

Application Number	11/0288/FUL	Agenda Item	
Date Received	16th March 2011	Officer	Miss Amy Lack
Target Date	11th May 2011		
Ward	Abbey		
Site	15 Swann's Road Cambridge Cambridgeshire		
Proposal	Change of use to car hire business and erection of associated office and wash down canopy on land off Swann's Road.		
Applicant	Roundwood Restorations Ltd. Unit 9 Martells Quarry Slough Lane Ardleigh Colchester Essex CO7 7RU		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Swann's Road is accessed off the northern side of Newmarket Road, immediately west of railway sidings and the bridge of Newmarket Road which passes over the railway line. Swann's Road joins Mercers Row to the northwest.
- 1.2 The application site shares access off the east of Swann's Road with Nationwide Metal Recycling Limited (NMR). This recycling scrapyards currently operates from two defined areas linked by a private road. In a similar way the application site is comprised of two separate areas which use the same private road to link the two. This has resulted in an elongated site, a significant proportion of it along the shared boundary with the railway sidings to the east because the irregular shape stretches from Newmarket Road northwards between the sidings and the scrapyards.
- 1.3 The site falls within a wider area which includes development along Mercers Row and Swann's Road that is allocated as a Protected Industrial Site under policy 7/3 in the Cambridge Local Plan (2006).

2.0 THE PROPOSAL

- 2.1 This application seeks permission for a change of use from car sales, to use by a car hire company. Ancillary provisions to the use are proposed which include an office, a canopy over a car washing area and car parking for the hire fleet and staff.
- 2.2 The submitted plans separate the application site into Area A and Area B. Area A is the parcel of land which sits closest to Newmarket Road. Area B is the parcel of land which sits furthest from the road, to the north of the NMR scrapyards.
- 2.3 Under the proposal, Area A will accommodate the office, canopy and 8 car parking spaces, inclusive of one disabled car parking space. The proposed office is a single storey building. This has a flat roof with a very shallow mono-pitch to the south and south-west elevations which slopes towards Newmarket Road with an eaves height of 3.6 metres. The building has a maximum height of 4.4 metres. It is 'L' shaped, with each length of the building 5.5 metres in depth and a maximum length of 10.4 metres. It will be constructed of white facing brick and blue semi-engineering brick with metal sheet roof.
- 2.4 To the east of the office building a 3.1 metre high canopy is proposed, 5 metres in width and 5.5 metres in depth, constructed of galvanised steel with a fabric roof coloured grey. This will provide a washing facility for the car hire fleet.
- 2.5 Area B is designated for car parking for staff and the car fleet. This makes provision for the parking of 18 vehicles. 2.1 metre high palisade fencing and gates demarcate the boundary and secure this area.
- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement;
 2. Trip data.

3.0 SITE HISTORY

Reference	Description	Outcome
C/80/0445	Use of land for display and sale of motor vehicles	A/C

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 23: Planning and Pollution Control (2004):** States that 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use'. It highlights the fact that the planning system has a key role in determining the location of development which may give rise to pollution. Appendix A sets out those matters which may be material in taking decisions on individual planning applications including the environmental benefits of reducing the need for travel and the existence of Air Quality Management Areas.

5.4 **Planning Policy Guidance 24 - Planning and Noise (1994):** States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.

5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.6 **East of England Plan 2008**

SS1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.7 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/12 The design of new buildings

4/13 Pollution and amenity

4/15 Lighting

7/2 Selective management of the economy

7/3 Protection of industrial and storage space

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

5.8 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly

to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.9 Material Considerations

Central Government Guidance

5.10 Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

5.11 Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

31 March 2011

- 6.1 It is unclear from the submission how the site will operate. Will customers be able to park their own vehicles on site whilst hiring a vehicle, and if so, is the customer parking and vehicle storage adequate for the number of customers? Details are required of the vehicle classes that are available for hire and details of the trip generation of all modes for a 24 hour day, existing and proposed use.

