



Appeal Decision

Hearing held on 23 August 2022

Site visit made on 24 August 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/W0530/W/21/3284230

Land comprising Kendal Court, Anglia House, Kendal House, Regency House and 1 Cambridge Road, Impington, Cambridgeshire CB24 9YS

- 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 MJG London against the decision of South Cambridgeshire District Council.
 - The application Ref 20/03742/FUL, dated 10 August 2020, was refused by notice dated 21 June 2021.
 - The development proposed is the demolition of existing buildings comprising Anglia House, Kendal House inc. flats above, Regency House and Marble Store to rear and 1 Cambridge Road inc. flats above; and redevelopment of the site comprising 28 new-build residential units (Use Class C3) and associated parking, commercial units at ground floor level (Use Class E), two commercial parking spaces, and proposed new landscaping and public realm improvements to Cambridge Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the lead-up to the hearing, the appellant submitted revised drawings. The revisions reduced the extent of the red line in the south east corner and on the north west corner, to take account of land ownership issues. The revised drawings were consulted upon before the hearing was held. At the hearing, the appellant submitted a further revision, changing a plant room to a bin storage room on the northern elevation. This change was not consulted upon but was relatively minor. I afforded time at the hearing for the Council and any interested parties to review the changes, which were subsequently discussed at the hearing. The Council agreed to the changes. There is no reason why accepting the revised information would prejudice the Council's position, or that of any other party. The appeal is therefore determined on the basis of the revised drawings.
3. Opposite the appeal site is a cleared area of land that is known as 'The Bishops Site'. The site is the subject of planning permissions Refs S/0671/17/FL and 20/03690/S73 for a development of 35 one and two bed flats, and a further planning permission Ref 21/02902/FUL for 38 flats. This is a material consideration for the appeal and I refer to the site and permissions as necessary in my Decision.

4. The Development Plan for the area includes the South Cambridgeshire Local Plan, adopted September 2018 (the LP) and the Histon and Impington Neighbourhood Plan 2020-2031, made May 2021 (the NP). A number of supplementary guidance documents are also relevant and are referred to as appropriate throughout my Decision. The emerging Greater Cambridge Local Plan: First Proposals, November 2021 is due for further consultation, is likely to undergo further modifications, and has very limited weight.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether or not the proposal would provide acceptable living conditions for future occupants, with regard to overlooking to proposed flat 20, lack of private outdoor amenity space for proposed flat 19, and the amount and design of the proposed communal amenity space for all of the proposed flats;
- the effect of the proposal on the living conditions of the occupiers of No 1 Pepys Terrace, with regard to overlooking;
- the effect of the proposal on highway safety, with particular regard to on-street car parking, vehicular access design, and access to the proposed cycle store;
- the effect of the proposal on surface water drainage and groundwater flooding; and,
- whether or not the proposal would provide adequate facilities for the storage and collection of waste and refuse.

Reasons

Character and appearance

6. The site currently comprises Anglia House, a vacant commercial unit, Kendal House, a two-storey building which contains a convenience store and a funeral directors'. The site also includes Regency House, a two-storey detached property utilised by the funeral directors as office and storage space. Within the centre of the site is a hardstanding area used for parking for the commercial units. The northern boundary of the appeal site is separated from the busway by a hedgerow, which continues along the rear gardens of properties on Pepys Terrace. The application site is largely flat although it does rise slightly to the east.
7. The site sits on the corner of Cambridge Road, a relatively busy road, and the busway. The north west corner of the site is a prominent focal point on this corner. To the south and east of the site, on the eastern side of Cambridge Road, are dwellings on Pepys Terrace and Cambridge Road. These are predominantly two storeys in height and of domestic scale. On the south western side of Cambridge Road, partly opposite but also set away from the appeal site, is Pine Court, a relatively substantial block of flats at three storeys. To the north of Pine Court is the currently vacant The Bishops Site.

