the site at 169 to 173 High Street is mainly an extensive rear gravel area, and its redevelopment would make a significant local contribution of homes suitable for family occupation. The NPPF must be considered overall, whereby the provision of housing in sustainable locations is a core principle, which is also reflected in policy 5/1 of the Cambridge Local Plan 2006.
- 8.16 The development will provide an A1 retail use within the ground floor of number 173 High Street. As such the development will

not result in any loss of retail within the Local Centre, in accordance with local plan policy 6/7.

8.17 This site is formed from the restaurant car park area and the rear curtilage of the COEL office use, rather than a domestic dwelling, so it should not be considered as 'garden land'. The proposal nevertheless involves the subdivision of an existing plot(s) for residential purposes, whereby the criteria of policy 3/10 are relevant.

8.18 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), and is not located near any Listed Buildings. The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

8.19 In summary, notwithstanding the representations received, it is considered that there is no overriding policy basis for resisting the loss of the restaurant in principle. The presence and frontage of the existing restaurant is not considered to significantly contribute to the character and appearance of the High Street, such that a replacement scheme could not make an equal contribution. Given the long established A3 restaurant use of the premises and the benefits of redeveloping the site through a contribution to the housing stock, I do not consider the loss of the premises unacceptable in principle. In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

Context of site, design and external spaces

- 8.20 The key design issue is the detailed design and layout of the new dwellings in their setting.

Frontage to the High Street

- 8.21 To the front street scene, the proposed four units address the High Street in a pleasing fashion, as a logical continuation of the existing terraces. Units three and four are positioned closer to the road which reflects the staggered building line either side of the site. The reconfigured shopfront to number 173 is well designed and appropriate for its intended retail use as a hairdressers. In my opinion this is a logical design approach which will contribute to the character and appearance of the street scene.
- 8.22 The overall ridge height of the proposed units one to four is higher than the buildings immediately adjacent, but I do not consider this to be harmful. This is because they maintain a common eaves level with the adjacent properties and are broadly similar in scale and massing. The single storey side projection to plot 3 provides visual interest to the eastern side elevation facing the accessway, which, combined with the low front railings will contribute to an attractive new frontage.

New Mews Development

- 8.23 Four pairs of semi-detached dwellings with a mews, courtyard style character form the proposed inner street scene. I do not consider that the relative density of this arrangement to be unacceptable in this location, directly behind the High Street. There are other examples of a similarly dense building grain to the rear of the High Street frontage, such as Peterhouse Mews to the northeast. The proposed layout makes effective use of this commercial site. It is unlikely to be replicated in the vicinity unless there is comprehensive development of the adjacent deep rectangular garden plots to the east.
- 8.24 The detailed design of the inner new dwellings, plots 5 to 12, is contemporary, with a mixture of render, timber boarding and buff brickwork. Government Guidance contained within PPS1 does not prevent contemporary design, the guiding principle as rehearsed within Local Plan policy 3/4 is that buildings sit

comfortably and harmoniously within their setting. The contrasting detailed design of the proposed buildings is acceptable because of their secluded location behind the main High Street frontage. This location means that the scheme can create its own distinctive character without detracting from the surrounding context.

- 8.25 In terms of external spaces, the trees identified within the submitted survey within the rear garden of number 163 will be protected during construction. The existing and proposed new trees and proposed wall and trellis boundary treatment will contribute to screening the development when viewed from neighbouring gardens. The proposed hard landscaping of block paving will contribute to the distinctive courtyard character of the development. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.26 The development is likely to have greatest impact upon 125 High Street to the north west, because of the potential for overshadowing. The rear garden of number 125 already suffers overshadowing from the substantial existing conifer, which is likely to be more acute than the impact from the proposed siting of plots 9 and 10. The applicant has agreed with the occupant of number 125 the conifers will be removed and replaced with a 2m wall with trellis above. Given the 7m distance of plots 9 and 10 from the common boundary the position of plots 9 and 10 does not in my view result in an unneighbourly relationship. Plot 8 has also been designed without a third level roof, which will reduce overshadowing upon number 125. I do not consider any harmful visual impact to result upon number 125, which will benefit from a general improved outlook, because of the removal of the conifers.
- 8.27 The development is in close proximity to neighbouring number 163 High Street to the west. The proposed plot 4 is sited closer to number 163. I do not consider this to be harmful because it is the flank elevation of number 163, which has a secondary outlook over land which is in separate ownership. The rear of number 163 High Street projects beyond the

proposed plot 4, so there will be no overshadowing or sense of enclosure created.

