

PLANNING COMMITTEE MEETING – 4th March 2009

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: 1 APPLICATION REF: **09/0013/FUL**

Location: **13 Chesterton Road**

Target Date: 10.04.2009

To Note:

Further comments have been received from the applicant's agent, in response to the issues raised in the representations received, particularly in relation to relevant Development Plan policies. These comments are attached in full to the Amendment Sheet as Appendix 1.

Cambridge City Council Conservation Officer

The comments of the Conservation Officer were omitted from the report. They are set out in full below:

No. 13 Chesterton Road is an imposing building and makes a positive contribution to the character of this part of the Central Conservation Area. This is more evident since the trees and vegetation in the front garden have been cleared (consent granted 18 July 2007), and the front elevation of the building can be clearly seen. Therefore the retention of this building would be the preferred option. However, the structural engineer's report clearly states that in order to retain the building, so much of the original material would have to be replaced to make it stable that there would be little of the existing structure left. It would effectively be a modern building as methods would be required to guard against any future settlement problems. Therefore, on balance, the demolition of the building is acceptable, provided that its replacement is suitable for this part of the conservation area.

When the building is demolished, it should be done so in such a manner as to enable the salvaging of the materials for reuse in other building projects.

The character of this part of Chesterton Road is a mix of styles and heights, mainly 19th century town houses. This application has taken its design references from the buildings in the area and has incorporated traditional details from the surrounding Victorian properties. The building has bay windows to the front elevation on three floors, timber sash windows, decorative brick banding and eaves and verge detailing, along with stone sills and window heads. These details will assimilate the building

into the area more easily. Details will be required of the materials and construction of the balconies to the third floor prior to commencement of works.

The Hertford Street elevation is a long run. This has been broken up by recessing the middle section and cladding it in a different material. A sample of this material will be required for written approval prior to commencement of works. There is a different emphasis on the recessed part of the building with the vertical glazing to light the stairwell and the rooflight above. There is a glazed canopy to emphasise the main entrance to the building. The end section, furthest up Hertford Street, reverts back to the same building line as the first section and the same brick as the main part of the property, with the brick banding. These elements are all acceptable. The breaking up of the elevation reduces the massing of the building.

The loss of the wall along Hertford Street is regrettable, however, as the demolition of the building is accepted, the retention of this wall would not be possible as it is part of the character of the site as it exists now rather than with the modern building. If we were to retain this wall it would not be in context with its new surroundings.

The rear elevation from Hertford Street is acceptable. The cycle store is in a good location and has good details to match the main building. There is little detail on the bin storage area. Clarification needs to be obtained about the choice of materials for this area. Is it to be brick with timber doors? The proposed colour for the timber doors needs to be agreed prior to commencement of works.

The new boundary to the front of the property as a contribution to public art may be acceptable depending on the design and its suitability for the conservation area. Full details will be required prior to commencement of works.

Overall this design will be a positive contribution to the preservation of the character and appearance of the conservation area provided that the building is well constructed with the detailing carefully executed.

Cambridge City Council Building Control

In the light of comments made during the DCF, I have taken advice from my colleagues in the Building Control Section regarding the condition of the building. Their comments are set out below:

In answering your enquiry may I take this opportunity to provide some background history to this site.

We have had the building registered as a Dangerous Structure since 11 April 2007. Around the time a previous planning application was submitted. At this time Building Control received a copy of the Structural Engineers report by Guy Dolby of Peter Dan consulting engineers dated 3 April 2007. I would refer to e-mail correspondence with Paul Johnson (Planning Department) and Jonathan Hurst (Conservation Dept) that took place at this time.

I confirmed that the Building was NOT dangerous as per Sec 78 of the 1984 Building Act requiring immediate action but was considered dangerous under Sec 77 of the 1984 Building Act requiring constant monitoring of the condition - I noted options include demolition (in a proper manner) and/or shoring of the structure to protect the building users and public adjacent. Shoring can only be seen as a temporary measure not resolving the condition of the property in the long term.

I undertook a site visit with the Owner Mr Marino on the 24 April 07 and noted to Paul and Jonathon by e-mail at the time my view as to the condition of the existing with regard to status of the building as a Sec 77 Dangerous Structure still stands but conceded that 'the work required to stabilise the existing would actually mean the fabric of the existing is effectively demolished due to the condition of the building. This is by inspection of areas visible at the moment' Once areas are removed who knows what will be found and what further work will be required.