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- 6.2 From the trip generation data supplied the proposal would not trigger the requirement for payments under ECATP.

Head of Environmental Services

- 6.3 Environmental Health have investigated complaints of lighting and noise from this area. Whilst this is a largely commercial area bordering a busy road and railway line there are domestic properties close to the site. Their amenity should be protected by the imposition of conditions.
- 6.4 The wash down area is assumed to be for washing cars down with detergent. Paragraphs 4.05 and 6.02 of the Design and Access Statement state areas A and B of the application site will be covered in loose chippings and self-drain, the Environment Agency should be consulted.
- 6.5 There is no objection to the principle of the application but it is advised that conditions to: restrict the hours of construction and demolition; provide details of commercial waste; provide details of lighting; and assess land contamination should be imposed.

Environment Agency

- 6.6 A narrow strip along the site's eastern boundary is identified as being with flood zones 2 (medium) and 3 (high risk). The agent has satisfactorily demonstrated that the site is not at risk of flooding and confirmed that in any event no raising and confirmed no raising of the ground level will be carried out by this proposal.
- 6.7 In terms of pollution control, wash water and parking specifically are acceptable in principle. In view of the site's previous commercial usage and its proximity to the railway it is recommended that either conditions be imposed to satisfy the requirements of PPS23, or a desktop study prior to the determination of the application.
- 6.8 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:

- Station House and Station Lodge, Barnwell Junction, Cambridge c/o Richard Buxton, Environmental & Public Law, 19B Victoria Street, Cambridge CB1 1JP.

7.2 The representations can be summarised as follows:

Noise nuisance and disturbance

- It is understood that there are currently extensive building-type operations taking place in an area close to the application site and on land adjacent to the scrapyards. This requires the use of heavy building and moving equipment and the movement of considerable amounts of earth and gravel. These operations are causing considerable noise and disturbance to occupiers of Station House and Station Lodge. These operations appear to be carried out without planning permission. These operations and those proposed by this application will cumulatively have a significant impact;
- There is a history of seeking to prevent noise and nuisance from the scrapyards. High court judgements in 2009 and 2010, both of which have recognised a nuisance, have failed to remedy this and the matter is now before the Court of Appeal. On balance a car hire business would be preferable to the scrapyards use but this is for a car hire in addition to the scrapyards;
- The car hire will operate up until 18:00 and on Saturday mornings. The scrapyards operate Monday to Friday until 16:30. The proposed use will therefore reduce the quiet time which is so important to these nearby occupiers;
- The proposed use will result in additional vehicular movements directly opposite Station House and Station Lodge, some vehicles may also have automated warning messages or beep when reversing. On a gravel surface this is made noisier and generates dust;
- Potential sources of noise from loud radios, security alarms, pressure washers, vacuum cleaners and car alarms;

Lighting

- Light intrusion from powerful security lights, left on throughout the night at the scrapyards (which has been raised with the City Council's Environmental Health Department) is likely to be made worse by the car hire business with additional security lighting and vehicle headlights

Signage

- The excessive amount of signage on the junction of Swann's Road and Newmarket Road, of which it is likely some do not have permission, is likely to be added to by another company operating from this site.

Privacy

- The elevated position on the site and the glazing on the entrance elevation is likely to result in a loss of privacy for the occupiers of Station House and Station Lodge;

Visual impact

- The proposed new building is likely to reflect glare back towards the occupiers of Station House and Station Lodge.

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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Third party representations

Principle of Development

8.2 The application site is allocated as a Protected Industrial Site. Therefore policy 7/3 of the Cambridge Local Plan (2006) applies. This seeks to retain floorspace within Use Classes B1(c), B2 and B8. The current car sales use which operates from the site and the proposed vehicle hire use are both *sui*

generis uses, which do not fall within these classifications. The proposed change of use from car sales to vehicle hire will therefore not result in the loss of any Class B1, B2 or B8 floorspace, and will not be in conflict with Cambridge Local Plan (2006) policy 7/3.

