

Old Chesterton Residents Association (OCRA)

Comments on Planning Application 12/0705/FUL

Proposed residential development (erection of eleven dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Numbers 169 and 171 High Street, Chesterton. | 169 - 173 High Street East Chesterton Cambridge Cambridgeshire CB4 1NL

Background

1. This is a resubmission of a planning application that was determined by the Planning Committee on 2nd May 2012. There are no significant amendments justifying treating it as a new application; therefore this is a similar application as defined in Section 70A(8) of the town and Country Planning Act 1990.
2. The Planning Committee is not prevented by statute from considering this application and OCRA accepts that it is necessary to deal with all aspects of this application. We reserve the right to request a Development Control Forum notwithstanding that one was held on the original application.

Issues

3. The issues raised by residents are the following:
 - 3.1 Loss of a local community facility
 - 3.2 Loss of retail space in the local centre
 - 3.3 The proposed development is an overdevelopment which will have adverse impacts on neighbouring properties.
 - 3.4 The design is totally out of keeping with the local vernacular
 - 3.5 Increased hazard from traffic entering and leaving the site throughout the day
 - 3.6 Adverse impact on local parking from limited parking provision on a restricted site

Loss of local community facility

4. The applicants claim that the lawful planning use of 169 High Street is Class A3 Food and Drink which covers Restaurants and Cafes. This is incorrect in fact and law, an error unfortunately also made by the Planning Officer in his report on the earlier application. The Use Classes were revised in 2005 when the class former Class A3 was split up. Under the new scheme the established use is actually A4 Drinking Establishments which covers Public Houses, wine bars or other drinking establishments with a permitted change to A1, A2 or A3. Thus a public house does not have to apply for planning consent to operate a restaurant.
5. The 2005 change in permitted development provisions was intended to facilitate diversification of public houses, especially in small villages, to allow operations such as Post Offices to be operated from their premises, not to provide a loophole for a complete change of use that might not otherwise be permitted.
6. Looking at the actual layout and operation of the premises at 169 High Street on the date of their closure reveals a single main entrance to the premises, on the right hand side is the entrance to the restaurant created from the former Lounge Bar and on the left the Public Bar which has continuously operated as a public bar throughout the period during which the Dog and Pheasant was known as the Golden Pheasant and later Saigon City.

7. The City Council is currently consulting on its “Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge. The interim guidance will provide a policy framework prior to adoption of the new Local Plan to clarify circumstances when it is acceptable for a public house to be lost to alternative uses and when it is not acceptable. The guidance will also be used to help determine planning applications relating to the loss of a current or former public house to alternative uses.

8. The draft policy provides:

Development will only be permitted where evidence has been provided to satisfy the following criteria:

(a) The pub has been marketed for 12 months as a public house free of tie and restrictive covenant and for alternative local commercial or community facility, at a price agreed with the Council following an independent professional valuation (paid for by the developer) and there has been no interest in either the free- or lease-hold either as a public house, restaurant or other use falling within the ‘A’ use classes or as a community facility falling with ‘D1’ use class; and

(b) All reasonable efforts⁴ have been made to preserve the facility (including all diversification options explored – and evidence supplied to illustrate this) but it has been proven that it would not be economically viable to retain the building or site for its existing or any other ‘A’ or ‘D1’ class use; and

(c) Adequate alternative pub provision exists, or replacement provision is made available, in an equally or more accessible location within 400 metres walking distance to provide one pub per 750 working age adults; and

(d) It has been otherwise demonstrated⁶ that the local community no longer needs the public house or any alternative ‘A’ or ‘D1’ class use and its loss would not damage the availability of local commercial or community facilities that provide day-to-day needs in the local area.

9. None of the above criteria are met by this application. We note that 169 High Street is included in Section 5.1 of the consultative document and in Appendix I of the recently issued Issues and Options consultation on the Local Plan Review as one of the “**Pub Sites providing an important Local Community Facility in Suburban Areas**”.

10. We strongly object to the loss of another pub from Chesterton: of four public house premises in Chesterton the only one open at present is the Green Dragon. The appeal against refusal of planning permission for five houses on the Penny Ferry (lately Pike and Eel) was heard on 31st January and the decision was to allow the appeal. Since the original application the Penny Ferry has been included in the Central Conservation Area so there is a current application to demolish which is being very strongly contested by local residents. The Haymakers is still up for sale at a reduced asking price but is believed to have been sold to someone intending to run it as a pub. If all three premises reopen Chesterton will still be short of the one establishment per 750 of working age criterion set out at 8(c) above.

11. The applicants have owned the Saigon City (lately Dog and Pheasant and Golden Pheasant) for over two years, the last tenant found it increasingly uneconomic to run and gave up the tenancy at Christmas. To claim that this means that no-one can make the premises viable is a false conclusion based on a single business model. The tenant had noticed a significant change in the local demography over the past few years as more houses go into multiple occupation. Using a revised business model targeted to the changing demographic in Cambridge has proved successful in other parts of the City and we have no reason to suppose that a new tenant would not enjoy a similar success in Chesterton.

