

<b>Application Number</b>	16/0851/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st May 2016	<b>Officer</b>	Sophia Dudding
<b>Target Date</b>	26th July 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	13 Swann Road Cambridge CB5 8JZ		
<b>Proposal</b>	Change of use from Renault dealership with service workshop MOT testing to Renault, Dacia and Infiniti Sales showroom, parts storage, parts sales and offices including demolition of existing external wash bay and installation of new wall cladding and glazed curtain walling.		
<b>Applicant</b>	Mr Mark Banks 13, Swann Road CAMBRIDGE CB5 8JZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The principle of the change of use has been demonstrated to be acceptable.</li> <li><input type="checkbox"/> The development would not give rise to any detrimental visual or environmental impacts</li> </ul>
RECOMMENDATION	APPROVAL with conditions

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located on the northeast side of Swanns Road and lies within a protected industrial/storage site as defined within the Cambridge Local Plan 2006. The site is currently in mixed used for automotive maintenance and vehicle showroom on the ground floor and associated office and storage use at first floor. To the north and west of the site the area is predominantly used for motor-related uses such as

car rental and repair services. To the east and south of the site the area is in mixed use for residential, commercial and industrial. The site is accessed from Newmarket Road and falls just outside the Central Conservation Area.

## **2.0 THE PROPOSAL**

2.1 Full planning permission is sought for the change of use from the existing industrial car workshop to car sale showroom (sui generis) incorporating demolition of an existing wash bay and installation of new wall cladding and glazed walling.

2.2 The application follows the granting of planning permission for the change of use of a part of the ground floor on the eastern side of the building from car workshop to car showroom under application ref. 14/0697/FUL (see below history). The current proposal is for the change of use and alteration of the remaining ground floor of the car workshop to car showroom and associated office and storage use following the relocation of the car maintenance services to 19 Mercers Row.

2.3 The application is accompanied by the following supporting information:

1. Drawings
2. Planning statement
3. Transport statement
4. Supply/Demand Assessment

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0697/FUL	Alterations to Existing Renault Aftersales Centre to incorporate; New Car Sales Showroom, Associated Offices and External Used Car Display.	Permitted
14/1880/FUL	Alterations to existing Renault Aftersales Centre to incorporate new car sales showroom, associated offices and external used car display.	Withdrawn

#### 4.0 PUBLICITY

4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed: No

#### 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 7/3 8/2 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework March 2012 (NPPF) National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Cambridge and Milton Surface Water Management Plan (2011)

	<p style="text-align: center;"><u>Area Guidelines</u></p> <p>Riverside and Stourbridge Common Conservation Area Appraisal (2012)</p>
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#### 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 this application, Policy 41 in the emerging Local Plan is of relevance. However, it should be afforded only limited weight in light of outstanding objections.

### 6.0 CONSULTATIONS

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

- 6.1 The applicant has submitted a Transport Statement quantifying vehicular generation and impact from the existing and proposed use of the site.

The contents of that Statement are acceptable to the Highway Authority and demonstrate that the proposal would be unlikely to result in any significant adverse impact upon the public highway should it gain the benefit of planning permission.

#### **Environment Health Team**

- 6.2 Additional information is required to confirm if groundworks are proposed as the full suite of contaminated land conditions would be required if this is the case. If no groundworks are proposed

this would not be required and a condition to address any unexpected contamination would be recommended. A construction hours condition is also recommended.

### **Drainage Team**

- 6.3 Additional details are required to explain how cars will be washed once the development has been completed and the car washing bay has been removed. Car washing must not take place without suitable drainage provision.

### **Policy Team**

- 6.4 The site lies within a protected industrial area. Policy 7/3 provides no flexibility to consider the loss of floorspace within use classes B1(c), B2 and B8 in such areas. However, this approach is inconsistent with the NPPF and criteria a) to e) should apply to the proposal. Criterion a) and at least one other should be satisfied.
- 6.5 Criterion a) requires it to be demonstrated that there is sufficient supply of floorspace in the City to meet the demand and/or vacancy rates are high. The applicants have demonstrated that criterion b) of policy 7/3 has been satisfied.
- 6.6 The information submitted with the application does indicate that there is a reasonable supply of industrial floorspace in the area. The evidence demonstrates that there are a range of industrial and storage units available on the market at the moment, including two units that have been on the market for a considerable period of time. This indicates that any potential occupiers have a choice of units to meet their needs. Furthermore, while not directly addressing the policy requirements, the long marketing periods prior to units being let on sites near Newmarket Road does demonstrate that units in this location are less desirable to occupiers.

