



## Appeal Decision

Site visit made on 27 July 2023

**by Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8 September 2023**

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### **Appeal Ref: APP/Q0505/W/22/3309500**

### **Romsey Labour Club, Mill Road, Cambridge, Cambridgeshire CB1 3NL**

- 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 Duxford Developments Ltd against the decision of Cambridge City Council.
  - The application Ref 22/01432/FUL, dated 4 May 2022, was refused by notice dated 4 August 2022.
  - The development proposed is part demolition of the existing Romsey Labour Club building with retention of the BLI historic frontage and erection of serviced apartment development (SUI Generis Use) along with a café, gymnasium, community space, and associated infrastructure and landscaping.
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### **Decision**

1. The appeal is allowed and planning permission is granted for part demolition of the existing Romsey Labour Club building with retention of the BLI historic frontage and erection of serviced apartment development (SUI Generis Use) along with a café, gymnasium, community space, and associated infrastructure and landscaping at Romsey Labour Club, Mill Road, Cambridge, Cambridgeshire CB1 3NL in accordance with the application, Ref 22/01432/FUL dated 4 May 2022 subject to the schedule of conditions at the end of this decision.

### **Preliminary Matter**

2. I have been made aware of the planning history of the site which includes planning permission for a serviced apartment scheme containing 36 self-contained 1-bedroom units along with café, gym and community space at ground floor with a vehicle drop-off zone, disabled car parking space, cycle parking and associated landscaping and retention of existing BLI frontage approved under application Ref 19/0004/FUL. This extant permission represents a legitimate fall-back position and a material planning consideration which I afford great weight to.

### **Main Issues**

3. The main issues are:
  - whether the proposed development would provide a satisfactory environment for future occupiers with regard to the external courtyard; and
  - whether the proposal would provide an accessible and inclusive environment.

## Reasons

### *Satisfactory environment for future occupiers*

4. The appeal site comprises the former Romsey Labour Club located on the junction of Mill Road and Coleridge Road. The building has a simple but elegant façade, but overall, the building is showing signs of deterioration due to being left vacant for some time.
5. The proposal is principally a serviced apartment development aimed at the extended stay visitor market with social spaces including a café, meeting room and gymnasium. It would take the form of a U-shaped building ranging in height with a central courtyard area. The courtyard serves a dual purpose acting as a landscaped area and as a circulation space for the ground floor apartments and a the social spaces.
6. I have not been directed to any local planning policies that set out external amenity standards or requirements in respect of serviced apartments. Therefore, it is a matter of planning judgement based upon the merits of the case.
7. I acknowledge that the development proposes an increased number of rooms and an overall reduction in the size of the courtyard space of around 4% when compared against the extant scheme. In my judgement, a purely numerical exercise is a crude measure, and it should be more of a quantitative assessment. The courtyard as proposed is a regular shape containing a mix of hard and soft landscaped areas, the precise details which could be secured by condition. In my view it would be adequate in terms of size and shape providing a pleasant external space both visually and functionally meeting the needs of visitors.
8. Whilst serviced apartment visitors tend to stay for extended periods of time compared to those staying in a hotel it is unlikely that the quantum of external space is a determinative factor when deciding upon accommodation. Future occupiers would have access to the café and gymnasium on site and for additional recreational needs they would have the option of visiting parks and green spaces including the Coleridge Recreation Ground located within short walking distance from the site.

### Accessible and inclusive environment

9. The Council has raised concerns in relation to the proposed disabled parking bay on Coleridge Road in the context of Building Regulations requirement M4(3). In this context, whilst the appellant has not demonstrated how the proposed development would achieve compliance with M4(3), it would be unreasonable to require such details in order to achieve compliance with development plan policies as such matters are dealt with by the Building Control Body.
10. I am satisfied that this matter could be secured through the imposition of a planning condition. Furthermore, I am not aware that the Local Highway Authority has expressed concerns in respect of this matter.
11. In terms of the pedestrian environment – three separate access points at ground floor into the development would be provided leading into the

gymnasium, café and the link between the frontage building and the west wing of the development.