8. It is proposed to demolish the existing buildings on the appeal site and to erect a predominantly 4-storey building. This would be for a residential-led mixed use development, with commercial units along the Cambridge Road frontage at ground floor level. Undercroft car parking accessed from Cambridge Road is proposed, with communal gardens for the proposed residential use at both lower ground and podium deck levels.
9. The 'Design Guidance' for the Histon and Impington Station Area encourages contemporary and innovative design, active frontages and public realm improvements, all of which are encapsulated within the appeal proposal. The detailed design of the proposal is acceptable. The proposed scale and mass and 4-storey height would also be acceptable along the busway, which itself is of significant scale, and to the focal corner of Cambridge Road and the busway. However, the 4-storey height extends down the majority of the west elevation along Cambridge Road. This reduces the prominence of the corner element of the proposal, which does not therefore respond positively to the focal corner. In addition, it brings excessive bulk and mass too close to the domestic scale of the existing buildings along Pepys Terrace and further south on Cambridge Road.
10. The bulk and mass would partially be ameliorated by the proposed inset ground floor level and architectural detailing to the fenestration. However, this does not overcome the fundamental issue of the excessive silhouette and scale of the proposed building. The 3-storey element at the southernmost point of this elevation would provide a step down towards the properties to the south but would still be fairly bulky and, because it would only be 3-storeys for a relatively short section of the elevation, the 4-storey element and the blank gable end would be prominent and architecturally overbearing, as viewed from the south along Cambridge Road and from Pepys Terrace.
11. The Bishops Site proposal is also predominantly 4-storeys. However, this is in the context of the directly adjacent Pine Court block of flats, which is of much greater scale than the properties along Pepys Terrace. The Bishops Site therefore has a significantly different architectural context. Pine Court is also visible in the context of the appeal site, but at a much greater distance, on the opposite side of the relatively wide Cambridge Road and also set to the south. It does not have the same, or even similar, relationship as to the much more intimate one that the building has with The Bishops Site.
12. The proposal would therefore harm the character and appearance of the area. It would fail to comply with Policy E8 of the LP, which requires that proposals respect the character of the area. It fails to comply with Policy HQ1 of the LP and Policy HIM01 of the NP, both of which require high quality design.

Amenity space

Private amenity space

13. Proposed flat 19 would have no private outdoor amenity space, ie no balcony or garden. Its location on the north east corner, overlooking the busway, does not lend itself to the provision of private open space. This could be achieved, of course, by redesigning the layout. However, it is only one flat out of 28 and it would be a 1-bedroom unit, and therefore not a family-sized unit. Therefore, the proposal would provide adequate amenity space with regard to the

provision of private space. However, this must also be considered in the context of the proposed communal amenity space, as set out below.

Communal amenity space

14. The proposal includes a podium deck and a garden, accessible only to future occupiers. The combined area for these two features would be slightly less than 445 sq m, following the small reduction in size of the proposed garden as a result of the changes to the red line. The District Design Guide: High Quality and Sustainable Development in South Cambridgeshire SPD, March 2010 (the Design SPD) sets ideal minimum standards for private amenity space that equate to 675 sq m for the proposed development.
15. I acknowledge that the space standards can be interpreted flexibly. This is particularly true on a tightly constrained, brownfield site that is allocated for development, such as the appeal site. It is partly the size and partly the quality and useability of the proposed spaces that is important. In these regards, limited planting is proposed to the podium deck and much of the area would be either adjacent, or close by, to proposed private courtyards, in addition to providing access routes to various proposed flats. The garden would be relatively small and would provide limited useable space beyond the proposed planters, trees and access stairs to the podium deck. It would also be overshadowed by the proposed development and neighbouring properties.
16. The useability and amenity value of both proposed areas would therefore be relatively low. I have given consideration to the use of a condition requiring details of the layout of these areas. However, this could not make the areas larger or less overshadowed, and there would be limited scope for improving their useability and amenity value. This would not, therefore, overcome my concerns. In addition, my attention was drawn to The Bishops Site, which has a similar approach to the provision of communal amenity space. However, this is not a suitable comparison because the podium deck proposed is larger, more useable, and not as overshadowed as that proposed for the appeal site.
17. A landscaped public area would also be provided to the corner of the bus route and Cambridge Road. This would lie outside of the red line but is either unregistered land or Highway Authority land and could be secured by a Grampian condition. This would provide some open space directly adjacent to the appeal site but it is a relatively small area and its value would therefore be limited. Opposite the appeal site, beyond the busway, lies The Copse, an area of publicly accessible woodland. However, this offers relatively limited recreation opportunities because of its heavily wooded nature and that it is relatively small. It does not overcome the sub-standard provision of on-site open space.
18. Consequently, the proposal would provide sub-standard communal amenity space and would therefore not provide acceptable living conditions for future occupants. It would therefore fail to comply with Policy HQ1 of the LP, which requires high quality landscaping, opportunities for recreation and social interaction, and supports healthy lifestyles.

