



Appeal Decisions

Hearing Held on 3 September 2019

Site visit made on 3 September 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 1 October 2019

Appeal Ref: APP/Q0505/W/18/3208787

6 - 18 King Street, Cambridge CB1 1LN

- 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 Christ's College against the decision of Cambridge City Council.
 - The application Ref 17/1497/FUL, dated 22 August 2017, was refused by notice dated 15 February 2018.
 - The development proposed is the erection of 64 student rooms, 7 student kitchens, 4 college offices, music practice room and seminar rooms, commercial unit (386 sqm) provision of a connection to the Todd Building and associated landscaping and cycle parking (includes demolition of later structure of Nos 6-10 with facade retention, demolition of Nos 12 to 16 and alterations to No 18).
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Appeal Ref: APP/Q0505/Y/18/3208793

6 - 18 King Street, Cambridge CB1 1LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Christ's College against the decision of Cambridge City Council.
 - The application Ref 17/1498/LBC, dated 22 August 2017, was refused by notice dated 8 February 2018.
 - The works proposed are the provision of a connection to the Todd Building
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of 64 student rooms, 7 student kitchens, 4 college offices, music practice room and seminar rooms, commercial unit (386 sqm) provision of a connection to the Todd Building and associated landscaping and cycle parking (includes demolition of later structure of Nos 6-10 with facade retention, demolition of Nos 12 to 16 and alterations to No 18) at 6 - 18 King Street, Cambridge CB1 1LN in accordance with the terms of the application, Ref 17/1497/FUL, dated 22 August 2017, subject to the conditions set out in Schedule 1 of this decision.

Appeal B

2. The appeal is allowed and listed building consent is granted for the provision of a connection to the Todd Building at 6 - 18 King Street, Cambridge CB1 1LN in accordance with the terms of the application Ref 17/1498/LBC dated 22 August 2017 subject to the conditions set out in Schedule 2 of this decision.

Main Issue

3. The main issue in these appeals is the effects of the proposal on the significance of the conservation area and listed buildings. The Council's case specifically focuses on: i) the effects on the King Street frontage and the loss of the existing structures, ii) effects on the setting of the listed terraces of Malcolm Street and iii) the effects of the link section which would attach to the Todd Building.

Reasons

4. The appeal site is a large rectangular area consisting of buildings fronting onto King Street and land to their rear within Christ's College. The site is within the Historic Core section of the Central Conservation Area. Nos 6 to 18 King Street accommodate commercial (retail) premises at the ground floor although these are unused for these purposes. The frontage buildings are predominantly 19th Century and are of 2 or 2 and a half storeys in height. To the rear of the frontage buildings are an agglomeration of unsightly buildings constructed of corrugated metal sheets; a large building of this nature is referred to as the former riding school. The upper floors of parts of the building accommodate student rooms.
5. Nos 6 to 10 and 18 are identified in the conservation area Appraisal as positive buildings. It was clarified at the Hearing that the upper floors façade of Nos 6-10 would be retained and repaired as part of the proposal; No 18 would also be retained. Opposite the site running at right-angles from King Street is Malcolm Street which contains grade II listed terraces of properties on either side. Within the appeal site at its western edge is the grade II listed Todd Building which is the former County Hall which is now used and owned by Christ's College.
6. Nos 6-10 contains some interesting and attractive features within the upper façade. The dormers and pilasters on the top floor have an interesting and distinctive design. However, the ground floor features a large and unattractive shop-front which detracts from the appearance of the building. Nos 12 to 16 once accommodated a public house within part of it, although it is suggested that this was likely to have ceased in 1904 when the building was sold and no record of its use as a public house existed in 1927 trade directories. The archway which once existing has now been blocked and a large shop-front spans the ground floor frontage. In my view there is little significance in the fact that part of this building was once used as a public house; little or nothing of its existing appearance would suggest this and that use ceased, probably around 100 years ago. Its appearance is compromised in my view by the large shop-front and in its current painted form offers nothing positive to the conservation area. At best, I see Nos 12-16 as making a neutral contribution to the area.
7. The proposal at Nos 6-10 would represent an improvement to the existing situation; a new shop-front would give the opportunity for something more sympathetic to the area and the renovation of the upper floors would enhance the appearance of the building. The marginal increase in height would have very little effect in my judgement, particularly within a street of considerable variations between the height of the individual properties. The design of the

