



Appeal Decision

Site visit made on 18 July 2013

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 August 2013

Appeal Ref: APP/Q0505/A/13/2191745

Comar Instruments, 70 Hartington Grove, Cambridge, CB1 7UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Marsh of Comar Instruments against the decision of Cambridge City Council.
 - The application Ref 12/1404/OUT, dated 23 October 2012, was refused by notice dated 4 January 2013.
 - The development proposed is demolition of existing building and erection of 3no. dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is made in outline with all matters reserved, although the application was submitted with illustrative drawings including a proposed layout. Both the Council in their decision notice and the appellant in their statement refer to this drawing as 21431/P1 Rev A, although this drawing was superseded during the planning application process by 21413/P1 Rev B, which indicated a wider site access from the public highway. At the site visit, the representatives for both parties confirmed that the latter drawing, which sought to overcome issues raised by the Local Highway Authority, was the most up-to-date layout plan and I have determined the appeal on this basis.

Main Issues

3. The main issues in are:
 - i. The effect of the proposal upon employment land supply with specific reference to land availability for those uses falling within Class B1(c); and
 - ii. Whether the proposal would make adequate provision in respect of public open space, community development facilities and waste storage.
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Reasons

Employment Land Supply

4. The appeal site is occupied by the appellant's business which manufactures optical components and is situated within a predominantly residential area, albeit with a violin workshop abutting its southern elevation.
5. The appeal building is single storey and fills the complete width of its site with a small parking area to its frontage, accessed via gates situated between Forum House to the east and an unmade track that runs in a north-south direction to the west. On the opposite side of this track is a two storey dwellinghouse, 68 Hartington Grove, the occupants of which have raised objections to the proposals.
6. The site is not allocated for any specific land use, although Policy 7/3 of the Cambridge City Council Local Plan 2006 (LP) seeks to protect sites that are in employment use from changes to other uses. The policy has five criteria, the first of which has to be complied with before any of the others can be considered. Criterion a. only allows a loss of floorspace within, *inter alia*, Use Class B1(c) where there is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high.
7. Both main parties are in dispute as to whether or not there is a sufficient supply of B1 (c) floorspace in the City, with the Council drawing upon their Employment Land Review Update 2012 (ELRU) which identifies a net loss of such industrial land over the last 10 years. The appellants do not specifically contest this point, but state that the cited figures are largely academic, as planning policies need to be applied to the site being assessed and the material considerations evaluated.
8. I note that the ELRU identifies 2.02 Hectares of B1(c) land in the pipeline (Table 3-9) and Table 2-4 forecasts a net floorspace requirement of 700m² - 500m² for the period 2011-31 in Cambridge City. Paragraph 2.18 of the ELRU does however state that there will be a reduction of forecast net floorspace requirement over the 2011-2031 period of 25,000-26,000 m² for B1(c)-B2 uses in both Cambridge City and South Cambridgeshire District. Based upon the above, I consider that there is adequate land in the pipeline for B1(c) Uses in compliance with the first part of criterion a) of LP Policy 7/3.
9. An appeal decision at 13-14 Mercers Row (Ref: APP/Q0505/A/12/2174003) has been brought to my attention. This related to the loss of a protected industrial site pursuant to LP Policy 7/3, and specifically identified as such on the Local Plan Proposals Map. As found by the Inspector for that appeal, Policy 7/3 operates on the basis of protecting the best industrial and storage sites and evaluating other sites, such as the appeal site, against criteria. In that respect the policy seeks to strike a flexible balance. I therefore consider that whilst I do not have the full details of that case before me, there are material differences between that scheme and the proposal the subject of this appeal.
10. The Council also states that the appellant has failed to demonstrate that vacancy rates are high and that there has been no attempt to market the property for continued industrial use. Whilst the appellant has submitted with its statement an independent assessment from a local property agent, they

have not formally marketed the premises. Nevertheless, the appellants have provided evidence from the Council's own vacant property register that there are a number of light industrial units available within the City. Whilst I cannot determine from the facts before me, whether or not vacancy rates are high, I have been provided with no definition as to what a high vacancy rate constitutes. I have however found that there is a sufficient supply of new B1(c) floorspace in the City to meet demand. Further, due to the fact that the proposal is for residential redevelopment, Criteria b. and d. of Policy 7/3 are not relevant to the appeal.