Overlooking

19. Proposed flat 20 would have three south facing windows, two to the living room and one to a bedroom. The two windows in the living room are the only

windows to that room, which is the principal room in the proposed flat. The windows would afford overlooking of the rear of No 1 Pepys Terrace (No 1 PT), a semi-detached dwelling to the south of the appeal site, and its garden.

20. The Design SPD states that it is preferable that a minimum distance of 15m is provided between proposed windows and a property boundary, and that the minimum distance between facing windows should be 25m at the second storey and 30m at the third storey. Proposed flat 20 would be at second floor level, ie on the third storey. The distance to the closest part of the rear elevation of No 1 PT would be 25m. The distance to the closest part of the rear garden would be 12m. The proposal therefore technically conflicts with the guidance in the Design SPD. However, Block C, which contains proposed flat 20, would be approximately half a storey lower than No 1 PT¹. The proposed second floor flat would therefore be half-way between a second and a third storey, as perceived from/to No 1 PT, and would therefore arguably comply with the Design SPDs requirements of window to window distances.
21. In addition, it is proposed to provide trees that would partially obscure views and therefore mitigate overlooking. The appellant confirmed at the hearing that the revisions to the red line would not impede the provision of the trees, which could be secured by condition. Importantly, there is thick and relatively tall existing vegetation on this boundary that would provide significant protection from overlooking. This vegetation is within the garden of No 1 PT. Therefore, whilst it is not in the control of the appellant, it is reasonable to expect that, if overlooking were a concern of the current or future occupiers of the dwelling, they would retain this existing vegetation.
22. The SPD provides a helpful guide for considering overlooking and the relevant distances that should be achieved but the key test is whether or not the proposal would unacceptably harm the living conditions of either the neighbouring occupiers or create unacceptable living conditions for the future occupiers. In this case, the relatively long distance coupled with the intervening vegetation, both existing and proposed, would likely adequately protect No 1 PT from harmful levels of overlooking from the future occupants of proposed flat 20, and vice versa. The proposal would therefore provide acceptable living conditions for future occupants and protect the living conditions of the occupiers of No 1 PT, with regard to overlooking. It would therefore comply with Policy HQ1 of the LP in this respect, which requires proposals to protect the amenity of surrounding occupiers.

Highway safety

Car parking

23. 28 flats are proposed. The LP car parking standards are for 56 spaces to be provided. The NP standards are for 47.5 spaces to be provided. 22 residential car parking spaces are proposed. The residential spaces equate to a 0.79 ratio of spaces to proposed flats and are significantly below the car parking standards of either the LP or the NP.
24. However, both Policy TI3 of the LP and Policy HMI05 of the NP state that the standards are indicative, taking into account factors such as car ownership levels and accessibility to public transport. The appeal site is in an accessible

¹ Best shown on drawing Ref A-062002 rev P06 'GA – South and East Elevations'

location, nearby to bus stops on the guided bus route to Cambridge and to the services and facilities of Histon and Impington. The appellant has provided census data that car ownership levels in the surrounding area are 0.79 cars per dwelling and that this falls to 0.7 per dwelling in relation to households living in flats.