Since this time there has been a fire at this address for which we have records as we attended site to advise the Brigade on the integrity of the structure. Further deteriorating the condition of the existing since the report was commissioned.

Initially I was sceptical as to the conclusions of the Structural Report - however Guy Dolby and Peter Dan Consulting Engineers are long standing local professionals and to ignore the report would be 'foolish' and after site inspection concede that the condition of the building is as the report dated 3 April 2007.

I am afraid I cannot give an independent structural report for which the Council will need to seek the services of the appropriately qualified Structural engineer I can only provide an independent comment on the findings in the report submitted.

We continue to monitor the condition of the property.

Amendments To Text:

Addition to paragraph 1.2 – Opposite No. 13 Chesterton Road, on the junction of Hertford Street and East Hertford Street, outline planning permission has been granted for the erection of a two-storey student hostel, following the demolition of the existing house, which is known as St Leonards (07/1263/OUT). An application for reserved matters has now been received and is likely to be presented to North Area Committee on 19 March 2009 (09/0049/REM).

Addition to paragraph 7.1 (Representations) – Representations have also been received from 27 Magrath Avenue, 29 Chesterton Road and 65 Alpha Road, but have raised issues already addressed in the report.

Peter Carolin, who is the Chair of the Design and Conservation Panel has given his own views on the application, which are as follows:

The proportions of the Chesterton Road elevation are uncomfortable. As a result of cramming more accommodation on the site, the composition of the bays has become very cramped and the elevation sits uneasily in the context of Chesterton Road. This

is ironic in view of the fact that the use of these bay elements is clearly meant to be a reference to the Chesterton Road 'type'.

The Hertford Street elevation is distinctly 'dumb' – combining 'contemporary' and 'traditional' detailing in an effort to lighten the impact of this long and high façade. To my eyes, the outcome looks 'heavy-handed'.

In one sense, this kind of design solution is all too common nowadays. It is neither modestly 'ordinary' - doing a simple job well, as housing should nor skilfully and gently humorous, as a building on this corner site might well be.

Addition to paragraph 8.21 – If approved, the proposed student hostel on the site of St Leonards, (which is directly opposite No. 13 Chesterton Road, on Hertford Street), would not in my opinion alter this situation and would not lead to an unacceptable tunnelling effect down Hertford Street, as open areas on both sides of Hertford Street would remain.

Pre-Committee Amendments to Recommendation:

DECISION:

Additional condition (implementation and maintenance of renewable energy):

The proposed on site renewable energy technologies shall be fully installed and operational prior to the occupation of the buildings hereby permitted, and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 Policy 8/16)

CIRCULATION: First

ITEM: 2 APPLICATION REF: **09/0014/CAC**

Location: **13 Chesterton Road**

Target Date: 06.03.2009

To Note:

Further comments have been received from the applicant's agent, in response to the issues raised in the representations received, particularly in relation to relevant Development Plan policies. These comments are attached in full to the Amendment

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Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: 3 APPLICATION REF: **08/1421/FUL**

Location: **4A Laburnum Close**

Target Date: 11.12.2008

To Note: This application has been deleted from the agenda because it is not possible for the applicant to be properly represented at the meeting. The application will now be brought before Planning Committee on 1st April 2009.

General Item

CIRCULATION: First

ITEM:

Proposed felling of 5 Leyland Cypress trees on Empty Common.

To Note:

A letter of objection has been received from 4 Lambourn Close objecting to the felling of the 5 Leyland cypress trees on Empty Common. A copy is attached.

Additional signatures to the petition submitted on 22nd December 2008 and a covering letter from Suite 124 King Street have been received – copies are attached.

An email has been received on behalf of the Empty Common Allotment Society – a copy is attached.

Amendments To Text: none

Pre-Committee Amendments to Recommendation: replace recommendation with

“Planning Committee advises that it has no objection to the felling of 5 Leyland cypresses on Empty Common.”

DECISION:

APPENDIX 1 – Further comments received from the applicant’s agent

09/0013/FUL Erection of twelve apartments with associated car and cycle parking and landscaping

Central government guidance is given in PPG 15, PPS 1 and PPS 3.

PPG 15 – Planning and the Historic Environment

Para 4.14 states that ‘Section 72 of the Act [the Planning (Listed Buildings and Conservation Areas) Act 1990] requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a conservation area.’

However, para 4.20 explains that ‘Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area’s character or appearance, or by development which leaves the character and appearance unharmed.’

Para 4.17 explains how this can be achieved: ‘What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.’

Para 4.18 gives further guidance, stating that ‘...Special regard should be had for matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials).’