11. The Council acknowledges that redevelopment for continued industrial use may be unviable, but state that the existing building may be attractive to a range of occupiers. Furthermore, they state that no evidence has been advanced by the appellants to suggest that the current occupiers requirements are so specialised that its continued occupation by an industrial use would necessitate complete redevelopment. The Council considers that condition 2 of planning permission C/1348/88 is not overly restrictive, which allows the premises to be used for the processing and despatch of small scientific instruments and storage only. The Council states that there are likely to be similar businesses in the Cambridge area, but no such evidence has been provided.
12. Whilst the appellants may not have fully demonstrated that there is no reasonable prospect of a continued industrial use on the site, I find that the proposed redevelopment would facilitate the expansion of the appellant's business elsewhere within the City. Therefore, from a wider economic perspective the proposals fulfil one of the National Planning Policy Framework's (NPPF) Core Planning Principles, which is to proactively drive and support sustainable economic development and respond positively to wider opportunities for growth.
13. Further, whilst unproven that there may be other businesses in the Cambridge area that could comply with the site's restrictions, I am aware that the reasoning behind the condition was that that permission would not have been granted for any other use or activity. This is because it was considered that other uses or activities would be detrimental to the amenities of the area. I therefore consider that the current restrictions on the site are very limiting and taking into account the aged nature of the building and the fact that internally it has been sub-divided into a number of small rooms that have evolved over time, it would not render itself attractive to contemporary business trends for open plan working. I am of the opinion that the reasoning behind the current restrictions on the use of the site, limited available car parking and its close proximity to other residential properties, renders the continuation of the site for other industrial purposes likely to be harmful to the living conditions of the area (criterion c. of Policy 7/3) and consequently redevelopment for residential development would be more appropriate (criterion e. of Policy 7/3).
14. In conclusion on this point, I therefore find that the proposed redevelopment of the site to residential complies with Policy 7/3 of the Local Plan and paragraph 21 of the NPPF which states that investment in business should not be overburdened by the combined requirements of planning policy expectations.

Public open space, community development facilities and waste storage

15. The second reason for refusal cites that the proposed development does not make appropriate provision for public open space, community development facilities, waste storage and monitoring through the provision of a planning obligation. With respect to the Community Infrastructure Levy Regulations 2010 (CIL) to render a planning obligation acceptable in planning terms it must be necessary, directly related to the development and fairly and reasonably related in scale and kind.
16. The Council in their statement have set out the financial contributions required for the heads of terms which are based upon its Planning Obligations Strategy Supplementary Planning Document (2010) (SPD). A list of projects in the local area has been provided and for which the contributions would mitigate the adverse impacts of the development on the local community and infrastructure of the City. I consider that these requested contributions fulfil the CIL regulation tests and consequently, in the absence of a completed planning obligation before me, the proposal conflicts with Policies 3/8 and 10/1 of the Local Plan and the SPD. I also find further conflict with Policy P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003 which require developments to contribute to infrastructure and community requirements generated by the proposals.

Other Matters

17. The occupant of 68 Hartington Grove raises concerns with regards to a loss of privacy to her property, in addition to overshadowing of her house and garden, including to a solar hot water system on the rear south facing elevation. Such overshadowing, she considers would be most prevalent from the period from early Autumn to Spring.
18. The increase in height of built form on the site as a result of the appeal proposal would be apparent within the rear garden scene. The northernmost dwelling, if constructed broadly in accordance with the indicative site layout, would be approximately level with the rear garden boundary of No. 68. I inspected the appeal site from windows on the ground and first floors of No. 68, in addition to from its garden and noted that there are established trees and shrubs within the south and western boundaries of that property that would provide a degree of screening from the development. Taking this into account, the fact that the internal layout of the proposed dwellings has not yet been determined, and it is likely that any views afforded from the closest dwelling would be oblique, I find that any loss of privacy through overlooking would not be material.
19. Furthermore, whilst I note that the proposed development would likely be sited due south east of the appeal site, taking into account the established surrounding vegetation, the degree of separation and the likely height of indicative two storey housing, I also consider that an increase in overshadowing of the rear elevation and garden of No. 68 would not be material. Consequently, I do not find that the proposed development would give rise to a detrimental impact upon the living conditions of the occupants of surrounding residential properties. The proposal is in accordance with one of the core planning principles of the NPPF which is to seek to secure high quality

design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusions

15. I have concluded above that the proposal would not have a significantly adverse effect on the living conditions of neighbours, or upon the supply of B1 (c) land within Cambridge City. However in the absence of a planning obligation to provide for public open space, community development facilities and waste storage, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR