

# CAMBRIDGE CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

## REFUSAL OF PLANNING PERMISSION



Ref:17/1771/FUL

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Mr Keith Paine  
K D Paine & Associates Ltd  
Adur Business Centre  
Little High Street  
Shoreham by Sea  
BN43 5EG

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The Council hereby refuse permission for

**Demolition of existing structure, retention of original facade and returns.  
Construction of seven 1-bed apartments and nine 2-bed apartments and  
creation of self contained unit on ground floor for A1, A2, A3 or A4 use (in the  
alternative)**

at

**The Tivoli 16 Chesterton Road Cambridge Cambridgeshire CB4 3AX**

in accordance with your application received 12th December 2017 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The public house is identified as a protected public house in the Interim Planning Policy Guidance on The Protection of Public Houses in the City of Cambridge (2012) and public houses are recognised in paragraph 70 of the National Planning Policy Framework (2012) as community facilities. The proposed commercial unit is less than one third the size of the original public house lacks sufficient management accommodation and ancillary storage/ staff space, and, the proposed use (A1, A2, A3 or A4 in the alternative) does not guarantee the retention of a public house use on the site. No marketing evidence has been provided to justify the loss of the public house use and insufficient evidence regarding viability has been demonstrated. The loss of the public house would have a detrimental impact on the ability of Mitcham's Corner to serve the needs of local people and adversely affect the area's vitality and vibrancy. As such the proposal would be contrary to Cambridge Local Plan (2006) policy 5/11 and guidance within the National Planning Policy Framework (2012).

2. The principle of residential development is considered unacceptable as insufficient information has been submitted to demonstrate that the proposal would be compatible with adjoining uses. The potential impact of noise and odour disturbance from the adjacent public house at no.14 Chesterton Road, and any public house retained on-site, has not been considered. A residential use on the site may impact on the viability of adjacent and on-site public houses and there is insufficient information to determine that any noise and/or odour impacts can be dealt with by way of conditions. As such the proposal would be contrary to Cambridge Local Plan (2006) policy 5/1 and guidance within the National Planning Policy Framework (2012).
3. The proposed development by virtue of its excessive scale, mass and bulk would appear dominant and out of context with the character of the Mitcham's Corner and Chesterton Road area. The proposed additional mass behind the façade, enormous rising staircase tower and lack of clarity over materials would completely dominate and detract from the street scene and overpower the original façade of the Tivoli building which is a local landmark in the street. As such, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would be contrary to policies 3/4, 3/7, 3/12, 3/13 and 4/11 of the Cambridge Local Plan (2006) and guidance within the National Planning Policy Framework (2012).
4. The proposed development would introduce an incongruous form of development into the area that would dominate and detract from sensitive views from Jesus Green and the River Cam. The north bank of the River Cam is characterised by soft greenery and modest scales and designs of built form that respect the sensitive setting of the Central Conservation Area and the green character of the protected open space of Jesus Green. The proposed six-storey scale, alien lift shaft tower, unorthodox fenestration and lack of clarity over the material palette would appear out of character within the context of the area and appear overly prominent from key public viewpoints from Jesus Green. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would not complement and enhance the waterside setting. The development is therefore contrary to policies 3/4, 3/7, 3/9, 3/12, 3/13 and 4/11 of the Cambridge Local Plan (2006) and guidance within the National Planning Policy Framework (2012).
5. Insufficient information has been submitted to determine the likely impact upon trees adjacent to the site, the majority of which make a positive contribution to the green character and appearance of the area from public views along Chesterton Road, Jesus Green and the River Cam. It cannot be confirmed that these trees could be protected during demolition/construction works nor what the likely impact would be in terms of potential pressure to fell from occupiers of residential units. As such significant harm could be caused to the character and appearance of the area caused by the loss of the existing trees which have an important role in contributing to the green character of the north bank of the River Cam. As such, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/9, 3/11 and 4/4.