A full study of the context of the site was undertaken for the previous planning application and was revisited following the previous refusal. This led to a thorough re-appraisal of the design against the criticisms made of the previous scheme. This was shared with and agreed by the City Council’s Planning and Conservation Officers and is set out within the Design and Access Statement which accompanies the application.

Using the tests in PPG 15, it can be seen that the scale of the building works extremely well in townscape terms stepping up from the adjacent No.11 to reach the height of No.15 on the opposite corner of Hertford Street. Along Hertford Street, again the building increases in scale towards Chesterton Road, a common feature of the area. The stepping frontage responds well to the varied heights of buildings along Chesterton Road and the eaves height now matches No.15 to form a ‘gateway’ with that building to Hertford Street.

The stepping of the building on the Chesterton Road frontage helps break down the mass of the building – even though the block is nowhere near as massive as other buildings along Chesterton Road. On Hertford Street, the gable end directly faces that of No.15 and is of similar proportions. To the

rear of the site is a lower block which mediates between the scale of the frontage block to Chesterton Road and the scale of buildings on Hertford Street. Linking these two gault brick forms is a recessed entrance block clad with a different material to further break down the mass of the building and articulate it well.

The pattern of frontages is respected by splitting the building form along Chesterton Road to read as a semi-detached pair with separate garden areas and front doors. The building has a very strong vertical emphasis to reflect that of the traditional buildings in the area whilst the materials and detailed design are all quite clearly influenced by those of the Victorian and Edwardian houses in the area. Details such as the bay windows and brick eaves and verge details follow the patterns seen in the area.

Set against the tests in Section 72 of the Planning (Listed Buildings and Conservation Areas Act) and PPG 15, it is very clear that the building has been strongly influenced by the buildings in the area and that it will fully respect and therefore preserve the character and appearance of the Conservation Area. Both the Conservation Officer and the Victorian Society agree that the proposed replacement building will preserve the character and appearance of the conservation area with the Conservation Officer describing it as making a 'positive contribution'.

PPS 1 – Delivering Sustainable Development

This policy statement gives more generic advice on achieving design appropriate to local character, but largely follows the advice given in PPG 15.

Paragraphs 31 -39 emphasise the importance of good design, although para 38 states that 'Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally. Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.'

A context appraisal of the site and surrounding area was undertaken prior to the preparation of any development proposals. This assessment analysed the character of the area by evaluating the land use, urban grain, heights of buildings, views, building materials and details, landscape, trees and landmarks in the area. This established the key qualities of traditional buildings that were to be maintained in the redevelopment of the site and fed into the design development of the replacement building.

Following the refusal of planning permission for a contemporary scheme, the context appraisal was revisited and the design completely rethought to

address the reasons for refusal which concentrated on some key design points, mainly regarding the 'modern' nature of the previous building. As a result, the new proposal is far more 'traditional' in its approach, but does not directly imitate the existing or adjacent Victorian buildings. It does, however fully respect the traditional buildings in the area as described above.

PPS 3 – Housing

Paragraph 16 sets out matters to consider when assessing design quality. These include ensuring that the development:

– Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.

This is an extremely accessible development in walking and cycling distance of all the city centre facilities and on a frequent public transport corridor. The plot is used very efficiently and the bike and bin stores and disabled parking space placed in convenient locations. The entrance lobby and bike stores will all be secure to help ensure the safety of the occupants.

– Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.

The site is just across the road and river from Jesus Green one of the most popular parks in central Cambridge. Two of the apartments have private garden areas whilst the two upper flats attractive balconies.

– Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

As described above, the proposed development will fit comfortably within its context.

– Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change. The development will meet the Council's target for '10% renewables' and building materials will be salvaged for re-use wherever possible. Opportunities for coordinating the building programme with that on the adjacent College-owned site are being explored to reduce disturbance to neighbours should consent be granted.

– Takes a design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.

Only three car-parking spaces (the same as the on-street provision which the existing building currently enjoys) are proposed. These are set within the plot so that cars will not overhang the footway and there is a space in front of the

bin store so that bins can be left out on collection day without obstructing the footpath.

– Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

The building has been designed to reflect the character of local buildings.

– Provides for the retention or re-establishment of the biodiversity within residential environments.

The site has little or no biodiversity value. Tree and plant species which encourage wildlife will be planted.

Paragraphs 20-24 examine the issues around achieving a mix of housing with para 24 stating that 'For smaller sites, the mix of housing should contribute to the creation of mixed communities.' Paragraphs 40-51 discuss the effective and efficient use of land with para 49 stating that:

'Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric' which can, 'when well designed and built in the right location ... enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space. Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance.'