Having previously demonstrated compliance with criterion b), and now demonstrating compliance with criterion a), the proposal is compliant with policy 7/3 and acceptable in policy terms.

6.7 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 owner/occupier of the following addresses has made representations:

- Cambridge Vehicle Service Ltd

7.2 The representations can be summarised as follows:

- An increase in business use could lead to more parking on an already overcrowded road unless it could be guaranteed that the site would be self-contained.

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**

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. Pollution and Amenity
4. Drainage Infrastructure
5. Highway safety and Car parking
6. Third party representations

### **Principle of development**

8.1 The site is designated as part of Mercers Row protected industrial site. Local Plan (2006) policy 7/3 states any development that results in loss of floorspace within Use Classes B1(c), B2 and B8 will not be permitted where the site is identified as a protected industrial/storage site. There is no flexibility within the policy. However, Paragraph 22 of the NPPF states that 'Planning Policy 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’.

- 8.2 This potential conflict between Policy 7/3 and the NPPF has been noted by the Council’s Environment Scrutiny Committee in June 2012 as part of its assessment of policies within the Local Plan 2006. The Emerging Local Plan Policy 41 has avoided the inflexibility and requires sites to be marketed for 12 months prior to the loss of industrial/storage floorspace. This emerging policy has limited weight due to outstanding objections but the Policy team advises that it remains the Council’s position that a reasonable marketing time is appropriate to assess the significance of the loss. The Policy team suggests that it would therefore be reasonable to assess the current application against criteria a) through to e) of policy 7/3 which are applied outside protected industrial areas and I share this view.
- 8.3 Policy 7/3 states that development, including changes of use, that results in a loss of floorspace within Use Classes B1(c), B2 and B8, will only be permitted if:
- a. there is sufficient supply of such floorspace in the City to meet the demand and/or the vacancy rates are high; and either*
  - b. the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or*
  - c. the continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or*
  - d. the loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or*
  - e. redevelopment for mixed use or residential development would be more appropriate.*
- 8.4 The application states that Renault’s market share has increased in 2015/2016 which has resulted in increasing demands for both sales and after sales services for Renault. The site on Swanns Road has been considered to have insufficient space to contain both sales and operation services. Following the reallocation of car operation services to 19 Mercers Row (following the granting of planning permission ref. 15/1400/FUL), the company wishes to convert the whole site to

their car sales business. The proposal would therefore involve the loss of the industrial use that currently exists within the building.

- 8.5 In relation to criterion a), the applicants state that 19 Mercers Row had been on the market for 14 months prior to its sale in April 2016. They argue this demonstrates that there is insufficient demand for the floorspace in such use in the local area.
- 8.6 The Policy officer comments that 19 Mercers Row being vacant for 2 years does not prove there is insufficient demand in the local area and states that the purchase of 19 Mercers Row by the company just proves that demand exists. The Policy Officer states that in order to justify criterion a) it requires direct evidence related to unsuccessful marketing of the site and similar sites in the local area for B1(c)/B2/B8 or more up to date evidence to indicate there is sufficient such floorspace in the local area.
- 8.7 The submitted supply/demand assessment undertaken by Barker Storey Matthews identifies six available industrial units on the market within a 2 miles radius of the site for relevant uses. It states that four of these units have been on the market for 3 months or less and two units have been on the market for about 18 months. These latter two exceed the 12 months which is considered reasonable to demonstrate there is no genuine interest in the properties.
- 8.8 The Policy team has assessed the work undertaken by Barker Storey Matthews. It is satisfied that the evidence submitted demonstrates that there are a range of industrial and storage units available on the market at the moment including two that have been on the market for a considerable time and that this indicates that any potential occupiers have a choice of units to meet their needs. In addition the team considers that the long marketing periods demonstrate that units in this location are less desirable to occupiers. The team concludes that it has been demonstrated that criterion a) has been satisfied and I agree with this view.
- 8.9 As stated above, only one of the remaining criteria need to be met for the proposal to be considered to be in compliance with Policy 7/3.