8.3 Policy 7/2 of the Cambridge Local Plan (2006) sets limits on the type of employment development proposals which are appropriate to ensure a balanced economy. This proposal would increase employment at the site from three full-time equivalent to six full-time equivalent, and it is therefore an employment development proposal albeit a very limited one. Subsection (c) of policy 7/2 supports employment development within Use Classes B1(c), B2 and B8 where it would contribute to a greater range of local employment opportunities. The use here proposed does not fall within these specific use classes, but in my view, it is comparable, and the increase in employment proposed here would be in line with the objectives of Policy 7/2.

8.4 I consider the proposal acceptable in principle, and in accordance with policies 7/2 and 7/3 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.5 The application site sits within a protected industrial estate. This accommodates commercial and industrial uses and includes existing vehicle hire businesses similar to that proposed. As such, I consider the proposed use in keeping with its immediate context and the character of Swann's Road and Mercer's Row.

8.6 Area A of the application site, positioned adjacent to Newmarket Road, is more visible to the higher footfall and vehicular movement along this main arterial road than the other units along Swann's Road but despite the utilitarian, industrial form of the proposed office building I consider it a significant improvement upon the existing building on the site. This is a single storey semi-permanent structure, finished in white, which appears tired and requires maintenance. This existing building is detrimental to the character of the surrounding area. The proposed building is designed for purpose and whilst rather uninspired it is appropriate to its context.

- 8.7 Whilst it is located on a corner plot, 2.1-metre-high paladin fencing demarcates the shared boundary between the site and the footpath along this section of Newmarket Road which screens the site to a greater extent than might be expected. The ground level of the site also falls away from Newmarket Road, which means the proposed building is unlikely to rise much above the existing fencing when viewed from Newmarket Road. When I conducted my site visit, nine cars were parked in this location of the application site. The proposed use proposes the parking of eight vehicles in this area, the single storey office building and canopy. As such, I believe the character of the site will be improved by the new building but on the whole largely appear as existing.
- 8.8 In my opinion the proposal is in keeping with the character of the context and the function of the proposed use. I therefore consider it compliant with East of England Plan (2008) policies SS1 and ENV7 and Cambridge Local Plan (2006) policies 3/1, 3/4, 3/7 and 3/12.

Disabled access

- 8.9 The proposed single storey building is orientated on 'Area A' so the entrance would be clearly visible. It is likely that this will be emphasised by corporate signage but this will be subject to the consideration of an application for Advertisement Consent, submitted independently of this application for planning permission. The entrance door has an opening width of 0.90 metres compliant with the requirements of Approved Document M of the Building Regulations (Access to and Use of Buildings). A dedicated customer car parking space for disabled people is allocated adjacent to the building entrance. I am satisfied that the proposal has satisfactorily given consideration to inclusive access for all and the requirements for disabled access and is therefore compliant with East of England (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The buildings in the immediate surrounding area are occupied by commercial uses, extending along Swann's Road and

Mercer's Row to the north and west. To the east are the railway sidings which run the length of the eastern boundary of the site; and to the south is Newmarket Road, a busy arterial road. In view of these surroundings the application site sits within an active and relatively noisy context. Given this setting and the character of the protected industrial site, my view when visiting the site was that the proposed use and number of staff and vehicles proposed was well suited to this location, and I am satisfied that the proposal is unlikely to have any significant impact upon any neighbouring residential occupiers.

