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# Appeal Decision

Site visit made on 18 March 2014

**by David Spencer BA(Hons) DipTP MRTPI**

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

**Decision date: 9 April 2014**

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**Appeal Ref: APP/Q0505/A/13/2208813**  
**503 Coldhams Lane, Cambridge CB1 3JH**

- 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 Lennox Property Management Ltd against the decision of Cambridge City Council.
  - The application Ref 13/1171/FUL, dated 5 August 2013, was refused by notice dated 6 November 2013.
  - The development proposed is residential development (eight houses and two flats).
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. In reaching my decision I have taken into account the Planning Practice Guidance which came into force on 6 March 2014.

## Main Issues

3. The main issues are the effect of the appeal proposal on the character and appearance of the surrounding area and whether the proposal makes adequate provision for any additional need for infrastructure, services and facilities arising from the development.

## Reasons

4. The development plan consists of the saved policies of the Cambridge City Local Plan 2006 (the Local Plan). The chapter 'Designing Cambridge' sets the objective to ensure development is of the highest design quality. To secure this objective Policy 3/4 requires development to positively respond to their context including at criterion (c) a need to apply the characteristics of the locality to inform the siting, massing, design and materials of the proposed development. Saved Policy 3/12 deals specifically with design and permits new development that would, amongst other things, have a positive impact on their setting with regards to siting, height, scale and form. These policies are consistent with the National Planning Policy Framework (the Framework) which states that securing high quality design is a core planning principle and a key aspect of sustainable development.
5. The site occupies a prominent position on the corner of Coldhams Lane and Rosemary Lane at a gateway location on the entrance to Cherry Hinton. Following consent the public house on the site has been demolished and the City Council accepts that the site has a 'nil' land use. The footprint and

hardstanding from the former use remain and as a previously developed site its redevelopment is to be encouraged. It is not disputed that the principle of residential development is acceptable and that a contemporary design solution would be appropriate.

6. The appellants' Design and Access Statement identifies that the scheme has responded to the predominantly modern industrial and commercial context. This includes a modern glass and steel car dealership building which stands on its own as a gateway into a business estate to the south-west and a range of nondescript brick and sheet steel warehousing and depots to the east. As such I am not persuaded that these buildings provide the necessary form or quality to set the pattern for residential development at the appeal site.
7. Moreover, rather than forming part of the adjacent commercial character, the appeal site is to a greater extent part of a small, defined block of residential development to the north of Coldhams Lane and to the west of Rosemary Lane. The overriding character is one of modest residential scale and relatively simple form, particularly at Hatherdene Close. Greater variety exists in the housing in Rosemary Lane due to the mix of single and two storey dwellings but this mix is not imposing and nor does it provide a particularly strong design reference.
8. Whilst the proposed layout responds appropriately to the linearity of the adjacent housing, the proposed massing of the scheme would follow a stepped profile to the terraced housing units resulting in an appreciable variation in roof heights as they ascend to the bulky corner unit. The resultant emphasis on the staggered profile would impose a conspicuously jarring building form compared to the modest, simple massing of nearby housing and the utilitarian appearance of nearby commercial buildings.
9. The appellant submits that the development would provide a distinctive façade which would enliven and animate the public realm at this point in Coldhams Lane. However, in this regard I share the Council's concerns that the appeal proposal would lack sufficient legibility by virtue of presenting an incoherent hybrid of residential accommodation in a scheme of commercial scale and massing. As such it would not appropriately reflect the local context described above and would appear noticeably incongruous at this prominent location. Both parties have referred to the previous appeal for a similar scheme on the site (ref APP/Q0505/A/12/2183797). The plans considered at that appeal are not before me and in any event I have considered the layout and design of the appeal proposal on its own merits and have found similar issues with the proposed design as encountered by the previous Inspector, primarily due to the site context.
10. The appellant submits that by virtue of the Local Plan being out of date paragraphs 14 and 49 of the Framework are engaged thereby introducing the presumption in favour of sustainable development for the appeal proposal. Paragraphs 6-9 of the Framework state that the three dimensions of sustainable development cannot be treated in isolation. Whilst the scheme would fulfil an economic and social role, the environmental dimension of sustainable development includes enhancing the built environment. For the reasons set above the proposal would not enhance the built environment and as such the presumption does not apply. Saved Local Plan policies 3/4 and 3/12 which the Council relies on are not housing land supply policies and consequently are not out of date by virtue of paragraph 49 of the Framework.

11. I therefore conclude that the proposal would cause significant harm to the character and appearance of its surroundings, thereby conflicting with saved Local Plan policies 3/4 and 3/12 and the objectives of the Framework to secure high standards of design and respond to local context.

#### *Financial Contributions*

12. A signed and dated Unilateral Undertaking for financial contributions towards open space, community facilities and waste receptacles was submitted during the appeal. I have considered these against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010. The Council has relied on its Committee Report which refers to its Planning Obligation Strategy (2010) and Open Space Standards (2010). I am satisfied that the Council has provided sufficient information to show how the City Council's contributions have been calculated. I therefore find the proposed contributions in relation to the provision of open space, sports facilities, children and teenage facilities, waste receptacles and community facilities are necessary to cater for the direct needs of future residents. They would satisfy the statutory tests laid out at paragraph 204 of the Framework and would meet the objectives of saved Local Plan policies 3/8, 5/14 and 10/1 for contributions to appropriate facilities reasonably associated with the proposed development
13. The S106 also contains a contribution towards the household recycling facility at Milton in line with the County Council's waste management strategy (RECAP). There is also a proposed contribution towards life-long learning. Whilst in themselves these contributions are modest it nonetheless remains that there is very limited evidence before me to test the basis for these contributions and their direct relationship to the appeal proposal. As such, I do not consider these to be necessary or appropriate having regard to the statutory tests.

#### *Other Matters*

14. Reference has been made that the scheme should include a replacement drinking facility in lieu of the demolished public house. I have before me the evidence produced by both the appellant and Council which convincingly demonstrates the negative likelihood of re-establishing a drinking premises at the appeal location. In any event the public house has lawfully been demolished and as such the public house use on the site no longer exists. I am not presented with any local or national policy which would require the reinstatement of the facility and as such the principle of a residential-only redevelopment scheme on this previously-developed site would be acceptable.

#### **Conclusion**

15. Whilst the appeal proposal would make adequate provision for any additional need for infrastructure, services and facilities arising from the development and would contribute to the supply of housing in a sustainable location it would fail to provide an appropriate design solution for this prominent location. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Spencer*

INSPECTOR