8.10 Criterion b) requires the proposal to demonstrate it will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use. The applicants state that through business expansion, in total 75 jobs will be secured between the application site and two other sites from which the business operates. Service and operation staff would be relocated to 19 Mercers Row and staff from the site at 444 Newmarket Road would also be relocated. The application forms state that at present on the site there are 25 employees and the proposed number would be 28. The Policy team is satisfied that criterion b) is met and I share this view. I therefore consider the principle of the development to be acceptable and the proposal to be in compliance with Policy 7/3 of the Cambridge Local Plan 2006.

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

8.11 The majority of the proposed works to the building are internal to form the new showroom. The proposed exterior works include the demolition of the wash bay and the installation of new wall cladding and glazing. I consider the resultant appearance of the building to be acceptable within the context of its surroundings and in my opinion the proposal will not give rise to any harm to the visual quality of the area.

8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/4, 3/7, 3/11, 3/14.

### **Pollution and Amenity**

#### **Impact on amenity of neighbouring occupiers**

8.13 In the transport statement, it is stated that the new business would generate on average 20 customers and 144 vehicle movements per day compared with the existing development which generates around 239 vehicle movements. I consider the new development is likely to generate less comings and goings and will not therefore generate additional noise and disturbance to residents of neighbouring properties.

#### **Contamination**

- 8.14 The Environmental Health officer comments that historic records show the area of the application site to have been part of a builder's yard and a brick and tile manufacturing site was also present in close proximity to the site. He states that due to the previous uses of the site, any potential contaminated land issues associated with the site should be adequately addressed. He recommends that if no groundworks are proposed, that a condition to address any unexpected contamination found during the course of the works should be attached to any planning permission otherwise more stringent controls should be put in place. The applicant has confirmed that no groundworks would be involved and I have therefore recommended the said condition.
- 8.15 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, 3/14 and 4/13.

### **Drainage Infrastructure**

- 8.16 Due to the demolition of the wash bay, the drainage Officer is concerned that the washing of cars on the site may result in pollutants entering the aquatic environment through the lack of appropriate facilities. As the existing car service and operation would be relocated to 19 Mercers Row, the application site would be used only for car sales and I believe car washing service would take place only at 19 Mercers Row. However, in order to avoid pollution to the aquatic environment, a condition is recommended to prevent car washing on site.

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

- 8.17 The adjacent business, Cambridge Vehicle Service Ltd, objects to the proposal on the grounds that the proposed development by virtue of intensification of business use would increase the demand for parking on Swanns Road. The proposed drawings show that the development would provide the same number of staff car parking spaces and a few more customer car parking spaces. The submitted Transport Statement suggests that the new development would attract significantly less vehicle movements. The Local Highways Authority states that the proposal has demonstrated to its satisfaction that the proposal would be unlikely to result in any significant adverse impact

upon the public highway should it gain the benefit of planning permission and I agree with this view.

- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2 and 8/10.

### **Third Party Representations**

- 8.19 The objection received has been addressed above.

### **Conclusion**

- 8.20 I consider it has been demonstrated that there is sufficient supply of appropriate floorspace in industrial/storage use in the local area and no job losses would result from the proposed development. In this regard I am satisfied that the principle of the development is acceptable and in compliance with Local Plan (2006) Policy 7/3. In addition, I consider the development would not give rise to any detrimental impact upon the visual quality of the area, neighbour amenity, highway safety or the aquatic environment. I therefore consider the proposal to be in compliance with Local Plan (2006) Policies 3/4, 3/7, 3/11, 4/13, 8/2 and 8/18 and I recommend approval of the application.

## **9.0 RECOMMENDATION**

**APPROVE**, subject to the following conditions:

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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

4. No vehicle washing shall take place within the site without the prior written approval of the Local Planning Authority.

Reason: The proposal fails to demonstrate how pollutants would be prevented from entering the aquatic environment.  
(Cambridge Local Plan 2006 Policies 4/13, 8/18)

5. If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved in writing. The remediation shall be fully implemented as approved.

Reason: To ensure that unexpected contamination is rendered harmless in the interest of environment and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.