8.28 Plots 5, 6, 7 and 8 will have some visual impact, sense of enclosure and overlooking upon the neighbouring gardens of number 161 and 163. The nearest dwelling plot 5 is sited approximately 15m to the north, and so the visual impact will largely affect the end section of the garden, which in my view is less harmful. There will be some overlooking because of the proposed rear bedroom windows included with the amended plans. However, given the narrow 0.5m width of the windows and the proposed timber clad privacy hoods, I do not consider the overlooking to be so significantly harmful as to justify refusal. In addition, the windows will mainly overlook the rear section of the deep rear gardens of numbers 161 and 163, which in my view is less sensitive.

8.29 The proposed single storey extension to number 173 High Street has a much reduced depth compared with the existing rear extension. There will be no adverse impact upon the adjoining number 175 High Street. There are no windows to the rear of plots 11 and 12 which might otherwise create overlooking upon the garden of number 175 High Street.

8.30 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.31 The development will provide desirable houses suitable for family accommodation. Gardens are limited in size, but useable, and may be the preference of many future occupiers.

8.32 Plots 7 and 8 are sited relatively close to plots 9 and 10, which, to some extent, restricts their front outlook. I do not however consider this relationship unacceptable, given the overall size of the houses and the range of outlooks and windows openings from which they would benefit. The applicant has submitted a 'mews study' plan illustrating that the proposed distance between buildings is consistent with other mews, and terraced streets in the City.

- 8.33 The amended plans received give an improved outlook and general standard of amenity to plots 6, 7, 8 and 10.
- 8.34 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Renewable energy and sustainability

- 8.35 The applicants have submitted a renewable energy statement which quantifies the likely overall Co2 emissions of the development, in accordance with Local Plan policy 8/16. The use of solar thermal or photovoltaic panels is likely to be the preferable technology in order to meet the 10% on site carbon reduction required by Local Plan policy 8/16. Amended plans have been received showing the solar panels on the rooftops of the contemporary dwellings. I consider their appearance acceptable.
- 8.36 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Refuse Arrangements

- 8.37 The development accommodates refuse storage within the rear gardens of each house. The access will be suitable for a refuse lorry to safely manoeuvre. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.38 The County Highways Authority are satisfied with the additional tracking plans which have been submitted and do not consider there to be undue harm to highway safety. The access has purposely been designed as a shared surface and is similar to the access of Peterhouse Mews, which does not have any designated footway.

Car and Cycle Parking

Car Parking

- 8.39 The development provides 11 car parking spaces, with two visitor spaces which accords with the Council's adopted maximum standards. Given the proximity of shops and services and transport links, the provision of further car parking would result in an overprovision.
- 8.40 The applicant has demonstrated within their transport assessment that the residential use would result in a decrease of traffic movements as compared with the existing restaurant, hairdressers and office use.

Cycle Parking

- 8.41 The development provides ample covered secure provision for bicycles in four communal shelters and two private shelters, which serve plots 3 and 4. The communal store provide 17 spaces which accords with adopted standards. The rear gardens are adequate in size to accommodate a small outbuilding, should that be the preference of future occupiers.
- 8.42 Two visitor cycle parking spaces are provided in front of the proposed new hairdressers which is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Disabled access

- 8.43 There is a commitment to meet part M of the Building Regulations and a disabled car parking space is provided. I will update further on the pre committee amendment sheet.

Public Art

- 8.44 Given the secluded nature of most of the site, and the overall size of the development, a commuted payment towards other projects in the locality is consider appropriate, rather than public art on site. In my opinion, subject to the S106 proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8 and Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Third Party Representations

- 8.45 The points raised in the representations received have been discussed in the above report. The following issues have been raised:

Restricted garden space is totally out of keeping with its surroundings.

As rehearsed in paragraph 8.12, I do not consider the proposed grain of development out of context. There are a variety of plot sizes within different developments along the High Street, which all contribute to the building stock and character of the area. The development, being located back from the High Street, would create its own character.

The proposed gardens while limited in size, are adequate for the type of dwellings proposed, as illustrated within the 'garden use drawing' (11/P/11 Rev A).

Planning Obligations

- 8.46 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in

terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.47 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.48 The application proposes the erection of 3 four-bedroom houses, 7 three-bedroom houses, 1 two-bedroom house and 1 one-bedroom flat. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	7	2142
4-bed	4	238	952	3	2856
Total					5950

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	7	5649
4-bed	4	269	1076	3	3228
Total					9933

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	7	5082
4-bed	4	242	968	3	2904
Total					8954

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	7	6636
4-bed	4	316	1264	3	3792
Total					11692

8.49 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City

Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.50 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	7	13174
4-bed	1882	3	5646
Total			21332

- 8.51 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.52 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	11	825
Flat	150	1	150
Total			975

8.53 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

8.54 Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.55 In this case, 12 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education and lifelong. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2	12	810	12	9720
Total					9720

<u>Life-long learning</u>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	12	1920
Total					1920

8.56 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Public Art

8.57 The development is required to make provision for public art and officers have recommended as set out in paragraph 8.31 above that in this case a commuted sum.