The proposed building provides smaller residential units in an area characterized by a mixture of family dwellings and student accommodation, and therefore will help to diversify the type of accommodation available in a desirable and sustainable part of Cambridge.

The design of the building has taken its references from the existing buildings in the area and has incorporated traditional details from the adjacent Victorian properties. This design approach assimilates the building into the area successfully and clearly constitutes good design.

Cambridge Local Plan 2006

Local Plan Policy 3/1 requires development to meet the principles of sustainability. The proposals:

- make more efficient use of land (in line with PPS 3);
- safeguard and enhance the historic built environment (in line with PPG 15); and,
- are sited and designed to reduce the need to travel (in line with PPS 1).

As described above, the proposed development does make efficient use of the land, is located in a highly-sustainable location and encourages the use of

travel by means other than the private car. Its design will preserve the character and appearance of the Conservation Area.

Local Plan Policy 3/4 states that development has to demonstrate it has responded to context and drawn inspiration from the key characteristics of its surroundings to create a distinctive place. The Context Appraisal has identified the existing features of historic and local character to ensure that the new development integrates successfully with its context, responds positively to it and enhances the existing high quality area. Following the previous refusal, the design has been re-appraised and the rationale agreed with the City Council Officers.

Local Plan Policy 3/7 requires development to demonstrate, through a number of suggested factors, how it creates a successful place by providing an attractive, high quality, accessible, stimulating, socially inclusive and safe living and working environment. The proposal does this by:

- the creation of attractive built frontages to positively enhance the townscape along both Chesterton Road and Hertford Street;
- the provision of active edges onto both Chesterton Road and Hertford Street by locating entrances and windows of habitable rooms next to the streets, promoting natural surveillance;
- the use of high quality traditional (gault brick) and modern materials (rendered panels); and
- the provision of clear, usable, safe and enjoyable private spaces to the front and rear of the property.

Local Plan Policy 3/12 – The Design of New Buildings – and its supporting text, paras 3.33 – 3.36, set out the criteria that the design of a new building must demonstrate it has taken account of. The Context Appraisal produced at the beginning of the development process provided the baseline for the evolution of the building's design and demonstrates that the design has followed a clear methodology in arriving at the final design which follows historic precedents in the locality with a contemporary edge, but using traditional materials. As a result, the building has a positive impact on its setting, expresses its residential function, is accessible, and integrates services into its design.

Part a) of Local Plan Policy 4/11 – Conservation Areas – has already been discussed above, so parts b) and c) are examined here. Part b) states that development in a conservation area will only be permitted if 'the design of any new building or the alteration of an existing one preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a successful contrast with it'. This has already been examined above; both the Conservation Officer and Victorian Society have commented that the design of the building is acceptable.

Part c) of Policy 4/11 states that development in a conservation area will only be permitted if 'a new or intensified use will not lead to traffic generation or other impacts which would adversely affect the Area's character'. The use of the building will remain residential and, although the number of units will

increase, there will be no material increase in traffic generation because the on-street parking spaces currently allocated to the existing property will be lost with the redevelopment of the site. Only three parking spaces are to be provided to the rear of the property and one of these will be a disabled space. This is far lower than the Council's adopted maximum standards because of the site's sustainable location and cycling is encouraged by the provision of cycle parking spaces to the Council's adopted standards.

Other Issues Raised by Objectors

Several of those objecting to the proposals have suggested that the house was the inspiration for Philippa Pearce's book 'Tom's Midnight Garden'. We can find no evidence that this is the case and the supposition appears to be based on the fact that the author was a student at Girton College and may have been familiar with the property.

Philippa Pearce was born at the Mill House in Great Shelford and said that the inspiration for writing 'Tom's Midnight Garden' came when her father decided to sell that property and she felt that part of her childhood would be 'chopped off' from her. If No.13 Chesterton Road was known to Philippa Pearce and influenced anything in the book, it was not a major aspect. If any building was to be considered to have any historic interest because of its association with the author it would be the Mill House not No.13.

Some objectors have commented on the quality of the Walnut trees in the rear garden. Unfortunately both trees have been badly damaged by the squatters who for some reason attempted to chop them down. Both have been significantly damaged. Neither tree could be considered to have any long-term amenity value, and as the Tree Survey shows, they should not be considered to be a constraint to development.

