



Appeal Decision

Site visit made on 19 June 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2018

Appeal Ref: APP/W0530/W/17/3188396

9 Bar Lane, Stapleford, CB22 5BJ

- 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 Mr Steve Bell against the decision of South Cambridgeshire District Council.
 - The application Ref S/1630/17/FL, dated 2 May 2017, was refused by notice dated 11 October 2017.
 - The development proposed is the erection of a new Public House building along with a pair of residential dwellings following demolition of existing buildings on the site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - (a) The significance of Grade II listed Nos 5 and 7 Bar Lane, as derived from their setting;
 - (b) the availability of services and facilities of Stapleford;
 - (c) protected species;
 - (d) highway safety; and,
 - (e) the overall heritage and planning balance in light of the above considerations.

Reasons

Setting of heritage assets

3. The Tree is a two storey building which runs in parallel to the road, with a set back from the pavement edge. It dates from c1850 and has rendered elevations with a slate roof. To the side is a car park and to the rear of this area is a detached outbuilding with horizontal weatherboarding and pantile roof. The building has been extended and altered, including to the front and rear but I consider that it retains its historic character.
4. To the immediate south of the existing public house are 2 grade II listed buildings at Nos 5 and 7 Bar Lane. These are small single storey vernacular dwellings with attic level accommodation and are positioned gable end on to the road, to the pavement edge.

5. No 5 is a timber framed building with a painted rendered exterior with some decorative pargetting and a tiled mansard roof. While the listing description states that the building dates from c1750, the date '1601' is embossed into the render to the top of the gable and it appears to me that the building could indeed be of a greater age than as recorded in the description. No 7 forms a group with No 5, and is of a similar height, but with a pitched and pantile roof and with painted brickwork. The listing description notes that this building dates from the early 19th century.
6. The wider area comprises of a number of 19th century brick dwellings, with later 20th century developments, including a contemporary designed single storey dwelling adjacent to the northern boundary of the appeal site. Buildings along Bar Lane are typically small scale, being a maximum of 2-storeys in height. Modern developments, including dwellings along Forge Lane to the north of the site tend to be larger in scale than the earlier dwellings, while being 2-storey in height.
7. The significance of these listed buildings is derived from their historic and architectural interest as a modest and humble vernacular dwelling. I also agree with the heritage statement in terms of their evidential, historic, aesthetic and communal values. In particular the study identifies that in terms of aesthetic value, the attractive nature of the listed buildings strengthen the character and appearance of other undesignated assets within the vicinity and in terms of communal value whereby it is identified that *"the relationship of the two little cottages amongst a range of later and larger dwellings may well have a collective memory for residents of the village."*
8. In terms of setting, this is defined by the National Planning Policy Framework (the Framework) as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*
9. The appellant's heritage statement considers that the setting of Nos 5 and 7 is limited as they are small scale vernacular dwellings. However, within views in both directions along Bar Lane, these buildings benefit from being seen or experienced in combination with a number of historic buildings. I consider that in views looking south west along the road, the public house, as a 19th century building contributes positively to the setting of the listed buildings, as part of the relationship and experience along Bar Lane in terms of their aesthetic and communal values. Plate 9 within the heritage statement is, in my view, not representative of the contribution that The Tree makes to these assets. I acknowledge, however, that The Tree is not visible within views to the north east along Bar Lane due to its set back from the road behind the listed buildings.
10. The proposed replacement public house has been purposefully designed to emulate the form and positioning of the listed buildings, presenting its gable end to Bar Lane. It would have a similar set back to the existing building, but would be located further away from the boundary with No 7. However, it would much larger in scale as it would be 2-storey in height which would be around 3metres higher than the ridge of No 7. It would also have a wider gabled frontage to Bar Lane. I consider that it would be noticeably larger and

bulkier when viewed within the street scene and I consider that it would dominate within views both ways along Bar Lane and its roof would be seen 'looming over' the listed buildings.

11. I disagree with the appellant's claims that a greater separation of the appeal proposal from No 7, as well as its reorientation and eaves and roof pitching away would ensure that the proposed public house building would appear less dominant than the existing building. Although it is 2-storey in height, The Tree as existing does not dominate the listed buildings, rather it is of a modest scale which is illustrative of the evolution of buildings along Bar Lane and a more organic stepping of heights within the roofscape. An uplift of around 1.3metres in height from the existing building, would be significant and would undermine this relationship, causing harm.
12. I note that the height of the proposed public house and dwellings would be similar to modern development to the north at Forge Lane, however these dwellings are some distance from the listed buildings and would not justify such an increase in this location.
13. The overall effect would be a poorly designed building which would form a conspicuous addition and would dominate and detract from the humble vernacular qualities of the listed buildings causing harm to their architectural and historic interest as derived from their setting.
14. On this matter, I conclude that the proposals would cause harm to the significance of the grade II listed buildings, as derived from their setting. The development would conflict with Policy ET/6 of the South Cambridgeshire Development Control Policies Development Plan Document 2007 (DCP) which states that planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building. I also consider that the development would conflict with paragraph 132 of the National Planning Policy Framework (the Framework) which gives great weight to the conservation of heritage assets and identifies that significance can be harmed by development within the setting of heritage assets. Due to the nature of the proposals, I would quantify that harm as less than substantial whereby paragraph 134 of the Framework requires that harm to be weighed against the public benefits of the proposals. I shall undertake this exercise, in my final main issue, below.

Services and Facilities

15. Policy SF/1 of the DCP states that planning permission will be refused for proposals which would result in the loss of a village service, including village pubs. This policy sets a number of criteria as part of the consideration of this, including its existing and potential contribution to social amenity, the future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises for a minimum of 12 months at a realistic price.
16. Policy ET/6 states that the conversion, change of use or re-development of existing employment sites to non-employment uses within village frameworks should be resisted, again setting criteria requiring evidence that the site is not suitable or capable of being made suitable, and marketing evidence.

17. Paragraph 70 of the Framework guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. It also seeks to ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
18. The Tree Public House is a longstanding community facility which comprises of a bar, with kitchen, chilled store, and toilet facilities, with managers accommodation above. There are also two letting bedrooms, located within the converted outbuilding, tied to the public house. The Tree closed to the general public in August 2013, following the sale of the premises by Greene King. It has remained closed since this time. It was listed as an Asset of Community Value on the 18th December 2013.
19. Stapleford is a large settlement which is located 4miles south of the city of Cambridge. It has a range of services and facilities, including two public houses. There is also a bed and breakfast within the village. Together with a range of other facilities within the neighbouring settlement of Great Shelford, it is identified as a Rural Centre within the South Cambridge Core Strategy 2007 (CS).
20. The appellant states that they are committed to delivering a community pub at the site, and the proposed replacement public house is in compliance with Policies SF/1 and ET/1 of the DCP and the Framework. However, I share the Council's concerns that based upon the particulars of the case, in real terms the proposals would represent a loss of service and facilities.
21. While the pub has remained closed for nearly a 5 year period, its use remains extant. Based on the evidence before me, the extant offer of The Tree relates to a bar area, food service and letting accommodation, as well as managers accommodation. The replacement public house would comprise of a bar over two floors and there would be a single accessible WC, as well as a small cellar/store area.
22. The proposals would not include the provision of dedicated managers accommodation, letting rooms or food service which in my view would represent a considerable change in the overall service provision of the site. Accordingly, the proposed facility would not represent a comparable offer to the permitted use of the site.
23. I accept that at present, the building is not providing a service for Stapleford as it has closed, but that in itself does not justify a significantly scaled back service provision. Crucially, no evidence has been submitted in respect of the viability of the extant use as part of justifying this change. There is no information given in respect of the total loss of letting accommodation and food provision and I note that no marketing of the site for a period of 12 months has taken place as per the requirements of the above mentioned policies. I simply have no basis to consider that the extant level of provision at the site would not be sustainable.
24. I also have concerns as to whether the proposed new public house would represent a viable and realistic level of service provision which would be sustainable in the longer term for the benefit of the community. While the bar area may have a similar floorspace to the existing property, this would be over 2 floors and would not be accessible for all. The facilities in respect of toilets

and storage would be limited and while the appellant indicates that a small kitchen could be introduced, it is unclear where this could go and how this would affect the bar area/number of covers, as well as what size this could be and the offer that this could provide. The lack of on-site accommodation for managers could also affect its future sustainability as a business.

25. Taking the above into consideration, I consider that the proposals, even with the provision of a new public house, would, on balance, represent a loss of services and facilities in Stapleford. The proposals would conflict with DCP Policy ET/6 as well as paragraph 70 of the Framework. Policy SP/1 also requires consideration of the overall benefit to the community of the proposal where this may outweigh any adverse effect on employment opportunities, I shall undertake this as part of my final main issue, later in my decision.