12. Wheelchair users or disabled persons would be able to access the development through these entrances and move through the entirety of the ground floor, step free, including being able to access six dedicated rooms for wheelchair users located in the east wing. In addition, a lift would provide access to the upper floor apartments in the west wing.
13. Whilst wheelchair users and disabled persons may not be able to access all of the development, I find that reasonable and practical access into and through the building would be provided including the café, community space, gymnasium and just over half of the serviced apartments. Furthermore, there is nothing to suggest that the on-site management team would not be able to assist those who may have more acute needs to move through the building. Such matters could be secured through the imposition of a suitably worded condition. I also note that the Council's Access Officer raised no objection to the scheme. Accordingly, the proposed development would be accessible and inclusive for wheelchair users and disabled persons and who would not be placed at a substantial disadvantage.
14. In coming to my decision, I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010. I am satisfied that the proposed development would allow persons with protected characteristics including age and/or disability to use the serviced apartments and the community and social spaces thereby advancing equality of opportunity for those persons and fostering good relations between them and others.
15. I conclude that the proposed development would provide a high quality, accessible and inclusive environment for future occupiers and visitors in accordance with Policies 56 and 57 of the Cambridge Local Plan (2018) which, amongst other things, require new developments to create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable; meet the principles of inclusive design, and in particular meet the needs of disabled people, the elderly and those with young children and are convenient, safe and accessible for all users.
16. The proposed development would also accord with paragraphs 92 and 130 of the National Planning Policy Framework (the Framework) which, amongst other things, seek to create places that are safe, inclusive and accessible with a high standard of amenity for future users.

### **Other Matters**

17. I note the representations received regarding the preservation of the host building. The development as proposed would secure the future use of the building and retain historic features, which would be secured by condition. As such, I am satisfied that the historical significance of the Romsey Labour Club would be preserved.

### **Conditions**

18. I have considered the imposition of conditions in accordance with the Framework and the PPG. I have undertaken some rationalisation of the conditions proposed by the Council in the interests of brevity.

19. In addition to the standard time limit I have imposed conditions specifying the approved plans and defining the residential accommodation as serviced apartments as this provides certainty.
20. As the host building is a building of local historic interest conditions for a Written Scheme of Investigation, the methodology for and details of retention of the façade and historic features have been imposed.
21. Conditions relating to the external materials including sample panels, external lighting and hard and soft landscaping are necessary in order to ensure the satisfactory appearance of the development. A condition ensuring that the landscaping is maintained for a 5-year period has also been imposed.
22. In the interests of safeguarding the living conditions of existing occupiers and visitors, conditions for a noise insulation scheme and the control of noise, odour and fumes from plant, extraction and machinery have been imposed in addition to conditions restricting delivery hours and the opening hours of the café.
23. In the interests of sustainability conditions for the development to meet BREEAM Level Excellent, details of a surface water drainage scheme, biodiverse roofs and bat and bird boxes have been imposed.
24. Whilst the Council has suggested a condition for a BRE issued Design Stage Certificate to be issued within 6 months of commencement of the development I note that the appellant has provided a Sustainability Construction Appraisal, which includes a BREEAM 'excellent' pre-assessment. In my view this is sufficient to demonstrate a baseline for the development's sustainability credentials. Therefore, I do not find it necessary to impose this condition.
25. In the interest of fire safety, a condition for details of fire hydrants to serve the development has been imposed. In the interests of human health conditions relating to contamination remediation and the technical specifications and maintenance program for the proposed Combined Heat and Power System have been imposed.
26. A condition for the submission of a Materials Management Plan (MMP) has been suggested. To me a MMP deals with matters in respect of the re-use of soil, made ground and other materials for the earthworks. The condition as drafted is not sufficiently precise, as it relates to all materials. Therefore, in the interests of precision I have reworded the condition accordingly.
27. In order to ensure inclusive access and efficient operation of the development for visitors and the local community conditions for a Service Management Plan and Community and Space Management Plan have been imposed. In this respect a condition for revised details of the cycle parking and bin store has also been imposed.
28. A condition requesting that any publicity for the development states that there is no on-site parking has been imposed in the interests of highway safety.
29. The Council has suggested a number of separate conditions relating to the construction phase including traffic management, working methods and hours and pollution control. In the interests of brevity, I have consolidated these conditions into a single Construction Method Statement condition.

30. The Council has suggested a condition requiring the operator of the serviced apartments to keep a record of visitors including their permanent address and length of stay. However, in my view this is not reasonable or necessary. Furthermore, the Council has not provided any justification, as set out in the PPG, for why these details are required to be kept. Therefore, it has not been imposed.
31. The Council has suggested a condition for measures preventing surface water run-off onto the public highway. However, such details would form part of the hard landscaping details. Thus, it is not necessary to impose a separate condition.
32. The Council has suggested a condition preventing the installation of additional windows in the historic frontage. However, the development must be carried out in accordance with the approved plans. Any further alterations would require a further permission thus such a condition is not necessary.