Conclusion

The proposed development clearly demonstrates that it meets all of the relevant national and local planning policy requirements. Although it is accepted that the existing building makes a positive contribution to the character and appearance of the Conservation Area, a professional consulting engineer's advice is that the building would need to be rebuilt to such an extent that little Victorian fabric would remain unaltered and for safety and viability reasons he recommends demolition. The proposed new building has been very carefully designed in full consultation with the City Council's Officers. The new building will preserve the character and appearance of the conservation area as required by national and local planning policy.

APPENDIX 2 – Further comments received from the applicant’s agent

09/0014/CAC Demolition of existing building

Central government guidance is given in PPG 15.

Para 4.27 states that ‘The general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of the Conservation Area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19).’

Para 3.17 states that ‘The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic structure’.

Para 3.16 however accepts that there will be cases where demolition is unavoidable. Para 3.19 sets out the considerations which will apply in such cases.

Para 3.19 sets out three criteria. The second of these can be paraphrased as saying that the building is incapable of beneficial re-use. This is only applicable to No.13 due to the condition of the building. The third criterion can be paraphrased as saying that there will be wider public benefit arising from the redevelopment. This is a very subjective issue. Whilst there is a wider social benefit from providing an increased amount of housing on such an attractive and accessible site (as required by PPS 3), this in itself would be difficult to balance against the loss of an ‘historic’ building per se.

The case for the applicant relates largely to the first criterion of paragraph 3.19. This states that consideration needs to be taken of ‘the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use’.

We have been criticised by some for not providing a priced specification for the repair of this building. What has been provided however is a structural engineer’s report which sets out the defects of the building and what would need to be done to remedy these defects. These works are extremely extensive involving the rebuilding of external walls, underpinning and replacement of the roof and floor structure. Cost is not the issue here. It is the fact that if these works take place No.13 will not be an ‘historic’ building any more, it will be a modern building constructed to modern standards. This conclusion has been accepted by the Conservation Officer who does not object to the demolition of the building.

Objectors to the scheme have made much about the 'importance of the building'. The building is in a conservation area and it contributes positively to the townscape of the area as one of a range of unlisted mostly Victorian buildings in the area. It is not a listed building, nor does it appear on the Council's list of Buildings of Local Interest. Some objectors have suggested links with Philippa Pearce and her famous children's book 'Tom's Midnight Garden'. These appear to be uncorroborated with the main influence for this work being the Mill House at Great Shelford where Philippa Pearce lived for many years.

The 'value' of No.13 therefore lies in its contribution to the general townscape of the area. What is proposed seeks to ensure that the proposed building will make an equally positive contribution to the townscape. More details are provided within the section below though it can be seen that both the Conservation Officer and the Victorian Society accept that this is the case. Cambridge Local Plan Policy 4/11 seeks in principle to resist the demolition of buildings or features which make a positive contribution to the character and appearance of the Conservation Area. The supporting text in paragraph 4.40 states that 'when considering the demolition of buildings which contribute positively to the character of Conservation Areas, the same tests that would apply to the demolition of a Listed Building will apply (Policy 4/10). The latter states that 'works for the demolition of a Listed Building will not be permitted unless a) the building is structurally unsound for reasons other than deliberate damage or neglect'.

Some objectors have implied that this building has been deliberately damaged or neglected. The structural problems which the building has are as a result of settlement and to some extent failures resulting from differential settlement between the original (1883) building and the extension which was added between 1888 and 1903. Neither of these is a result of damage or neglect. The applicant has only owned the property for the past two years. In that time, despite concerted efforts to prevent unauthorised access to the building, it has been broken into and vandalised on numerous occasions and lead stripped from the rear valleys of the roofs. These incidents have been reported to the police and crime numbers issued.

It is therefore not the case that the condition of the building is as a result of a lack of maintenance. The structural problems are more fundamental as has been demonstrated by the Structural Engineer's Report which accompanies the application.

In these circumstances, provided that the proposed building preserves or enhances the character and appearance of the Conservation Area (taking into account any other material planning considerations), the demolition of the building is justified.

Conclusion

The proposed development clearly demonstrates that it meets all of the relevant national and local planning policy requirements. Although it is accepted that the existing building makes a positive contribution to the

character and appearance of the Conservation Area, a professional consulting engineer's advice is that the building would need to be rebuilt to such an extent that little Victorian fabric would remain unaltered and for safety and viability reasons he recommends demolition. The proposed new building has been very carefully designed in full consultation with the City Council's Officers. The new building will preserve the character and appearance of the conservation area as required by national and local planning policy.