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# Appeal Decision

Site visit made on 30 September 2011

by **J A B Gresty MA MRICS**

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

Decision date: 21 October 2011

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## **Appeal Ref: APP/W0530/A/11/2155355**

### **Railway Tavern, Station Road, Great Shelford, Cambridge CB22 5LR**

- 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 Manhattan Corporation Ltd against the decision of South Cambridge District Council.
  - The application Ref S/0133/11, dated 21 January 2011, was refused by notice dated 23 May 2011.
  - The development proposed is demolition of existing public house and erection of 13 flats (four one bedroom units and nine two bedroom units).
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## **Decision**

1. The appeal is allowed and planning permission is granted for demolition of existing public house and erection of 13 flats (four one bedroom units and nine two bedroom units) at Railway Tavern, Station Road, Great Shelford, Cambridge CB22 5LR in accordance with the terms of the application, Ref S/0133/11, dated 21 January 2011, subject to the conditions listed in the schedule at the foot of this letter.

## **Main Issues**

2. There are two main issues in this case. Firstly is the effect of the proposed development on the character and appearance of the area and, secondly, is whether the proposed development would be harmful to the living conditions of the occupiers of the nearby houses with regard to outlook.

## **Reasons**

### ***Character and Appearance***

3. The appeal site is a roughly triangular shaped area of land situated at the junction of Station Road with the railway. The property consists mainly of an open car park situated in front of a substantial two-storey, detached public house with a small garden behind. The site is generally level but on slightly higher ground than the houses on the opposite side of the road and is in a prominent position in the street scene when viewed from the other side of the level crossing to the north. The character and appearance of the surrounding area is very mixed with houses, the railway, the railway station and commercial properties all nearby.
  4. Part of the complex of commercial buildings immediately to the south of the appeal site abuts the pavement on Station Road with some taller buildings
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located further away from the road. The layout of the proposed development would reflect that of this commercial development, with the two-storey arm of the new flats running parallel to Station Road and the taller three-storey block set back from the road in the south-east corner of the site. In this respect the siting and layout of the proposed development would be in keeping with the pattern of development on the east side of this part of Station Road.

5. The two and three-storey elements of the development would be taller than the adjoining office building and the two-storey houses on the other side of the road. Like some of the taller commercial buildings next door, the three-storey element of the development would be partly screened from wider public view by the buildings in front of it. Also, the mixture of roof heights and profiles of the proposed development, together with the use of features such as gables on the front elevation and a variety of external cladding materials, would reflect the varied designs of the commercial and domestic buildings in the area and would serve to break up the visual mass of the new buildings in the landscape. Consequently the design, height and scale of the proposed development would not stand out in the street scene as being at odds with the nearby houses or commercial buildings.
6. The three storey element of the development would be prominent when viewed from the neighbouring commercial development. However, the commercial complex is centred around an open parking area and has a number of relatively large buildings in it. The proposed development would be to the north of the commercial buildings and would not unduly affect the amount of daylight and direct sunlight received by the properties. Consequently, the proposed development would not appear overbearing or out of keeping with the scale of the commercial properties when viewed from the complex.
7. The proposed flats would be set several metres back from the road. This would help to limit the prominence of the development in the street scene when viewed close by from Station Road. Also, the distinctive gable end of the neighbouring office building, which I found to be an attractive feature of the street scene, would remain at least in part visible from Station Road to the north. In these respects the positioning of the development would be sympathetic to the character and appearance of the locality.
8. Although the development would result in a significant change in the current open aspect of the car park, overall I conclude that the siting, scale, massing and design of the development would be in keeping with the varied character and appearance of the area and the proposal would comply with the aims of good design set out in Development Control Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework in this respect.

### ***Living Conditions***

9. During my inspection I viewed the adjoining office building, The Stables, from the opposite side of Station Road. Although the ridge height of the tallest section of this building is lower than the two-storey element of the proposed development, it stands very close to the road and is a very prominent feature when viewed from the road. However, I did not find its appearance overbearing and it would be considerably less prominent when viewed from the windows of the houses opposite. In comparison, the proposed development would be set back from the road and would have a varied profile which would reduce the

effect of its size and bulk in the landscape. Although taller than the nearby commercial buildings, in my view the development would not be unduly prominent in the street scene when viewed from the nearby houses on Station Road and Shelford Park Avenue.

10. Whilst the occupiers of the houses would lose their views across the open car park, the new buildings would be about 20 metres away from the nearest houses on Station Road and Shelford Park Avenue. Consequently, the development would not appear overbearing when viewed from the nearby dwellings and I conclude that the living conditions of the occupiers of the dwellings would not be unduly affected with regard to loss of outlook. In this respect the development would comply with the requirements of Development Control Policy DP/3.
11. The Council's District Design Guide, adopted March 2010, indicates that facing habitable room windows should be at least 25 metres apart. In this case, the front elevations of the houses and the proposed new flats face onto the road and are open to public view. Consequently the Council considers that any loss of privacy that would arise for occupiers of the existing or new dwellings would be insignificant. I concur with this view and I conclude that the living conditions of the occupiers of the existing and proposed properties would not unduly affected as a result of loss of privacy, meeting the requirements of Development Control Policy DP/3 in this respect.