8.58 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8, Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Monitoring

8.59 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term and £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

8.60 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

9.1 The proposal will create a distinctive residential development which will not significantly adversely affect the amenities of neighbours. Essential ancillary refuse and cycle parking

provision is adequately provided.
recommended.

APPROVAL is

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1 October 2012 and subject to the following conditions and reasons for approval:

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 samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

4. 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).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

7. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of nearby properties, Cambridge Local Plan 2006 policy 3/4.

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition and construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of nearby properties, Cambridge Local Plan 2006 policy 4/13.

9. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction period, including wheel washing, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties, Cambridge Local Plan 2006 policy 4/13.

10. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

11. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

12. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

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

13. Prior to occupation of the development, the final choice of renewable technologies, associated calculations and maintenance programme, shall be submitted to and approved in writing by the Local Planning Authority. The proposed on-site renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

14. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), 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: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/9, 3/11, 3/12, 3/14, 3/15, 4/4, 4/13, 5/1, 5/11, 6/7, 8/2, 8/6, 8/16, 8/17, 10/1

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.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1 June 2012, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

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.



Planning		
2	Basic Review	1/30/12 00
4	Final and process final approval	2/20/12 00



Appeal Decision

Hearing held on 18 April 2012
Site visit made on the same day

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 June 2012

Appeal Ref: APP/Q0505/A/11/2167572

The Unicorn, 15 High Street, Cherry Hinton, Cambridge CB1 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Greene King Retailing Ltd against the decision of Cambridge City Council.
 - The application Ref. 11/1105/FUL, dated 14 September 2011, was refused by notice dated 14 December 2011.
 - The development proposed is change of use from public house to single dwellinghouse with access onto High Street.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the loss of the public house on the provision of local community facilities in the area.

Reasons

3. The appeal site is located on the western side of High Street on an 'island' between High Street and Mill End Road. The appeal site comprises a 2-storey public house with an open plan main bar and central bar counter, and a single storey, flat-roofed extension containing a dining area, toilets, kitchen and store. The first floor is given over to ancillary residential accommodation which provides a 3-bedroom flat for the licensee. Outside there is a trade garden area surrounded by a brick wall, much of which is dominated by a mature ash tree located on the boundary with Mill End Road. To the north of the building is tarmacked area used for parking.
4. It is proposed to convert the property into a 4 bedroom dwelling. Part of the single storey extension would be demolished and the outside space would provide a garden/terrace, parking and turning area (accessed via a new crossover), cycle and bin store. The existing parking area would be enclosed by railings and planted. The Council takes no issue with the details of the design and layout and I have no reason to disagree.
5. Before its closure The Unicorn was operated as a tenanted public house under the support of the appellants. The appellants have made a considerable investment in recent years in both capital sums to refurbish the premises and in supporting licensees (e.g. with reduced/no rent), but successive tenants

- have failed to be able to make the business work. The pub ceased trading on 30 June 2011. The appellants cite factors such as changing drinking habits, heavily discounted alcohol in supermarkets, competing pressures on the leisure pound, increases in duty, increased costs of providing satellite TV and live sports, the smoking ban, and competition from other pub businesses as combining to undermine the viability of this and similar pubs.
6. The appellants own the other two pubs in the village: The Red Lion adjacent to the appeal site and The Robin Hood within walking distance on the edge of the village. They are both larger and offer much bigger dining, parking and garden/play space. The Robin Hood trades successfully under the 'Eating Inn' brand. The Robin Hood had experienced a significant decline in trade up to 2011 but saw better trade after the closure of the appeal premises. It has recently reopened after capital investment.
 7. The Council's reason for refusal was based on the advice in PPS4¹. However this document was superseded in March 2012, shortly before the Hearing, by the National Planning Policy Framework (The Framework). Among other things, The Framework sets out that planning policies and decisions should plan positively for the provision and use of community facilities (including public houses) to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
 8. The premises have not been marketed. The appellants argue that there is no policy requirement, either in the Local Plan or The Framework to do so, and that their efforts in recent years to support a succession of licensees have shown that the business is not a viable proposition. At the Hearing the Council acknowledged that, in response to concerns about number of pub closures in the area, it is carrying out background work to produce the evidence base for supplementary planning guidance as a basis for decision making on this issue, as was required by PPS4. As yet though, there is no such adopted policy.
 9. It is evident that a number of pubs in the District have suffered from the changes in the business which led to the closure of The Unicorn. However there has been no opportunity for this concern to be run by another company or as a non-tied operation. For instance, at the Hearing the representative from the local CAMRA branch suggested that these were the type of premises sought by microbreweries which are becoming increasingly popular. It is also a different type of establishment from the more dining/family oriented Red Lion and Robin Hood and, under different ownership, has the potential to offer local residents a wider choice of drinking establishment. Alternatively, I note that an assessment of the local centre² highlighted the fact that the village could benefit from some restaurant or café provision.
 10. The appellants argue that the fact that there were few objections to the proposed change of use indicates that the pub is not a valued facility or one which meets local residents' day to day needs. Nevertheless, the pub had been closed for several months before the application was made. The Framework is

¹ Planning Policy Statement 4: Planning For Sustainable Economic Growth (2009) (PPS4).