proposed replacement at 12-16 would provide 2 separate shop-fronts which could be the subject of future approval in terms of details, so that they would be more appropriate to the area than the existing one. The form and rhythm of the upper floors would replicate patterns of fenestration on existing buildings and the overall scale would be similar to the adjacent structures. When taken as a whole, the proposal would have the effect of re-introducing the 'fine grain' of the individual properties that has largely been lost by the current design and paint scheme of the existing buildings. The replacement of what I consider to be a neutral building at Nos 12-16 with another neutral building is acceptable but when this is seen as part of an overall enhancement of the street-scene for the reasons set out, the proposal would have a positive effect on the King Street frontage.

8. In relation to Malcolm Street, I could see that the grade II listed terraces form a careful composition of opposing structures. The fact that they are in the same ownership and benefit from consistent detailing and paint-work gives them a highly unified character and appearance. The terraces face each other across a narrow, one-way street and they are largely only experienced from within the narrow street itself. Very little, if anything at all, of the setting of the terraces is gained from the ability to look beyond the ends of Malcolm Street to the street beyond. In relation to that view towards the appeal site, I have already concluded that I consider that the proposal would enhance the street-scene and so if any effect on Malcolm Street is felt at all, it would be positive in this respect. In addition, however, views from Malcolm Street would also include the taller proposed building within the rear of the appeal site as well as the cupola within the College. In my judgement, the additions when seen from here would be minor additions, they would not unduly compete with the cupola and would have no negative effects on the setting of the listed terraces at Malcolm Street nor on the character and appearance of the conservation area.
9. The Todd Building currently accommodates a glazed, cylindrical tower which contains stairs connecting all floors. Whilst the main elevation of the building is clearly its very formal front which faces Hobson Street, some merit is found in its rear elevation with the regularity and composition of its features. The Council makes reference to a 'double gable' within the upper parts of this elevation, which are actually a small triangular pediment with a larger gable set back from it.
10. The proposal would seek to connect a stair and lift tower here and would include 2 void areas to each side, which would separate the proposed new building from the Todd Building. The proposal would include the removal of the unsightly former riding school building.
11. Views of this east elevation of the Todd Building are restricted to areas within the college itself, and when seen from within the college grounds are also of a restricted nature. The rear of the Todd Building is often obscured by existing buildings and trees. The connection to the listed building would be of a visually light-weight form, much in the same way as the existing stairs, but greater in its extent. Even taking account of its greater width, I consider that the proposed link would offer a relatively narrow interface, which would appear quite separate in design terms to the listed building and would remain easily distinguishable from it. Having considered the relative scale of the existing and proposed buildings, I consider that the proposal would not dominate or compete with the listed building in any unacceptable way. Whilst the proposed

new building would partially obscure some views of this rear elevation of the Todd Building, the fact that it would bring about the removal of the former riding school is of some considerable benefit in my view. The appellant also states that the existing building does not offer accessibility to its upper floors and that the proposal would provide a lift which would be of clear benefit in this respect. Taking account of these factors, I consider that the proposal would have no harmful effects on the Todd Building and would bring about some clear benefits.