6. The proposed development, by way of its excessive scale and mass, particularly the lift shaft, may lead to a harmful loss of light being experienced in the adjacent first-floor bedroom window at No.18 Chesterton Road. The proposed development would break the 45 degree lines of sight from the nearest window. No additional information has been submitted to demonstrate that the levels of light reaching the affected windows would be adequate and it cannot be determined that the levels of light reaching this neighbour would be acceptable. The excessive scale and mass of the development would also harmfully overbear the outlook from the bedroom window and first-floor roof terrace of the neighbour at no.18 Chesterton Road. As such, the proposal is contrary to policies 3/4 and 3/12 of the Cambridge Local Plan (2006) and guidance within the National Planning Policy Framework (2012).
7. The proposal fails to provide a satisfactory living environment for future occupants of the residential unit. The majority of the proposed windows would be north-facing or have private balconies that have limited outlooks. The proposal lacks adequate cycle parking. The main entrance involves walking past a large exposed bin store which is not an acceptable means of access. No information regarding disabled access has been provided. There is also insufficient information regarding noise and odour from nearby and proposed commercial uses and the impact that this would have on future occupants. As such, the proposal is contrary to policies 3/7, 3/12, 4/13, 5/9 and 8/6 of the Cambridge Local Plan (2006) and guidance within the National Planning Policy Framework (2012).
8. The proposal does not include the provision of any affordable housing or any information regarding the viability of the scheme and as such is contrary to Cambridge Local Plan (2006) policies 5/5 and 10/1 and guidance within the National Planning Policy Framework (2012).
9. No information regarding the sustainability of the proposal or how 10% of the development's total predicted energy requirements on-site will be provided from renewable energy sources has been provided. As such, in the absence of sufficient information, the proposal is contrary to policies 3/1 and 8/16 of the Cambridge Local Plan (2006).
10. A transport statement has not been provided and the likely impact of the proposal upon the highway network cannot be determined in terms of trip generation and parking demands. As such, in the absence of sufficient information, the proposal is contrary to policy 8/2 of the Cambridge Local Plan (2006).
11. The site falls within flood zones 2 and 3 and adequate information has not been provided to demonstrate that the proposed development would have an acceptable impact in terms of flood risk and surface water drainage. In the absence of acceptable information, the proposal is considered to pose a risk to flood risk and surface water flooding and as such is contrary to paragraph 103 of the National Planning Policy Framework (2012).

12. Insufficient information has been submitted to demonstrate that the proposed restaurant/ café (A3) or public house (A4) commercial uses could function without having a harmful impact on the amenities of both future occupants of the proposed development and the adjoining flats above no.18 Chesterton Road in terms of noise and odour. The submission lacks suitable detail to make an informed assessment. In the absence of this noise and odour information, the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/13 and 6/10.
13. The proposed development does not make appropriate provision for informal open space, community facilities, indoor sports, outdoor sports and play provision for children and teenagers in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 5/14 and 10/1 and as detailed in the Planning Obligation Strategy 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

This decision notice relates to the following drawings: **PL\_01, PL\_04, PL\_05 and PL\_06.**

A copy of the refused plan(s) is/are kept in the planning application file.

**INFORMATIVE:** Compliance with the Town and Country Planning Development Management Procedure Order 2010 (as amended) Part 4 Paragraph 31.

In reaching this decision the City Council has worked in a positive and proactive manner with the applicant and sought to find solutions to problems arising in relation to dealing with the planning application. In general the Council will seek to approve applications for sustainable development and work proactively with applicants that will improve the economic, social and environmental conditions of the area. The Council provides a pre- application advice service, the details of which are set out on our website. When an application is received the Council will add such planning conditions as are necessary to allow the application to be approved or will provide detailed reasons for refusal where planning issues are not capable of resolution.

For further information please go to [www.cambridge.gov.uk/planning](http://www.cambridge.gov.uk/planning).

Dated: 13 March 2018



Director of Planning and Economic Development

SEE NOTES ATTACHED

## **PLANNING PERMISSION**

### **1. Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder or minor commercial planning application, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from <https://acp.planninginspectorate.gov.uk/> The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **2. Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

## **LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT**

### **3. Notification of Demolition**

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

### **4. Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

### **5. Purchase Notice**

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **6. Compensation**

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

## **CONSENT TO DISPLAY AN ADVERTISEMENT**

### **7. Appeals to the Secretary of State**

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)