² Cambridge Sub-Region Retail Study

concerned to 'deliver the social, recreational and cultural facilities and services the community needs' and 'to enhance the sustainability of communities and residential environments'. This is a settlement with a growing population and I consider that there needs to be clear evidence that the site is no longer suitable for social/community use before a change of use such as that proposed is considered.

11. The appeal property is in a prominent location on the High Street and, unlike The Robin Hood, is within the defined local centre. The lack of firm evidence that the premises are of no interest to any other operator is such that I consider that this would fail to guard against the unnecessary loss of the pub. Moreover there is nothing against which to judge whether it could be developed and modernised in a way which is sustainable and retained for the benefit of the community. In the absence of such information I consider that the requirements of The Framework are not met.
12. I conclude that the proposed development would result in the loss of a community facility for which there is no clearly substantiated evidence that there is no longer a need, contrary to the objectives of The Framework.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Aaron Smith BA(Hons) DipTP, MRTPI Caldecotte Consultants

Richard Crewe-Read Corporate Estate Manager, Greene King plc

FOR THE LOCAL PLANNING AUTHORITY:

John Evans Senior Planning Officer

Bruce Waller Senior Planning Officer (Planning Policy)

INTERESTED PERSONS:

Carolin Göhler CEO Cambridge Past, Present and Future

Paul Ainsworth CAMRA Cambridge and District Branch

Cllr Mark Ashton City Councillor, Cherry Hinton

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 Copies of Licences for The Unicorn and The Red Lion submitted by the appellant

Document 2 Suggested tree protection condition submitted by the Council

DRAWINGS:

A1-8 Drawings submitted with the planning application (5442/00, 5442/03, 5442/04, 5442/05A, 5442/06A, 10265ea-01, 10265ea-02, 10265ea-03A)



Appeal Decision

Hearing held on 10 May 2012

Site visit made on 10 May 2012

by Ian Radcliffe BSC (Hons) MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2012

Appeal Ref: APP/Q0505/A/12/2168512

The Carpenters Arms Public House, 182-186 Victoria Road, Cambridge CB4 3DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Carr against the decision of Cambridge City Council.
 - The application Ref 11/1066/FUL, dated 9 September 2011, was refused by notice dated 25 November 2011.
 - The development proposed is the conversion of the Public House and letting rooms to residential apartments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are
 - whether the proposal would result in the loss of a local facility important in sustaining the social life of the community; and, if it would, whether such a facility would be viable to operate; and,
 - the effect of the proposal on on-street parking provision.

Reasons

Principle of development

3. The Cambridge Local Plan (LP) was adopted in 2006. Policies 3/1 and 5/2 support the conversion of non residential buildings into self contained dwellings in order to make efficient use of land and assist in meeting the housing targets for the city.
4. The National Planning Policy Framework (the Framework) has recently come into force. The Framework at paragraph 70 advises that planning decisions should enhance the sustainability of communities by planning positively for community facilities, such as public houses, and guard against their unnecessary loss. However, LP policy 5/11, which seeks to prevent the loss of community facilities, fails to identify public houses as such a facility. The LP is therefore in conflict with the Framework. However, as the Framework is an important material consideration and a more recent publication than the LP, I attach significant weight to it. I shall therefore treat public houses as a community facility.

Value of the public house to the local community

5. The Carpenters Arms is a 19th Century public house in a residential urban area of a similar era to the north of the city centre. Development is characterised

by terraced housing, some of which is in multiple occupation. This has resulted in a high density of development and comparatively high number of people living in a small area. The corner position of the public house means that it is in a prominent position within this close knit residential part of the city.

6. For a public house to provide a service to a local urban area it should be within a reasonable walking distance for the range of customers who are likely to use it. In my estimation, and based upon the guidance contained within the Urban Design Compendium, a public house could reasonably serve an area within a 5 to 10 minute walk (400m to 800m). On this basis there are 2 public houses to the west of the appeal site on Histon Road and 4 public houses to the east around the junction of Victoria, Chesterton and Milton Roads within a reasonable walking distance. Nevertheless, by virtue of their larger size or location close to the city centre and its tourist attractions these establishments do not have the same character as the Carpenters Arms, which by virtue of its location, minimal off road parking and modest size is aimed at serving the local community. Whilst the loss of this public house would therefore not reduce the local community's ability to meet its day to day needs it would result in the loss of a facility of value to it.