Conditions

12. I have taken account of the advice contained in the Planning Practice Guidance in relation to the imposition of conditions. A schedule of conditions is included within the Statement of Common Ground, as agreed between the Council and the appellant. I have considered these conditions and some discussion was had at the Hearing. In some instances, whilst I have agreed for the need for a condition, I have altered the wording or omitted sections of them for the sake of precision and in order to avoid undue prescription. For the sake of certainty, I shall include a condition which requires implementation in accordance with the approved drawings. I shall also include conditions which control the external appearance of the proposal covering such matters as masonry, roof materials and details, windows, paint removal, shopfronts and any other alterations.
13. So that future residents of the proposal are protected from external noise, conditions requiring noise insulation and ventilation are necessary, as well as insulation for any associated plant and equipment installed on the appeal site. I have included a condition to deal with any unforeseen contamination so that future occupiers are suitably protected. A condition relating to surface water drainage is justified to ensure compliance with the Council's policies.
14. Conditions to seek to minimise any disruption or disturbance during construction works arising from noise, traffic or other matters are necessary and reasonable. A scheme to agree any external lighting is necessary to protect the character of the area and any residents. In order to achieve the Council's environmental protection and sustainability goals, conditions relating to emissions, flues and renewable energy are necessary. So that the existing trees are acceptably protected and a landscaping scheme is provided conditions relating to tree protection and the implementation and management of a landscaping scheme are necessary. However, I consider that the suggested condition which would specifically require an on-site meeting between specified individuals in relation to tree protection is over-prescriptive. So that suitable provision for bats is made, I shall include a condition relating to bat boxes. In order to seek the protection of any archaeological remains that may exist, I have included a suitably worded condition.
15. So that sustainable travel patterns are encouraged, I shall include the suggested conditions which relate to the provision of cycle parking, a travel plan and the occupation residential elements by students or others attending educational functions.
16. In relation to the listed building consent I agree that a condition which confirms the approved drawings is necessary. So that the proposal has no unacceptable effects on the fabric of the listed building I shall include a condition which

requires the agreement and implementation of a method of connection/fixing the extension to the building.

Conclusions

17. For the reasons set out, I consider that the proposal would at least preserve, and in some respects, enhance the character and appearance of the conservation area. In relation to the listed buildings, I consider that the proposal would have an acceptable relationship with the Todd Building and its significance would not be harmed by the proposed link and new building. In addition, its setting would be considerably improved by the removal of the existing rather make-shift structure of the former riding school. In relation to Malcolm Street, the proposal would have no unacceptable effects on the setting of these listed buildings. There are numerous benefits that the appellant puts forward for my consideration, beyond those mentioned above. I do not seek to address these in detail, as I have concluded that no harm would arise from the proposal.
18. As a consequence of the above, I find that there is no conflict with the policies of the Local Plan as set out and alleged by the Council. Therefore, the appeals are allowed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

R Harwood
J Burgess
J Roach
J Page
D Ball
B Hayek

FOR THE LOCAL PLANNING AUTHORITY:

C Brady
L Casey

INTERESTED PARTIES

R Bridgen

SCHEDULE 1: CONDITIONS

APP/Q0505/W/18/3208787

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans – *All Plans prefixed **3126-A-***: 04-1001-P2; 04-1003-P2; 04-1004-P2; 04-1005-P2; 04-1007-P2; 05-1001-P2; 05-1002-P2; 05-1004-P2; 03-0001_P1; 03-1001_P1; 03-1003_P1; 03-1004_P1; 03-1005_P1; 03-1006_P1; 03-1007_P1.
3. Demolition or construction works shall take place only between 08:00hrs and 18:00hrs on Monday to Friday, 08:00hrs to 13:00hrs on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials, including times of the day;
 - c. storage of plant and materials used in constructing the development;
 - d. the erection and maintenance of security hoarding including decorative displays, where appropriate;
 - e. measures to control the emission of dust and dirt during construction;
 - f. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - g. a traffic management plan for demolition/construction trafficThe approved Construction Method Statement shall be adhered to throughout the construction period for the development.
5. Before the use hereby permitted takes place of the A3 use of the ground floor commercial unit, equipment to control the emission of fumes and smells from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
6. No demolition/development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

