

<b>Application Number</b>	11/1432/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th December 2011	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	30th January 2012		
<b>Ward</b>	Abbey		
<b>Site</b>	13-14 Mercers Row Cambridge Cambridgeshire CB5 8HY		
<b>Proposal</b>	Replacement of buildings with new buildings for taxi firms offices, call centre, workshop and carwash, and restroom, snack bar and smoking area.		
<b>Applicant</b>	4 Ronald Rolph Court Wadloes Road Cambridge CB5 8PX		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site lies within an existing industrial area comprising a mix of B1, B2 and B8 uses. To the southeast is the Dairy Crest distribution centre, the northeast a plant hire business, the northwest the SCA Recycling centre, which is located on a substantial portion of land and opposite are car and portacabin storage uses. Further along Mercer's Row to the southeast are generally lighter industrial business uses with some wholesale/partial retail activity.
- 1.2 Mercer's Row is accessed from Newmarket Road down Swann's Road, which is one-way. Access out of the site would generally be southeast via Mercer's Row and then north along Garlic Row - a mainly residential street - to rejoin Newmarket Road. The site is accessible to pedestrians, although the direct route is interrupted by access to the Dairy Crest site adjacent. There are no parking restrictions directly outside the site boundary. There are parking bays opposite on the southern side of Mercer's Row and double yellow lines extend on the north side of Mercer's Row in line with the Dairy Crest building.
- 1.3 The current building is 1361sqm gross and is currently vacant. The last use was for a research and development company

specialising in chromatography and mass spectrometry. The site is located in the intermediate office restriction zone and is allocated as a protected industrial site in the Cambridge Local Plan (2006).

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to replace the current buildings with new buildings that will be used for taxi firm offices, call centre, workshop and car wash and rest room, snack bar and smoking area.
- 2.2 The proposed building will sit in a similar position to the existing along the northwest boundary and be part two storey. The proposed building will have a pitched roof and finished in panel cladding similar to other buildings in the area.
- 2.3 This application is brought to East Area Committee for determination, as there have been letters both of support and of objection to the application.
- 2.4 The application is accompanied by the following supporting information:
  1. Design Statement
  2. Plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
11/0991/FUL	Demolition of existing buildings on site and erection of new buildings to house offices, call centre, workshop and car wash for taxi firm.	WDN
C/94/0442	Retention of 2 no. Temporary office buildings, 1 no. wc building and 4 no. Containers.	A/C
C/87/0289	Erection of two storey building containing offices (378 sq metres) storage (242 sq metres) and trade counter (20 sq m).	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 Guidance 2: Green Belt (1995)

5.4 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):** sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.

- 5.5 **Planning Policy Statement 9: Biodiversity and Geological Conservation (2005):** Paragraph 1 states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- 5.6 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.7 **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.
- 5.8 **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.
- 5.9 **Planning Policy Statement 25: Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development

should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.

5.10 **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.

5.11 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.12 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

5.13 **Development Plan policies**

5.14 **East of England Plan 2008**

SS1: Achieving Sustainable Development

E1: Job Growth

E2: Provision of Land for Employment

E3: Strategic Employment Locations

E4: Clusters

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T3 Managing Traffic Demand

T14 Parking

ENV1: Green Infrastructure

ENV3: Biodiversity and Earth Heritage

ENV7: Quality in the Built Environment

ENG1: Carbon Dioxide Emissions and Energy Performance  
WAT 2: Water Infrastructure  
WAT 4: Flood Risk Management  
WM6: Waste Management in Development  
CSR2: Employment Generating Development  
CSR4: Transport Infrastructure

### **5.15 Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/6 Ensuring coordinated development  
3/7 Creating successful places  
3/9 Watercourses and other bodies of water  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/2 Protection of open space  
4/3 Safeguarding features of amenity or nature conservation value  
4/4 Trees  
4/6 Protection of sites of local nature conservation importance  
4/8 Local Biodiversity Action Plans  
4/13 Pollution and amenity  
4/14 Air Quality Management Areas  
4/15 Lighting  
7/1 Employment provision  
7/2 Selective management of the Economy  
7/3 Protection of Industrial and Storage Space  
7/4 Promotion of cluster development  
8/1 Spatial location of development  
8/2 Transport impact  
8/18 Water, sewerage and drainage infrastructure

### **5.16 Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

### **5.17 Material Considerations**

**Central Government Guidance**

**Draft National Planning Policy Framework (July 2011)**

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

### **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.

### **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.

## **City Wide Guidance**

**Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001)** - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

**Cambridge Landscape and Character Assessment (2003)** – An analysis of the landscape and character of Cambridge.

**Cambridge City Nature Conservation Strategy (2006)** – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

**Criteria for the Designation of Wildlife Sites (2005)** – Sets out the criteria for the designation of Wildlife Sites.

**Cambridge City Wildlife Sites Register (2005)** – Details of the City and County Wildlife Sites.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

6.1 No Objection.

#### **Head of Environmental Services**

6.2 The proposal is acceptable subject to conditions relating to dust, contaminated land and hours of operation with informatives relating to boundary fencing and contacting Food and Occupational Safety Team

#### **Landscape Sustainable Drainage**

6.3 There is not sufficient amount of information, there is a need for a visual simulation and a comprehensive landscape plan.

#### **Ecology**

6.4 There is no ecological survey of the site. The site is next to a County Wildlife site and Stourbridge Common. There are trees along the boundary where foraging bats are and light spill and enhancement of this corridor should be looked at.

#### **Sustainable Drainage**

6.5 There is the potential to use treated water to via SUDs into the existing seasonal pond. Surface water should be treated accordingly and permission should be sought from Anglia Water that the proposal is acceptable.

#### **Environment Agency**

6.6 The proposed development poses a risk to the water environment but can be mitigated against through conditions relating to ground contamination, trade effluent disposal, surface water drainage and pollution control.

#### **Policy Section**

6.7 Site is within a protected industrial zone and application is contrary to policy 7/3 of the Cambridge Local Plan (2006).

## **Cambridge City Council Access Officer**

6.8 Acceptable provided it meets Part M of the Building Regulations.

6.9 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 Councillor McGovern has requested that this application be heard at area committee.

7.2 The owners/occupiers of 15-16 Mercers Row support the application on the following grounds:

- will provide employment
- situated close to its customer base
- change of use is acceptable as there is already a children's play area

7.3 The owners/occupiers of 9-11 Mercers Row object to the planning application on the following grounds:

- does not fit into Policy 7/3 of the Cambridge Local Plan (2006) which aims to protect floorspace within Use Class B1(c), B2 and B8.
- will create more traffic
- highway safety issues (insufficient information - traffic impact assessment required)

7.4 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. Ecology
4. Residential amenity/pollution/drainage
5. Highway safety
6. Third party representations

### **Principle of Development**

- 8.2 The proposal seeks planning approval for the replacement of buildings and change of use to operate a taxi firm with associated servicing, washing and smoking shelter.
- 8.3 The application form states that the proposed floor space lost will be 198 square metres of general industrial floor space within Use Class B2 and that it will be replaced with 296 square metres of floor space within a *sui generis* use.
- 8.4 The site is off Mercers Row, which is within Protected Industrial Site number 3 (Mercers Row) and therefore policy 7/3 is relevant. Policy 7/3 states that development, including changes of use, that result in loss of floor space within Use Classes B1 (c), B2 and B8 will not be permitted where the site is identified on the Proposals Map as a protected industrial/storage site, which this is.
- 8.5 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) section 4 emphasises that Class B uses are important in fostering economic development. PPS4 highlights the need to ensure provision of employment land and urges the use of a robust evidence base in making assessments. The Employment Land Review provides such evidence, which shows that over recent years a significant quantity of land within Class B in the city has been lost. This pattern of land use change reduces the variety of jobs available and can therefore inhibit sustainable economic development.
- 8.6 There is no evidence within the application to justify a departure from policy 7/3 of the Cambridge Local Plan (2006), or to support the case that the Council would be meeting employment needs by allowing this application.
- 8.7 The Ministerial Statement Planning for Growth (2011) urges an approach which supports enterprise and fosters economic growth. However, it also urges local planning authorities to consider the range of likely economic and social benefits of the

proposals. I do not consider that there is any evidence that this proposal would foster economic growth more than the existing use. Conversely, however, I do consider, as I have indicated above, that the change from Class B to a *sui generis* taxi operation use would have harmful social consequences through the loss of industrial floor space necessary to maintain a variety of jobs. Consequently, I do not consider that 'Planning for Growth' provides any basis on which to support the application.