### **Other Matters**

12. The company that owns the neighbouring commercial development is concerned that the proposals would adversely affect the access to its properties, holding that it has a legal interest in the land over which the proposed development would take access to and from the highway. This is an issue for the appellant and its neighbours to resolve between them and I attach little weight to it in deciding this appeal.
13. Concern has been expressed regarding the accuracy of the traffic survey information provided by the appellant. The Council has considered the effect of the proposed development on the safety of users of the highway and traffic congestion and it is satisfied that the proposed development would be acceptable in these respects. It is not clear that the proposed development would affect significantly the peak traffic flow issues that have been raised and, therefore, I concur with the Council that the proposals are satisfactory with regard its effect on use of the highway.

### **Conclusion**

14. On balance, for the above reasons, I conclude that the appeal should be allowed.

### **Conditions**

15. In order to ensure the satisfactory appearance of the development, I impose conditions requiring the approval of external cladding materials, hard and soft landscaping, boundary treatments, external lighting and bin storage.
16. In order to minimise disturbance to nearby residents I impose a condition limiting the hours of working on the building site. The Council had proposed a

- condition limiting the use of powered machinery only. However, this would not prevent other work which could be noisy and, therefore, I impose a slightly wider condition limiting the hours of demolition and construction works in general.
17. In order to protect the safety of users of the highway and to limit disturbance to the flow of traffic on the highway, I impose conditions requiring that the visibility splays to the entrance to the site are developed at an early stage and a scheme for the management of vehicles during the period of development is approved by the Council before the start of works.
  18. To ensure the satisfactory provision of off-road car parking and safe storage for bicycles, I impose a condition requiring that the approved parking spaces and bicycle storage facilities are provided before any dwelling is occupied.
  19. The appeal site is previously developed land and, whilst preliminary investigations have not revealed significant contamination, in order to limit any possible risks resulting from contamination of the site, I impose a condition requiring the approval of a scheme for identification and management of any significant contamination found.
  20. The appeal site is next to the railway and I impose a condition requiring the details of the proposed noise mitigation measures for the protection of the living conditions of the future occupiers of the flats to be approved.
  21. The appeal site is in an area of high archaeological potential where a condition requiring archaeological investigation to be carried out before the start of development would be appropriate.
  22. Development Control Policy DP/2 requires design and access statements accompanying applications, where appropriate, to include opportunities for maximising energy efficiency and addressing water and drainage issues. The application drawings show possible solar panels and a renewable energy report has been provided. Similarly the applicant has submitted a water conservation report whilst indicating that the options in the report do not form part of the proposals for the final scheme. Therefore, I impose conditions requiring implementation of appropriate energy and water management schemes. As environmental technologies are changing fast and it is probable that at least some of the renewable energy works carried out as part of the development would become outdated relatively quickly, I consider it would not be appropriate for such works to be required to be retained permanently.
  23. The Council has proposed a condition requiring provision of recreational, community services, waste and public art infrastructure in accordance with Development Control Policies SF10 and DP/4. The Council has submitted a copy of a completed unilateral undertaking entered into by the appellant for the provision of these items. I consider that such a condition would not be necessary and would be contrary to the provisions of Circular 11/95.

*J A B Gresty*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 4) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 6) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays unless otherwise previously agreed in writing with the local planning authority.
- 7) No dwelling shall be occupied until the car and cycle parking spaces and vehicle turning spaces have been laid out within the site and made available for use in accordance with the approved plans, and shall thereafter be retained for such purposes.
- 8) No development shall take place until a scheme for the parking, turning, loading and unloading of contractors' vehicles and contactors' personnel vehicles during the period of demolition and construction have been submitted to and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction period.
- 9) No development shall take place until a program for the provision of the visibility splays at the junction of the access road with the public highway, shown on approved drawing No.102G, has been submitted to and approved in writing by the local planning authority. The visibility splays shall be developed in accordance with the approved programme.
- 10) No development shall take place until a scheme for the investigation and recording of contamination has been submitted to and approved in writing by the local planning authority and remediation objectives have been determined. The approved scheme shall include proposals for the

removal, containment or otherwise the rendering harmless agreed contamination. The development shall be carried out in accordance with the approved scheme.

- 11) No development shall take place until a scheme for mitigating the effects of noise from the adjacent railway has been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The external lighting shall be carried out in accordance with the approved scheme.
- 13) No development shall take place within the application site until the applicant, or their agents 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.
- 14) No development shall take place until details of the proposed renewable energy technologies for the approved development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) No development shall take place until details of the proposed water conservation measures for the scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 16) No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for each dwelling shall be completed before that dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.
- 17) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 100B, 101B, 102G, 103G, 104D, 105E, 106E, 107E, 108E, 109D and 258-01D.