

<b>Application Number</b>	13/1864/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th January 2014	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	24th March 2014		
<b>Ward</b>	Abbey		
<b>Site</b>	24 Cheddars Lane Cambridge Cambridgeshire CB5 8LD		
<b>Proposal</b>	Change of Use from Sui Generis use (Taxi Office) to a Sui Generis use (sale and fitting of second hand tyres)		
<b>Applicant</b>	Mr Javid Azarbarzin 3 Chesterfield Road Cambridge CB4 1LN		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal would respect and reflect the existing uses on the estate;</li> <li><input type="checkbox"/> The proposal would include off-street parking;</li> <li><input type="checkbox"/> The proposal would not have an adverse impact on residential amenity</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated within the Cheddars Lane Industrial Estate to the east of the City Centre. Unit 24 is currently a timber clad single storey building, under a corrugated roof and is on a corner plot. The application site is bounded by wire fencing and is secured by gates to the front of the unit. The unit is currently unoccupied, but its previous use was for a Taxi Office (Sui Generis). The open space around the unit is

hardstanding, although this has since been over-grown by vegetation.

- 1.2 Immediately next door, to the south, there is a hand car wash. The area is characterised by a number of industrial uses, predominantly to do with servicing of cars and motorbikes.
- 1.3 The Industrial estate is not protected under the Local Plan (2006) and does not fall within the Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 The full application seeks to change the use of the premises from as Sui Generis use (Taxi Office) to another Sui Generis use (sale and fitting of second hand tyres). It is not intended to fit tyres onto vehicles larger than cars nor to any HGVs.
- 2.2 The proposal also includes the re-configuration of the site to allow parking for 4no.cars to be parked along the hardstanding area to the north of the site. Externally, the unit would remain unchanged.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/02/0605	Change of use from storage and distribution (Class B8) to a taxi control office (Sui Generis).	Approved

## **4.0 PUBLICITY**

- 4.1 Advertisement: Yes
- Adjoining Owners: Yes
- Site Notice Displayed (wider concern): Yes

## **5.0 POLICY**

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 4/13 8/2

## 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
-----------------------------	---

## 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No objection, subject to no vehicles, other than cars and vans, to be serviced, and no vehicles shall obstruct the public highway.

#### **Head of Refuse and Environment**

- 6.2 No objection subject to a condition to restrict operation hours.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:

- 25-26 Cheddars Lane (Cambridge Motorcycles Ltd);
- Cambridge Tool Hire, Cheddars Lane
- 32 Cheddars Lane (Archdeacon Motors)

- 7.2 The representations can be summarised as follows:

- Parking is a major problem in Cheddars Lane, the proposal will congest the area further;
- There are already 8no. other businesses on Cheddars Lane directly connected to the motor vehicle industry and tyre fitting service;
- Concerned that emergency vehicles will not be able to pass through to an emergency situation;
- Increasing numbers of vehicles are parked by people working elsewhere.

- 7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety & car parking
5. Third party representations

### **Principle of Development**

8.2 The application would involve the change of use of the unit from one Sui Generis use to another Sui Generis use. The previous occupiers operated a taxi office from the unit.

8.3 The industrial estate is not protected under the current Local Plan (2006) and as such any change of use would need to demonstrate that no other harm would be derived from the proposed use. Furthermore, paragraph 22 of the NPPF advises: *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*

8.4 In my view, given that the application is seeking a change of use from one Sui Generis use to another form of Sui Generis use, there would not be a loss in industrial floor space, if this application is approved. As such, in my view, it would not undermine the viability or vitality of the existing industrial uses within the estate.

8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 3/4 of the Cambridge Local Plan (2006).