25. There would therefore likely be limited, if any, pressure for overspill car parking on surrounding streets. If some were to occur, then New Road, Crescent Road, Villa Road have no parking controls and could likely accommodate some on-street parking. Pepys Terrace, which is closest to the appeal site, is very narrow and difficult to manoeuvre, with very limited availability of on-street spaces. However, precisely because of this, would be unlikely to be used for overspill parking.
26. Overall, it would not be likely that the proposal would cause significant overspill car parking on surrounding streets. Any small amount of overspill parking that did occur could be safely accommodated on a number of surrounding streets. The proposal would not, therefore, unacceptably harm highway safety in this respect, and it complies with Policy TI3 of the LP and HMI05 of the NP.

Access

27. The proposed vehicular access would be from Cambridge Road, through a gate with traffic light control system and then down a fairly steep access ramp at a 1:10 slope, and 4.1m wide. This is technically wide enough to accommodate two cars passing one another, as set out in Manual for Streets². However, with walls either side and the slight kink in the ramp it is highly likely that, in reality, drivers would not feel comfortable passing one another along the access road. If a car were to be turning into the access from Cambridge Road and saw a car emerging, they would potentially reverse back onto the road to wait. This would have the potential to harm highway safety. However, there are only 24 car parking spaces within the proposed car park and the number of vehicle movements would be fairly low. The above scenario is likely to be highly irregular. Any negative effect on highway safety would therefore be limited.
28. An additional concern is that the entrance ramp might also be used by cyclists and pedestrians to access the proposal. However, the proposed cycle parking would be served by a dedicated access ramp, the entrance to which is nearer the nearest cycle lane along the bus route. Pedestrian access is also provided through dedicated core entrances, including to either side of the proposed access ramp. Even occupiers of the proposed flats to the north east corner of the appeal site coming from south along Cambridge Road could use the Block B entrance and then the podium deck to access their flats. This would be a more pleasant route. It is possible that occasionally cyclists or pedestrians would use the access ramp, but this would be rare and would not give rise to any material concerns regarding highway safety in terms of conflicts with cars either on the appeal site or the surrounding streets.
29. Overall, the proposal would likely not cause unacceptable harm to highway safety in these respects. It would therefore comply with Policy TI3 of the LP and Policy HMI05 of the NP.

² Page 79, Figure 7.1

Drainage

Surface water flooding and foul drainage

30. The drainage strategy proposes to discharge surface water into the foul sewerage system at a greenfield run-off rate, using a pumping system. The Local Lead Flood Authority (LLFA) objects to this approach. However, the LLFA explicitly states that its objection in this regard would be overcome if Anglian Water agree to the proposal. The Council's own internal consultee comments on this issue also state that its objection would be removed if Anglian Water accept the proposal. In this case, Anglian Water, who are responsible for the management of the foul water sewerage system, has stated it has no objection to the proposal. The strategy is therefore acceptable, in principle. Any matters of detail could be controlled by conditions and/or Building Regulations.
31. The LLFA also objects to the use of a pumping system due to concerns over maintenance and make a number of other comments regarding the need for further assessment because a greater use of infiltration and/or other methods using gravity should be further investigated, and requesting further information on surface water treatment. However, all of these matters could be controlled by conditions to require further details prior to construction of the relevant parts of the development. Similar conditions have been imposed on The Bishops Site planning permission Ref 21/02902/FUL.
32. Therefore, subject to the appropriate use of conditions, the proposal would have an acceptable effect on surface water drainage. It complies with Policy CC8 of the LP which requires appropriate sustainable drainage systems. It also complies with paragraph 169 of the National Planning Policy Framework, which requires that sustainable drainage systems take account of advice from the LLFA and have appropriate maintenance arrangements.

Groundwater displacement to other areas

33. The proposal would involve an element of excavation to construct the undercroft parking area. This would have the potential to displace groundwater and to increase flood risk elsewhere. The LLFA has objected to the proposal because this has not been assessed. However, the level of excavation would be relatively minor. No particular concerns are raised that the effect of the proposal would be to unacceptably increase flood risk off-site. Further detail on this and on how it might be mitigated could be secured by condition. Subject to this, the proposal would have an acceptable effect on groundwater flood risk, and would comply with Policy CC9 of the LP, which requires that there be no increase in flood risk elsewhere.

Waste and refuse

34. Two residential communal waste collection areas are proposed, the main area to be accessed from the pavement by Cambridge Road, and a smaller store by the core to Block C. Following the addition of the smaller store and some tweaks to the layout of the main bin store, the Council has confirmed that the proposal provides sufficient storage. However, it maintains objection to the drag distances, particularly from the new bin store. The main bin store would be accessed directly from the pavement by Cambridge Road. It would not be possible to make it more convenient for collection within the constraints of the appeal site. The small store would be a long way from the collection point but

the appellant has stated that this could be part of a managed solution, with the bins being moved between the two stores as necessary. This could be secured by condition and/or planning obligations.

35. I acknowledge that the drag distances from the small store would be greater than those set out in the RECAP Waste Management Design Guide SPD, February 2012, which requests that residents not need to move waste more than 30m to the storage point, and that any storage point not be more than 25m from the collection point. However, the combination of the main store close to the road and the small store closer to some of the proposed flats, combined with a waste management system, would minimise and reduce the carry distances for the future occupiers themselves.
36. Commercial waste would be held within the relevant commercial unit. The likely occupier of the proposed shop to the corner of the proposed building has raised concerns regarding the storage being in a lower level, due to operational reasons. However, these are personal to that operator and could be resolved between the operator and the appellant. It is not a relevant planning consideration because the internal layout could be changed as part of lease agreements or other commercial considerations. The unit would be directly accessible from the street, which is an acceptable approach to refuse collection for a commercial unit.
37. Therefore, the proposal would provide adequate facilities for the storage and collection of waste and refuse, and would comply with Policy HQ1 of the LP, which requires safe, secure, convenient and accessible provision for waste management.

Planning Balance

38. The appeal site sits within a wider allocation, as set out in Policy E/8 of the LP, for mixed-use development. It is in a location with good public transport links and easily accessible to services and facilities. The proposal would accord with the main thrust of the allocation, including the provision of commercial units, active ground floor frontages, and residential development. These are all important considerations that weigh in favour of the proposal. The provision of new housing, in particular, in such locations is a positive benefit of the proposal.
39. However, the proposed development would harm the character and appearance of the area through its excessive bulk and mass on the western elevation and the resultant poor relationship to the domestic scale properties to the south and along Pepys Terrace. The proposal would also fail to provide adequate living conditions for future residential occupiers because of inadequately sized and located communal open space. The proposed accommodation would only be achieved at the expense of high quality design and adequate living conditions for future occupiers. The harms of the proposal therefore outweigh the benefits and it fails to comply with the development plan, when considered as a whole.
40. A s106 planning obligation, dated 23 September 2022, has been completed (the s106). It has not been signed by all land owners because of an ongoing negotiation with one of the tenants on the site. However, the important factor is that, even if I were to place full weight on the s106, it secures contributions towards local infrastructure to mitigate the effect of the proposal, which weigh

neutrally in the planning balance. Some off-site affordable housing could be secured by the agreement, through a viability review to take place when 21 of the proposed dwellings are completed. Such affordable provision would weigh in favour of the proposal. However, the outcome of the viability review is unknown and I place very limited weight on this potential benefit.

41. The 4-storey bulk of The Bishops Site proposal is seen in the context of the directly adjacent Pine Court building. The proposed communal open space would be larger and more useable than that proposed for the appeal development.
42. Therefore, neither the s106 nor The Bishops Site permission(s) represent a material consideration that indicates that a decision should be made other than in accordance with the development plan.

Conclusion

43. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward
INSPECTOR

ANNEX: APPEARANCES

FOR THE APPELLANT:

Paul Tunstall MRTPI	Director, JWPC Chartered Town Planners
Nick Marsh	Director, Lawray Architects
Nicola Harding	Land owner
Neal Marshall	Partner, I Transport

FOR THE LOCAL PLANNING AUTHORITY:

Jane Rodens MRTPI	Area Planning Manager, Greater Cambridge Planning
Harry Pickford	Drainage Engineer, Cambridgeshire County Council
James Fisher	Solicitor, Greater Cambridge Planning

INTERESTED PERSONS:

Mrs Karmgit Saini	Owner, Station Stores
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