Viability

7. The Carpenters Arms has been a local facility of service to the community for well over 100 years until it closed relatively recently. When the public house was trading it was tenanted. The appellant stated that the last 3 landlords of the public house over the last decade or so were unable to operate the business at a profit. This supports the view that whilst it has been a valued local facility it has struggled in recent years.
8. I saw evidence in terms of a new bar that some investment in the building had been made by the former owners Punch Taverns. Nevertheless, landlords of tenanted public houses, unlike freehold landlords, are restricted in terms of the range of beers that can be sold and have less incentive to invest in a building they do not own. This may well have affected the attractiveness and thus the popularity of this community facility.
9. The public house was placed on the open market in 2011 when the appellant purchased it. However, as there was no evidence that it was priced and marketed as a public house for a reasonable length of time, with an agent who specialised in the licensed trade, it has not been demonstrated that a different approach to operating the public house would not be viable.
10. In my assessment, based upon the policies of the Framework, in order to discover whether a change of use of the building, which has been a valued community facility, is necessary it should first be marketed as a public house. This approach would also be consistent with how applications for changes of use in relation to other local community facilities are dealt with under policy 5/11 of the Local Plan. The proposal would therefore be contrary to the objectives of the Framework and the general thrust of policy 5/11 of the Local Plan.

Parking

11. The building is located just to the north of the Residential Parking Zone. On road parking restrictions prevent any parking on Victoria Road, or French's Road in the vicinity of the building. Given this consideration, as well as the small car park associated with the public house and its local character, relatively few customers would have driven to the public house. As a

- consequence, the proposed change of use would free up little, if any, on-road parking.
12. The proposed conversion into 7 flats with only 1 car parking space reserved for a disabled resident would increase the pressure for on-road parking. The boundary treatment to the front garden on Victoria Road would also prevent the continued use of the space to the front of No 180 for the off-road parking of a car. Understandably the owner of No 180 is aggrieved at this but, as a matter of civil law, this is not a material planning consideration. Subject to the enforcement of on-street parking controls in the area however the additional demand for on-road parking would not harm highway safety.
 13. The appeal site is also in a sustainable location where many day-to-day facilities can be accessed on foot, by bicycle or using public transport. As a consequence, many future residents may choose not to own a car. The increased pressure on on-road parking resulting from future occupants who decide to have a car would be inconvenient to local residents, but would serve to make alternative, more sustainable, modes of transport more attractive than a car.
 14. Taking all these matters into account, the level of on-site parking to be provided would result in acceptable levels of on-road parking which would not harm highway safety. The proposal would therefore comply with the objectives of policies 5/2 and 3/10 of the Local Plan which seek adequate parking provision.

Other matters

15. The conversion would result in the creation of 6 units of accommodation with one bedroom and one unit with 2 bedrooms. Given the size of the one bedroom units it is quite possible that they would be occupied by couples. The two bedroom unit would have sufficient sleeping space for a couple and a child. A total of up to 15 people in 7 households could therefore reasonably be expected to live in the converted building. The private amenity space provision for the development would be a communal terrace of 22 sqm and an area between the parking space and refuse bins / cycle storage. In my assessment, this would be an inadequate level of provision and would result in unpleasant living conditions for future occupiers. This finding adds weight to my concerns regarding the adverse effects of the proposal.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Kratz
BA(Hons) Solicitor LMRTPI

Birketts LLP

Mr Carr

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss Linford MRTPI
Senior Planning Officer

Cambridge City Council

Mr Waller
Senior Policy Officer

Cambridge City Council

Councillor Mike Todd-Jones

Cambridge City Council

INTERESTED PERSONS:

Mr Cook

Cambridge & District Campaign for Real Ale

Dr Hunter

Freehold owner of 180 Victoria Road

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification letter detailing the time, date and location of the hearing, together with a list of persons notified.
- 2 Policy 5/11 'Protection of Existing Facilities' of the Cambridge Local Plan 2006.
- 3 Newspaper cutting 'Arbury pub could be turned into flats' Cambridge News, 22 September 2011.

PLANS SUBMITTED AT THE HEARING

- A Schematic map of public houses in Cambridge (www.cambridge-pubs.co.uk).
- B Copy of Cycle / Bin Store drawing ref C/2332/11/PL-03 Rev A considered by the Council when it determined the application, but missing from the appeal file.



Appeal Decision

Hearing held on 11 April 2012

Site visit made on 11 April 2012

by L Rodgers BEng (Hons) CEng MICE MBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2012

Appeal Ref: APP/W0530/A/11/2167619

The Plough, High Street, Shepreth, Royston SG8 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MPM Properties (Royston) Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/0828/11, dated 15 April 2011, was refused by notice dated 6 September 2011.
 - The development proposed is described as a change of use from a restaurant (Use Class A3) to a residential dwelling (Use Class C3) together with landscape works to the site frontage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the provision of community services and facilities in the area.