- 8.11 A third party representation has been received from occupiers of two residential properties to the east of the site objecting to the proposal. They are of the view that in principle the proposal is acceptable and would be preferable to the existing metal recycling scrapyards use, but if implemented in addition to the scrapyards use, would have a cumulative impact upon the residential amenity of the occupiers at Station Lodge and Station House in terms of noise and disturbance.
- 8.12 I acknowledge that these nearby residents currently suffer from noise and disturbance from the scrapyards. However, I do not consider that the proposed use would have any significant impact in this respect in the context of the busy Newmarket Road to the south, the industrial nature of Swann's Road/Mercer's Row to the north and west and the railway to the east. I appreciate the cumulative impact which developments can have. However, the residential site concerned is in excess of 30 metres from Area B, which will serve only as a parking area, and almost 150 metres from Area A, where the majority of the operator's activity will be. Furthermore, I do not consider that the proposed car hire use is likely to generate significantly more noise and disturbance from headlights, alarms, security lighting, and movement across gravel than the existing car sales use.
- 8.13 The representation received considered an Environmental Impact Assessment (EIA) necessary. I have undertaken an EIA screening questionnaire and am satisfied that the proposed use does not require an EIA.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site. Conditions to restrict the hours of construction and demolition

(condition 2) and to provide details of any external lighting (condition 3) should be imposed to safeguard the nearby occupiers from any unreasonable nuisance. Subject to such conditions, I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.15 Given a number of different commercial uses on this site it has been recommended by the Environmental Health Officer and the Environment Agency that conditions be imposed (conditions 4 and 5) in order to safeguard future customers and staff at the site from any ground contamination, and to protect the water environment. Subject to these conditions, I am satisfied that the proposed use on this site will provide an appropriate level of amenity for these users and consider in this respect it is compliant with East of England (2008) policy ENV7 and Cambridge Local Plan (2006) policy 3/12.

Refuse Arrangements

- 8.16 No refuse provision has been indicated on the submitted plans. I am satisfied that there is ample room on site to find a successful location to position a dedicated refuse and recycling store and that this can be secured by a condition (condition 7). Subject to agreeing these details by condition I am satisfied that the proposal is compliant with East of England Plan (2008) policies ENV7 and WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety and trip generation.

- 8.17 The highway authority has raised no objection to the proposal on highway safety grounds, and I consider the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 8/2.
- 8.18 The highway engineer consulted on the proposal requested further information with regard to the proposed vehicle fleet and the number of trips generated as to whether or not the proposed use would require contributions towards the Eastern Area Corridor Transport Plan. Further information has been

submitted and the highway authority has now confirmed that no contributions are required for this proposal.

Third Party Representations

- 8.19 I have addressed the concerns raised by the third party representation received under the heading 'Residential Amenity' above, from paragraph 8.7.
- 8.20 I have also consulted with the planning enforcement team with regard to any possible ongoing unlawful development as implied in the third party representation received. It is our understanding that the clearance works referred to in the representation as being 'an area close to the application site and on land adjacent to the scrapyards' were enabling works in conjunction with this current application in 'Area B'. We are satisfied that this has ceased pending the outcome of this application. With regard to the various banner advertisement signs that have been attached to the boundary fencing fronting Newmarket Road, the planning enforcement team have been made aware and are assessing the situation.

9.0 CONCLUSION

- 9.1 The proposed use is acceptable in principle and in keeping with the industrial use on the wider Mercer's Row industrial estate. I believe it will result in a visual improvement relative to the existing use of the site and subject to conditions will not have any significant adverse impact upon any nearby residential occupiers. I recommend the application be approved.

10.0 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. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 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)

3. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)

4. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To avoid adverse effects of pollution. (Cambridge Local Plan (2006) policy 4/13)

5. No development shall commence until such time as full details of a scheme for the provision and implementation of pollution control to the water environment which shall include foul and surface water drainage has been submitted to, and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment (Cambridge Local Plan 2006 policy 4/13).

6. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policies ENV7 and WM6, and Cambridge Local Plan 2006 policy 3/12)

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: Policies SS1, T1, T9, T14, ENV7 and WM6

Cambridge Local Plan (2006): Policies 3/1, 3/4, 3/7, 3/12, 4/13, 4/15, 8/2, 8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

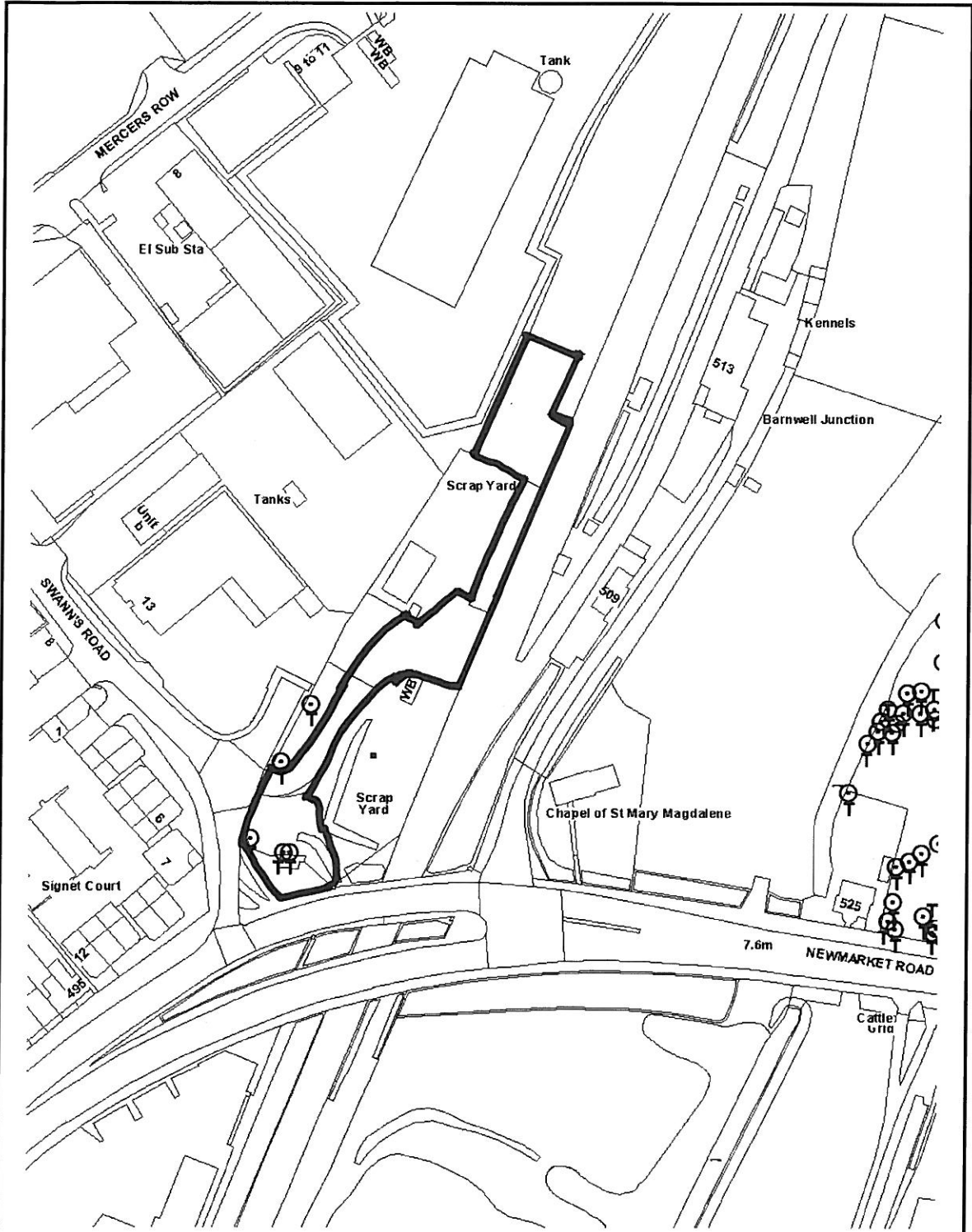
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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