### **Context of site, design and external spaces**

- 8.6 The area is characterised by various small light industrial enterprises, some of which service vehicles in some form or another. On inspection of the site and the surrounding area, it is not noisy, but the humming of machinery could be heard from some of the units, including the next door unit, which is a hand car wash. It is therefore quite an established industrial site and does generate a reasonable amount of business, even in the short amount of time that I was at the site.
- 8.7 In terms of the existing buildings on the estate, they are all very similar in size and scale to each other. The unit on the application site is no exception and does not detract from the area. The application proposes no changes to the external façade of the building. However, the layout of the site would be re-configured to allow for the parking of 4no.cars, so that vehicles can be serviced on-site rather than on the public highway.
- 8.8 In my view, I consider that the change of use is acceptable and would not have an adverse effect on the visual amenity of the area.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.10 I do not consider there to be any significant harmful impacts on residential amenity that would arise in terms of noise and disturbance or privacy to warrant a potential recommendation for refusal of planning permission. The nearest residential neighbours would be at St Bartholomew's Court and Stanley Road, to the east and west of the industrial estate. Stanley Road is approximately 52m away from the site boundary. Bartholomew's Court is approximately 55m away from the site boundary. I do not consider that the proposed use would have a significant harm on these neighbours, over and above, the current situation.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I

consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Highway Safety and Car Parking**

- 8.12 The Local Highways Authority raised some initial concerns about whether the proposed use would involve the servicing of larger vehicles, i.e. larger than a van. The applicant has confirmed that the use is not intended to service vehicles which have a tyre size of more than 21 inches. These vehicles would be no larger than a small van or motorcycle. The applicant has also confirmed that all servicing would be carried out on-site and not on the public highway. There is sufficient space on-site for this to happen, as well as 4no.parking spaces for vehicles that are either waiting to be serviced or to be picked up. The applicant also confirms that he would only be able to service 3/4 cars at any one time, and therefore the risk of any additional cars obstructing the highway, in my view, is likely to be low.
- 8.13 I consider that it would be reasonable to recommend a condition to restrict the servicing of all vehicles on site only and that no HGVs shall be serviced at any time on the site. The Local Highways Authority consider that this would be reasonable to minimise the impact on the public highway.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Third Party Representations**

- 8.15 The occupants of neighbouring units have raised a number of concerns which I will deal with below. The issue about parking has been addressed above and concluded that the proposed use would not exacerbate the current car parking problems, because the site can accommodate on-site car parking.
- 8.16 In relation to the comment made about there being several other car servicing units on the site, whilst I do not disagree that there are already a number of similar establishments, I do not consider that the addition of this business within an established industrial estate, would affect the vitality and viability of the existing businesses. The Local Plan does not have a policy that restricts the number of similar businesses within an area. It could also be argued that it is very likely that businesses of a

similar ilk could help to sustain the other businesses by way of competition. In conclusion, I could not recommend refusal on the basis that this proposed use would threaten the viability and vitality of the existing businesses.

8.17 In relation to the comment made about the problems with emergency buildings accessing the units, I do not agree that the proposed use would make this situation significantly worse. The proposed use allows some off-street car parking associated with the business. Some units are unable to offer this. As such, I do not consider that it would be reasonable to refuse the application on this basis alone.

8.18 In relation to the comment about people parking their cars on the estate who work elsewhere, I do not consider that this is a valid planning reason to refuse planning permission because it is not related to the proposed use. Furthermore, I do not consider that the proposed use would encourage more people to do the same.

## **9.0 CONCLUSION**

9.1 In conclusion, I consider that the proposed change of use would be acceptable and approval is recommended.

## **10.0 RECOMMENDATION**

### **APPROVE**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. All vehicles shall only be serviced on-site and no vehicles shall obstruct the public highway at any time. No servicing of HGVs at any time.

Reason: In the interest of highway safety (Cambridge Local Plan 2006, policy 8/2)



3. The building shall not be occupied until the area identified on the approved plans for car parking has been drained and surfaced in accordance with details submitted to and approved by the local planning authority in writing and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

4. The premises shall be open for business only during the following hours: Monday to Friday: 09:00 - 17:00hrs, Saturday: 09:00 to 14:00hrs, Sunday and Bank or Public Holidays: 10:00 to 14:00hrs.

Reason: In the interest of residential amenity (Cambridge Local Plan 2006, policy 4/13).

5. No equipment, materials, or any other items associated with the business, shall be stored outside of the site boundaries.

Reason: In the interest of highway safety (Cambridge Local Plan 2006, policy 8/2)