Procedural matters

3. At the hearing the Appellant submitted a true copy of a Planning Obligation made pursuant to s106 of the Town and Country Planning Act 1990. This is a material consideration that I shall take into account in my determination.
4. The National Planning Policy Framework (NPPF) was published on the 27 March 2012. This was after submission of the appeal but before the hearing - at which the parties were given the opportunity to comment as to its effect on their cases. In determining the appeal I have had regard to the comments made at the hearing as well as to the NPPF itself.

Reasons

Background

5. The Plough is a detached, brick building with a large garden and extensive parking. It is centrally situated within the village of Shepreth and the building itself lies within the Shepreth Conservation Area. The Plough has historically been used as a public house (Use Class A4) and more recently as a bar/restaurant (use Class A3). However, the property is currently not in use as a restaurant and the proposal seeks to convert the premises into a single residential dwelling.

6. Policy SF/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD) aims to protect village services and facilities where their loss would cause an unacceptable reduction in the level of community or service provision in the locality. Village services are said to include shops, post offices, community meeting places and village pubs - although the list is clearly not exhaustive.
7. The policy requires a number of matters to be considered in determining the significance of any loss including the established use, its existing and potential contribution to the social amenity of the local population, the presence of other village services and facilities and the future economic viability of the use including, where appropriate, financial and marketing information.

The established use of the premises

8. Although The Plough had been used as a public house it was converted into a restaurant and bar immediately following its purchase by October Restaurants in 2004; photographs submitted by the Appellant show that substantial changes were made to both the internal layout and decor.
9. The Council accepts that the established use is that of a restaurant in Use Class A3 and confirmed at the hearing that planning permission would be required to revert to an A4 pub use. Whilst local residents state that they were able to use the bar without dining in the restaurant, a matter not disputed by the Appellant, the physical changes shown in the photographs and my observations on site strongly suggest that the bar use was ancillary to that of the restaurant.
10. The bar/restaurant use ceased on the 25 December 2010 and, according to the Appellant, The Plough went into liquidation on the 10 February 2011. Since that time the liquidators have removed the restaurant's fixtures and fittings - including the kitchen equipment. It is therefore abundantly clear that the premises have not been used as a restaurant for more than a year and, notwithstanding that the bar could be used independently of the restaurant, the premises have not functioned in the manner normally expected of a public house for something in excess of seven years.
11. The Appellant points out that the lawful use of the premises is as a restaurant (Use Class A3) and moreover that, when in business, The Plough was regarded as a 'high end' restaurant. The Appellant further argues that such premises have a large catchment area and are unlikely to survive solely on custom from the local populace. As such, The Plough should not be regarded as a village service or facility to be considered under Policy SF/1. Indeed, the Appellant suggests that The Plough should be regarded as a facility within a village rather than a village facility.
12. I have some sympathy with the Appellant's view and it is highly unlikely that The Plough, as a 'high end' restaurant (local residents confirming that prices reflected this description), functioned as a social hub for the village in the way that might normally be expected of a traditional pub.
13. Nevertheless, looking solely at the last use of the premises seems to me to be taking a view which is rather too narrow and simplistic. Indeed, as a number of residents pointed out, if the last use was taken as the sole determinative criterion, changing a pub to Use Class to A3 through permitted development would be a way of circumventing policy restrictions seeking to prevent the loss

of pubs as community facilities. Policy SF/1 itself notes that in addition to considering the established use of the premises, regard must also be had to its potential contribution to the social amenity of the local population.

14. Given that The Plough was once a pub, and notwithstanding the need for planning permission and the appropriate investment, there must at least be the potential for The Plough to be returned to that use. I shall therefore move on to consider the other matters identified in Policy SF/1.

Village services and facilities

15. Policy SF/1 notes that consideration will be given to the presence of other village services which provide an alternative with convenient access by good local public transport services, or by cycling or walking. Although Shepreth does have a number of other services and facilities these are clearly limited. The recently opened coffee shop and the local community hall provide some sort of community focus, but the only facility which can be regarded as providing a realistic alternative to the potential use of The Plough as a public house is the 'Green Man' pub.
16. The Green Man is described as being in the Parish of Shepreth. However, I saw on my visit that it is a considerable distance from the village centre (around 1.6km). It also lies on the opposite side of the A10 from the village centre, the A10 being described by the Council as a 'busy and fast trunk road' - a description with which I concur. Having regard to its location and its public transport links, I am of the view that the Green Man is unlikely to appeal to villagers, other than perhaps those prepared to travel by car. As such its location would act against it becoming a social hub for the village and in my view it would not provide a comparable alternative to a pub sited in the village centre.
17. Shepreth is described in the South Cambridgeshire Local Development Framework Core Strategy (CS) as an 'Infill Village' and the Council notes that "Infill villages are amongst the smallest in South Cambridgeshire, have a poor range of services and facilities and it is often necessary for local residents to travel outside of the village for their daily needs". As such it seems to me that the loss of a potential facility would be acutely felt.

Viability

18. The Appellant has submitted information to show that the former restaurant business operating from The Plough did not prove to be viable, a matter underlined by the fact that the business closed and went into liquidation. The Appellant has also put forward a letter sent to the liquidator of October Restaurants Ltd by the Royal Bank of Scotland Plc's debt recovery department in which it is stated that re-opening of the pub in the current economic climate would not be supported as it is not seen as being financially viable.
19. In contrast, the Council has made submissions suggesting that the site is viable in its current land use. In the Council's view The Plough is capable not only of sustaining a level of net profit adequate to provide an owner operator with appropriate remuneration, but also to fund loan interest and capital repayments for site purchase and essential investment.
20. The Council's assessment is based on a number of assumptions and as such must be subject to some risk. Although some of the factors underlying the

Council's assessment are reasonably easy to account for, such as the condition of the building, matters such as the historic trading record as a pub/restaurant are less reliable as predictors of future performance – particularly taking into account the fact that the premises have not traded as a pub for some time and the changes that have since occurred to the economic climate.

21. Nevertheless, the Appellant accepted at the hearing that despite the failure of the former business it ought to be possible to run some sort of viable pub/restaurant business from the premises. The Plough is reasonably well located and with its garden and car park has appropriate facilities. Despite the need to re-equip the kitchens I see no reason to demur from the view that a viable business could be created.

Marketing

22. The premises were first put onto the market as a restaurant and bar in May 2007 by Christie & Co. The initial asking price was for 'offers in excess of' £675k freehold and during the course of 2007 the premises were marketed through listing on the agent's web site as well as through the circulation of sales particulars and a campaign in the trade press. In November 2008 the asking price was reduced to £590k.
23. A letter from the agents in February 2011 stated that since 2007 the property had been fully exposed to the open market by inclusion on their website and in regular e-mail and mail shots to their database of potential buyers. They also confirmed that the ".....quoted asking price remains £590k freehold".
24. During 4 years of marketing, only three formal offers were received. The first, accepted in October 2007, was for the then asking price of £675k - although the prospective purchaser subsequently pulled out. Following the price reduction in 2008, two further offers were received. One, at £500k, was rejected as being too low as it was insufficient to clear the mortgage on the property but in May 2009 an offer of £570k was accepted – although, again, the prospective purchaser later pulled out.
25. Local residents representing the 'Shepreth Ploughshare' state that it appears as though The Plough was removed from sale in February 2011. The Council also points out that the property was no longer being advertised on Christie & Co's website at the time of its determination and the Appellant confirmed at the hearing that there had been no marketing by Christie & Co in the last year. I understand that this was because the property had been sold to the Appellant 'subject to contract' – the arrangements including an obligation on the Appellant to pursue residential development on the site.
26. Policy SF/1 requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price. In the Council's view the initial asking price was somewhat ambitious and is likely to have discouraged serious applicants. Whilst the subsequent reduction to £590k was considered a reasonable course of action at the time, the Council nevertheless still considered the asking price to be ambitious – although not so ambitious that it would necessarily discourage interested parties. However, the Council also considers it surprising that no further reductions were made in light of the subsequent economic decline, suggesting that a reasonable expectation of price in 2010 would have been closer to £400k.

27. The Appellant's stance is that the prices sought were realistic given that several formal offers were received. It is also suggested that the basis on which the Council had assessed what it considered a reasonable price expectation was highly dependent on a national average multiple of Fair Maintainable Trade – the Appellant suggesting that regional differences were highly significant and that using the figure for East Anglia would produce a price which would not be far out of line with that being sought.
28. Given that some offers were received for The Plough, it seems that at certain stages of its marketing the asking price was seen by some potential purchasers as being reasonable. However, none of the three offers received proceeded to sale and one was considerably below the then asking price. In my view, the fact that some 4 years of marketing only resulted in two offers close to the asking price must at least raise questions as to whether the property and its asking price were appropriately matched.
29. Indeed, despite a number of viewings since July 2009 no further formal offers were received. Whilst I accept the Appellant's point that the asking price should be reflective of local conditions and that the Council's suggested price of £400k may be too low, bearing in mind the economic climate and the lack of any offers, a further reduction in price between November 2008 and February 2011 might have been expected. The fact that a lower price might not be sufficient to clear the vendor's mortgage commitments may mean that he is unwilling to offer the property for sale at that price - but it does not mean that such lower price is unrealistic in the context of the market.
30. Whilst I am therefore content that the property has been offered to the market for a period well in excess of the minimum 12 months sought by Policy SF/1, I am less convinced that the offer price was realistic throughout that period. In my view the marketing of the property cannot be without some criticism and there is at least limited conflict with Policy SF/1.

Conservation Area

31. The Plough lies within the Shepreth Conservation Area and the statutory test requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
32. In physical terms the effect of the proposed development would, through landscaping of the existing frontage, enhance the appearance of the area. In respect of its character, the Council notes that "Arguably however, the loss of a village facility would affect the social character of this part of the Conservation Area and this would be to the detriment of the area".
33. However, as noted earlier it is debateable as to whether a restaurant provides a village facility. The surrounding development is described by the Council as being predominantly residential of a mix of age and form and in these circumstances it is my view that a change of use from a restaurant to a residential dwelling would, in overall terms, have a neutral effect on the character of the area. I therefore find no conflict with the statutory test.

Other matters

34. In addition to the letters from local residents objecting to the application and the appeal, as well as the accompanying petition, it was made clear at the hearing that there is considerable local opposition to the proposal. Indeed, I

note that a number of local residents have formed a group known as 'Shepreth Ploughshare' with the intention of returning The Plough to community use - specifically as a community-owned public house.

35. However, the 'Shepreth Ploughshare' does not appear to have passed much beyond its formative stages nor does it appear to have sufficient funds in place with which to achieve its objective of purchasing The Plough and turning it into a community-owned public house. In these circumstances I can give little weight to its intentions. Nevertheless, the formation of 'Shepreth Ploughshare' is indicative of a strong local desire for The Plough to once again become a community facility.
36. The NPPF is clear that part of promoting a strong rural economy is the retention and development of local services and community facilities in villages, including public houses. It also states that the planning system can play an important role in facilitating social interaction and creating healthy and inclusive communities.
37. To support this approach the NPPF seeks for planning authorities to involve all sections of the community in planning decisions and amongst other matters, those decisions should aim to achieve places which promote opportunities for meetings between members of the community. It also notes that policies and decisions should plan positively for the provision of community facilities, including public houses. Although, as the Appellant points out, the NPPF is clear that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals, it goes on to state that regard should also be had to the relative need for different land uses to support sustainable local communities.
38. Given its recent publication and extensive consultation I consider the NPPF to be a weighty material consideration.

Planning obligation

39. The Appellant has submitted a planning obligation pursuant to s106 of the Town and Country Planning Act 1990 that is intended to provide contributions towards such matters as community facilities, recycling receptacles and open space. However, the absence of such an obligation did not form part of the Council's reasoning in refusing the application nor has the Council provided the policy basis for seeking any such contributions. In reaching my determination I have therefore found no need for the obligation - but neither have I accorded it any weight.

Conclusions

40. There are a number of matters that I consider weigh in favour of the proposed development. These include firstly that The Plough has not been a pub for some considerable time and that, notwithstanding its more recent use as a bar/restaurant, its conversion would not deprive the village of something that can currently be justly regarded as a community facility. Secondly, despite marketing the premises as a bar/restaurant for a period of some 4 years, the vendor has failed to secure a buyer. Thirdly, the former restaurant business proved unviable and had to be liquidated. The conversion would also result in a small supplement to the housing stock.

41. However, there are also matters weighing against the conversion. Firstly, the physical attributes of The Plough clearly make it suitable for a pub use and the proposed development would therefore result in the loss of a potential community facility – which it is accepted could be viable. Secondly, there are few other services and facilities in the village and the loss of even a potential facility takes on a particular significance. Thirdly, despite the lengthy period of marketing, I have reservations as to whether the asking price was realistic throughout that period and I do not regard the marketing so far carried out as carrying conclusive weight.
42. Based on the factors above I see the determination as being finely balanced. However, it is obvious that a substantial part of the community sees The Plough as a potentially valuable community facility and I am very much aware that approving the proposal is likely to result in the loss of that potential facility forever. I am also conscious of the weighty support offered by the NPPF to the retention and development of community facilities (including public houses) and its support for the involvement of all sections of the community in planning decisions. Taking these further considerations into account leads me to the conclusion that the loss of The Plough as a potential contributor to the social amenity of the village would be unacceptable.
43. Having had regard to all other matters before me I find nothing to add to or alter my finding above. The appeal must therefore fail.

Lloyd Rodgers

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr P Belton	Januarys
Mr R Muttu	MPM Properties (Royston) Ltd
Mr C Day	October Restaurants
Mr T Nichols	Everard Cole

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Hare	Development Control Officer, South Cambridgeshire District Council
Mr T Wheeler	Fleurets

INTERESTED PERSONS:

Mr D Kendrick	Councillor, Shepreth Parish Council
Mr C Cook	Parish Clerk
Mr D Elliott	'Shepreth Ploughshare' and local resident
Mr C Porter	Melbourn resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Planning Obligation dated 10 April 2012. Submitted by Mr Belton
- 2 South Cambridgeshire District Council Recreation Study (June 2005)
Submitted by Mr Hare
- 3 South Cambridgeshire District Council Community Facilities Assessment
(September 2009) Submitted by Mr Hare