### **Conclusion**

33. For the reasons set out above the appeal succeeds.

*B Thandi*

INSPECTOR

### **Schedule of conditions**

- 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: Location Plan; Existing Site Plan Drawing Number PL(11)01; Existing Floor Plans Drawing Number PL(11)02; Existing Elevations PL(11)03; Proposed Site Plan Drawing Number PL(90)01 P1; Proposed Ground Floor Plan Drawing Number PL(21)01 P1; Proposed First Floor Plan Drawing Number PL(21)02; Proposed Second Floor Plan Drawing Number PL(21)03; Proposed Third Floor Plan Drawing Number PL(21)04; Proposed Roof Plan Drawing Number PL(21)05; Proposed West and North Elevations Drawing Number PL(21)06 P1; Proposed South and East Elevations Drawing Number PL(21)07 P1; Proposed Section A-A and B-B Drawing Number PL(21)08 P1 and Proposed Section C-C and D-D Drawing Number PL(21)09.
- 3) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
  - i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment;
  - iii) the provision to be made for analysis of the site investigation and recording;
  - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 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:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control noise, vibration and the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.

- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until a method statement for the works for retention of the Building of Local Interest Frontage shall have been submitted to and approved in writing by the local planning authority. The method statement shall include the timing of the reinstatement of any historic features including the bay window fenestration and measures to be taken to secure and protect the frontage against accidental loss or damage. Development shall be carried out in accordance with the approved method statement.
  - 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
  - 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
  - 8) 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 is resumed or continued.
  - 9) No materials including soil, made ground and other materials for the earthworks shall be imported or re-used until a Materials Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans.

- 10) No development, shall commence, above ground, until a scheme for the provision and location of fire hydrants to serve the 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.
- 11) No development shall commence, above ground, until details 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.
- 12) No development shall commence, above ground, until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, brick and reconstituted stone) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 13) No existing windows shall be altered until details of the design of the windows including plans/elevations/drawings at scale 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) No development shall commence, above ground, until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place, above ground, until details of the biodiverse roof areas have been submitted to and approved in writing by the local planning authority.
- 16) The landscaping and biodiverse roof works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management.
- 17) All planting, seeding or turfing comprised in the approved details of landscaping and biodiverse roofs shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 18) No development, shall commence, above ground until revised details of the disabled parking bay, cycle parking and bin store have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 19) No development shall commence, above ground, until a noise assessment and a noise mitigation scheme 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 occupation of the development and thereafter retained for the life of the development.

- 20) The development hereby permitted shall not be occupied until a Service Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) Deliveries to the site;
  - ii) Management of the pick up/drop off
  - iii) Waste storage and management;
  - iv) Details of guest services;
  - v) Access control and security measures;
  - vi) Cycle parking;
  - vii) Bin store and collection;
- 21) The development hereby permitted shall not be occupied until the technical specifications of the proposed gas fired Combined Heat and Power System and a maintenance program have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 22) The development hereby permitted shall not be occupied until a Community Space Management Plan, including details of access, booking and management of the gymnasium and community spaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 23) The development hereby permitted shall not 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:
  - i) 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;
  - ii) include a timetable for its implementation; and,
  - iii) 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.
- 24) The development hereby permitted shall not be occupied until the details of bat bricks and swift bricks have been submitted to and approved in

- writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 25) Before the development is brought into use equipment to control the emission of fumes and smell 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 thereafter for the lifetime of the development.
  - 26) Before any specified plant and/or machinery is used on the premises, it shall be installed in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.
  - 27) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in writing, and any external lighting shall then be installed and used in accordance with the approved details only.
  - 28) The building shall achieve a BREEAM Level Excellent in accordance with the requirements of the relevant BREEAM scheme. The development shall not be occupied until a Final BREEAM Certificate has been issued for it and produced to the local planning authority certifying that BREEAM Level Excellent has been achieved.
  - 29) The development shall be constructed to meet the applicable approved BREEAM rating as a minimum. No later than 6 months after the occupation of any non-residential building, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the local planning authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.
  - 30) The existing main door shall be retained or will match the existing in all respects including material, style and moulding detail. Where historic door or window furniture including made iron hinges and latches remain these are to be preserved and reused.
  - 31) All publicity for the serviced apartments shall state that there is no on-site car parking or on surrounding streets for visitors, except for the on site designated disabled car parking space.
  - 32) The serviced apartment units hereby permitted, shall only be occupied for short-term accommodation, and shall not be used or occupied by any person(s) permanently as their home nor occupied or let upon any terms which provide or confer security of tenure. Short-term accommodation in this instance is defined as not being occupied for a period of more than 90 days in one visit by the same person(s), with no return by said persons for a period of 12 months and no personal possessions shall remain there.
  - 33) Deliveries shall be taken at or despatched from the site only between 0700 - 2300 on Monday – Saturday and 0800 – 2100 on Sundays or on Bank or Public Holidays.

- 34) The café shall only be open to members of the public between the following hours:  
0700 – 2300 Mondays – Saturdays  
0800 – 2200 Sundays and Bank or Public Holidays.