Protected Species

26. DCP Policy NE/6 states that Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations.
27. A bat survey, undertaken in 2014 revealed no evidence of roosting bats within the site, however, the Council's Ecology Officer raised concern regarding a lack of up-to-date survey and consent was refused on this basis. This has now been provided as part of the appeal proposals and a small roost of pipistrelle bats were found within the converted outbuilding.
28. The report makes a number of recommendations in respect of the roost, in terms of further seasonal survey work, a watching brief and Natural England licence, hand demolition and compensatory provision of a bat box and mortar gaps.
29. However, the survey undertaken is only basic and given the likelihood of bats as a protected species, the further survey work as recommended by the report should be provided prior to the determination of any application or appeal. As it stands, I do not have the level of detail sufficient to allow me to adequately assess whether the proposal would have an adverse effect on any protected species and, if so, whether such an adverse effect could be overcome by any of the proposed mitigation measures.
30. On this basis, and in adopting the precautionary principle enshrined in the Habitats Regulations, I am not satisfied that the development would provide adequate protection for protected species. The development would therefore conflict with DCP Policy NE/6, as well as Policies DP/1 and DP/3 which cite the need to protect biodiversity.

Highway Safety

31. At my site visit, I observed that Bar Lane is a relatively quiet public highway. On-street parking is not restricted and indeed many of the historic properties do not benefit from off-street parking. There are currently 5 parking spaces within the appeal site. While no copy has been provided, it is understood that the development plan sets out car and cycle parking standards citing a minimum of 1.5 spaces per dwelling and a maximum of 10 spaces for the public house.

32. The proposed dwellings would incorporate 2 off-street parking spaces per unit, to the front of the dwellings. A new access from Bar Lane would occupy a similar position to the existing access into the car park. In light of the extant situation, I do not consider it necessary to provide visibility splays, given that the proposals would result in a reduction of on-site parking provision.
33. No dedicated parking provision for the new public house is proposed. However, the site is located centrally within Stapleford in walking distance of a number of residential properties. The site also has good accessibility to public transport with regular bus services in proximity to the site.
34. I anticipate that the public house could give rise to some increase in on-street parking. However, given the prevailing highway conditions, the sites use, its size and its accessibility I find no harm in respect of highway safety. While Cherry Tree Avenue is located near to the appeal site, on the opposite side of Bar Lane, I can see no reason why this junction would be used to park vehicles, given the lack of restriction and congestion along Bar Lane.
35. On this matter, I conclude that there would be no harm to highway safety. The development would accord with DCP Policy DP/3 which states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact from traffic generated.

Planning and Heritage Balance

36. I have found harm to protected species, as well as in respect of the setting of heritage assets and in respect of a loss of services and facilities. Paragraph 134 of the Framework requires harm to heritage assets to be weighed against the public benefits of the proposal. In addition, in respect of services and facilities, DCP Policy SP/1 requires consideration of the overall benefit to the community of the proposal where this may outweigh any adverse effect on employment opportunities.
37. I note the benefits which relate to the provision of housing, its location and accessibility within the village. I have also found no harm in respect of highway safety.
38. However, as stated above, while I recognise that the public house has been closed since 2013, in light of the extant use of the site, lack of viability evidence and my conclusions regarding the downgrading of the overall level of service provision, the weight I can attach to the re-opening of a community pub in this location as a benefit is limited.
39. Moreover, while the reinstatement of a public house use would provide additional employment opportunities, this is likely to be less than opportunities afforded if The Tree were to commence operations as per the extant use. Any economic benefits arising from the construction of dwellings, would be time-limited.
40. Overall, taking the above into consideration, I therefore find that there would be insufficient public and community benefits to outweigh the identified harm. The development would therefore conflict with DCP Policy SP/1 and the Framework which gives great weight to the conservation of heritage assets.

41. Finally, at the time of the Council's decision, they considered that they had no 5-year housing land supply, however, based upon submissions received as part of the appeal process, the Council now consider they can demonstrate this.
42. Where there is no demonstrable housing land supply, paragraph 14 of the Framework requires granting permission unless specific policies in the Framework indicate development should be restricted. Footnote 9 appended to this makes clear that designated heritage assets as well as protected species is such an explicit policy. Given the conflict with those policies of the Framework identified above, the even if paragraph 14 were to apply, the proposals cannot be considered sustainable development for which the Framework presumes in favour.

Conclusion

43. For the reasons given above, and having considered all other matters raised, the appeal should be dismissed.

C Searson

INSPECTOR