12. The issue of loss of a public house was carefully considered by the Planning Inspector who heard the appeal on The Plough at Shepreth. He concluded:

40. There are a number of matters that I consider weigh in favour of the proposed development. These include firstly that The Plough has not been a pub for some considerable time and that, notwithstanding its more recent use as a bar/restaurant, its conversion would not deprive the village of something that can currently be justly regarded as a community facility. Secondly, despite marketing the premises as a bar/restaurant for a period of some 4 years, the vendor has failed to secure a buyer. Thirdly, the former restaurant business proved unviable and had to be liquidated. The conversion would also result in a small supplement to the housing stock.

41. However, there are also matters weighing against the conversion. Firstly, the physical attributes of The Plough clearly make it suitable for a pub use and the proposed development would therefore result in the loss of a potential community facility – which it is accepted could be viable. Secondly, there are few other services and facilities in the village and the loss of even a potential facility takes on a particular significance. Thirdly, despite the lengthy period of marketing, I have reservations as to whether the asking price was realistic throughout that period and I do not regard the marketing so far carried out as carrying conclusive weight.

42. Based on the factors above I see the determination as being finely balanced. However, it is obvious that a substantial part of the community sees The Plough as a potentially valuable community facility and I am very much aware that approving the proposal is likely to result in the loss of that potential facility forever. I am also conscious of the weighty support offered by the NPPF to the retention and development of community facilities (including public houses) and its support for the involvement of all sections of the community in planning decisions. Taking these further considerations into account leads me to the conclusion that the loss of The Plough as a potential contributor to the social amenity of the village would be unacceptable.

43. Having had regard to all other matters before me I find nothing to add to or alter my finding above. The appeal must therefore fail.

*Lloyd Rodgers
Inspector*

13. Shepreth is a small village, Chesterton is a much larger community which is not persuaded that the applicant's premises have no future as a pub or pub/restaurant. The Inspector's recognition that once such a facility is lost it is lost for ever weighs heavily upon us.

14. The relevant national policy is in PPS4 and is EC14 which says:

"Policy EC13: Determining planning applications affecting shops and services in local centres and villages

EC13.1 When assessing planning applications affecting shops, leisure uses including public houses or services in local centres and villages, local planning authorities should:

a. take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use

b. refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs

c. respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability

d. respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping."

15. In our view the current proposals are contrary to the advice on items (a) and (b) above. Chesterton High Street has a limited retail offer at present. We are of the view that any new development within the local centre should retain the same number of current outlets, accepting that their uses may change as was the case with 173 High Street, formerly Rose's Cycle shop. Ideally we would wish to see additional units suited to modern retail needs where practicable.
16. Any loss of retail space is incompatible with the continued population growth of East Chesterton and Chesterton High Street's importance as a local centre. The demolition of 171 High Street and its replacement with a more attractive retail premises with accommodation above would be perfectly acceptable.
17. The demolition of 169 High Street would result in the loss of an attractive landmark building on the High Street which we consider can have a useful new life as a pub/restaurant under new management. We accept that it has had insensitive internal alterations and is currently looking a little down at heel. However it is actually in better condition than 81 High Street was recently restored and converted into flats Its demolition appears to be an opportunistic reaction to current economic circumstances.

Other Issues

18. Residents present at a meeting on 9th February organised by OCRA and attended by the applicants confirmed that the main issues for them were:
19. **Parking:** they regard the provision of one small parking space per dwelling as inadequate given that there is already great pressure on available parking space in Chesterton High Street with overspill affecting residents in Thrift's Walk and Grayling Close.
20. **Overlooking and loss of privacy:** The orientation of the semis means they look out onto the rear gardens and windows of existing properties in the High Street.
21. **Loss of a restaurant:** the Saigon City was the only restaurant in Chesterton.
22. **Gross overdevelopment of the site:** the Highway Authority had already responded on the inadequate space allocated for movement and parking on the site. We consider that the restricted garden space is totally out of keeping with that generally provided for family homes in Chesterton and rather inadequate as is demonstrated by the applicants' sketches of suggested use layouts for them.
23. **Development out of keeping with its surroundings:** existing semis have pitched roofs as have the terraces on each side of the proposed new dwellings fronting the High Street. The proposed semis to the rear of the High Street are actually smaller than those neighbouring them, the height is similar but the bulk of the third storey and their box-like appearance and very low-pitched, almost flat, roofs makes them appear higher and more intrusive. It is likely that if the owners wish to install solar panels they will have to be on easels to make full use of

available sunlight. We can see from those installed at the Vie development that they represent an unattractive and rather ramshackle appearance.

24. **Whole of life standard:** the third bedrooms of the new houses are only suitable for a small child and in our view this is not appropriate for new housing which should be built to well-established 'whole of life' standards with all rooms suitable for adult use.

Michael Bond
On behalf of Old Chesterton Residents' Association
119 High Street
Chesterton
Cambridge CB4 1NL