7. No development shall take place until sample panels of all new facing brickwork and or masonry showing the proposed material, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.
8. No roof shall be constructed until full details of the covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to and approved in writing by the local planning authority. The roofs shall be constructed in accordance with the approved details.
9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.
10. Construction work shall not take place until a scheme for protecting the proposed residential elements from noise from the road and nearby uses has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied and retained thereafter.
11. Prior to construction above slab level, details of an alternative ventilation scheme for the residential accommodation to negate/replace the need to open external windows and doors for ventilation purposes, in order to protect occupiers from traffic noise shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use hereby permitted commences and shall thereafter be retained in its approved form.
12. No development above slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. earthworks showing existing and proposed finished levels or contours;
 - b. means of enclosure and retaining structures;
 - c. boundary treatment;
 - d. pedestrian access and circulation areas;
 - e. hard surfacing materials;
 - f. minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - g. proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];

- h. retained historic or other landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include planting plans, written specifications, schedules of plants noting species, sizes and densities/numbers, and an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 13. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 14. No part of the development shall be used/occupied until provision has been made within the site for bicycles to be parked and that provision shall thereafter be kept available for the parking of bicycles, in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 15. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and shall remain in place until all equipment and materials have been removed from the site.
- 16. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and,

- c. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
17. Prior to the commencement of development, site preparation, demolition or enabling works, the developer shall submit a written report and receive written approval from the local planning authority regarding demolition and construction noise and vibration and its impact on the surrounding area and measures for its mitigation, where necessary. The development shall be carried out in accordance with the approved details.
18. Prior to the installation of any plant and equipment, a noise insulation scheme for that plant and equipment shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the uses hereby approved commence and shall be retained in its approved form
19. Prior to the installation of any external lighting, details of it shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed and operated in accordance with the approved details.
20. The development hereby approved shall utilise low NOx boilers. Details, including appropriate certification, shall be submitted to and approved in writing by the local planning authority, prior to the occupation of the development. The development shall be carried out in full accordance with the approved details and thereafter retained in that form.
21. The height of the exhaust flues serving all combustion appliances shall be as shown on the approved drawings. All such exhaust flues shall be 1m above the adjacent highest roof level.
22. Prior to first occupation of the development, a renewable energy statement which demonstrates that at least 10% of the development's total predicted energy requirement will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and shall thereafter be retained.
23. Prior to first occupation of the development details of the specification, number and location of bat boxes shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and retained thereafter.
24. Prior to the construction of the windows on the first and second floors of the front (King Street) elevation of 6 to 16 King Street, full details of the windows shall be submitted to and approved in writing by the local planning authority. The windows shall be constructed in accordance with the approved details and thereafter retained.
25. Prior to the installation of the shopfronts at Nos 6 to 16 King Street, full details of the design and materials of the shopfronts shall be submitted to and approved in writing by the local planning authority. The development

- shall be carried out in accordance with the approved details and retained in that form.
26. Prior to any works undertaken to the façade of Nos 6 to 10 King Street, details of the method of paint removal and restoration of lost or damaged features shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
27. The development shall not be first occupied until a Travel Plan has been submitted to and approved by the local planning authority. The Travel Plan shall be implemented as approved upon the first occupation of the buildings and monitored in accordance with details to be agreed in writing by the local planning authority.
28. The residential element of the development hereby permitted shall only be occupied during academic term times by students attending full-time courses in Cambridge of one academic year or more. Outside of academic term times, the residential element of the development shall only be occupied by students studying at educational institutions within Cambridge, conference delegates or others attending such institutions for purposes linked with educational functions of those institutions.
29. The existing façade of Nos 6-10 King Street shall be retained. Prior to any works to the façade a Structural Method Statement, to include full details of the method of propping the existing façade, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

SCHEDULE 2: CONDITIONS

APP/Q505/Y/18/3208793

1. The works hereby permitted shall begin not later than 3 years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved plans – *All Plans prefixed **3126-A-***: 04-1001-P1; 04-1003-P1; 04-1004-P1; 04-1005-P1; 04-1007-P1; 05-1001-P1; 05-1002-P1; 05-1004-P1; 03-0001_P1; 03-1003_P1; 03-1004_P1; 03-1005_P1; 03-1006_P1; 03-1007_P1; 03-0002_P1.
3. Before starting any works to the link, details of the method of fixings to the existing fabric of the Todd Building shall be submitted to and approved in writing with the local planning authority. The works shall be carried out in accordance with the approved details.