- 8.8 In my opinion, the principle of the development is contrary to policy 7/3 of the Cambridge Local Plan (2006) and guidance in Planning Policy Statement 4. The Ministerial Statement 'Planning for Growth' provides no basis for overriding existing local and national policy in this case.

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

- 8.9 The site is located within an industrial area with a variety of uses and adjacent to Stourbridge Common, which is, Protected Open Space and Green Belt but there are other buildings along this boundary that are visible. The proposal includes the replacement of the current buildings on site. The replacement building will be similar to those in the area, being finished in metal cladding, but being over two storeys tall will be visible from outside the site. Therefore the choice of materials will be important, but in my view, this can be controlled by condition.
- 8.10 Subject to condition, in my opinion the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/12.

### **Ecology**

- 8.11 The proposed building is larger in foot print and taller than the existing building and does come closer to the boundary with Stourbridge Common. The Nature Conservation Officer has stated that this is an important corridor for bats; consequently an ecological survey to mitigate the impact of the proposal will be needed.
- 8.12 Subject to condition, in my opinion, the proposal is compliant with East of England Plan (2008) policy ENV3 and Cambridge Local Plan (2006) policy 4/3, 4/6 and 4/8.

## **Residential Amenity/Pollution/Drainage**

Impact on amenity of neighbouring occupiers

- 8.13 The proposal is not located close to residential properties and is within the Industrial Zone and therefore will not have a significant impact in terms of residential amenity. However the demolition process will require dust mitigating measures as this is likely to cause nuisance to the adjoining occupiers and users of the nearby Stourbridge Common.
- 8.14 The Head of Environmental Services has commented regarding contaminated land as this is an old industrial area and previous contamination could potentially have an impact on the future health of users. He recommends conditions, which I support.
- 8.15 The Environment Agency have also recommended other conditions in relation to ground water contamination and pollution control which I also support.
- 8.16 The Head of Environmental Services also commented that the proposal includes a Shisha smoking shelter and he therefore recommends an informative to contact the Food Safety Team. He also recommends that the car wash be restricted to operate between 0800 and 1800hours only. There have been complaints in the past regarding noise from the site affecting nearby residential properties and the Head of Environmental Services therefore recommend a condition to control noise, which I support.
- 8.17 Subject to conditions, 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 East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 4/13.

## **Landscape**

- 8.18 The proposal does not provide adequate information to make a proper assessment of the likely impact on the local landscape. The Principal Landscape Architect has suggested that as the proposed building will be closer to the boundary and larger than the existing buildings, and as Stourbridge Common is a Protected Open Space and Green Belt the assessment of this

issue is important. The proposal shows no details regarding the existing or proposed landscaping on site. I am satisfied that conditions would be sufficient to ensure that no harmful impact results from the development, but such conditions are essential to secure appropriate landscaping.

- 8.19 Subject to conditions, in my opinion, the proposal is compliant with East of England Plan (2008) policy ENV1 and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/1, 4/2, and 4/3.

### **Highway Safety**

- 8.20 Third party comments have been received in relation to highway safety. This is an industrial area. The local highway authority have commented that the proposal will not have a significant impact upon highway safety. I accept this advice.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.22 The plans show no cycle parking layout within the site. There is ample room on site to accommodate cycle parking in accordance with the City Council's cycle parking standards. The proposed gross floor space is 289 square metres; Standards require 1 space per 40 square metres, a total of 8 spaces. I recommend a condition to require these spaces.
- 8.23 Car parking space will be used in association with the proposed taxi use. This was previously a storage yard, and there is a high level of on-site car parking. The proposal is acceptable in this respect.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.25 Comments received have been addressed in the report above.

## **9.0 CONCLUSION**

9.1 The proposal is to replace an existing building with a larger building on site and use it for a sui generis taxi operation. Although the proposal would be acceptable in other respects, the site is a protected industrial site, and the change of use is therefore contrary to policy. I recommend REFUSAL.

## **10.0 RECOMMENDATION**

**REFUSE** on the following ground:

1. The loss of floorspace within uses B1(c), B2 and B8 on a site designated in the Local Plan as a Protected Industrial Site would reduce the diversity of employment opportunities in the city. The application provides no evidence that the proposal meets any of the criteria, which might render such loss acceptable, and is therefore contrary to policy 7/3 of the Cambridge Local Plan (2006), and government guidance in Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (2009)

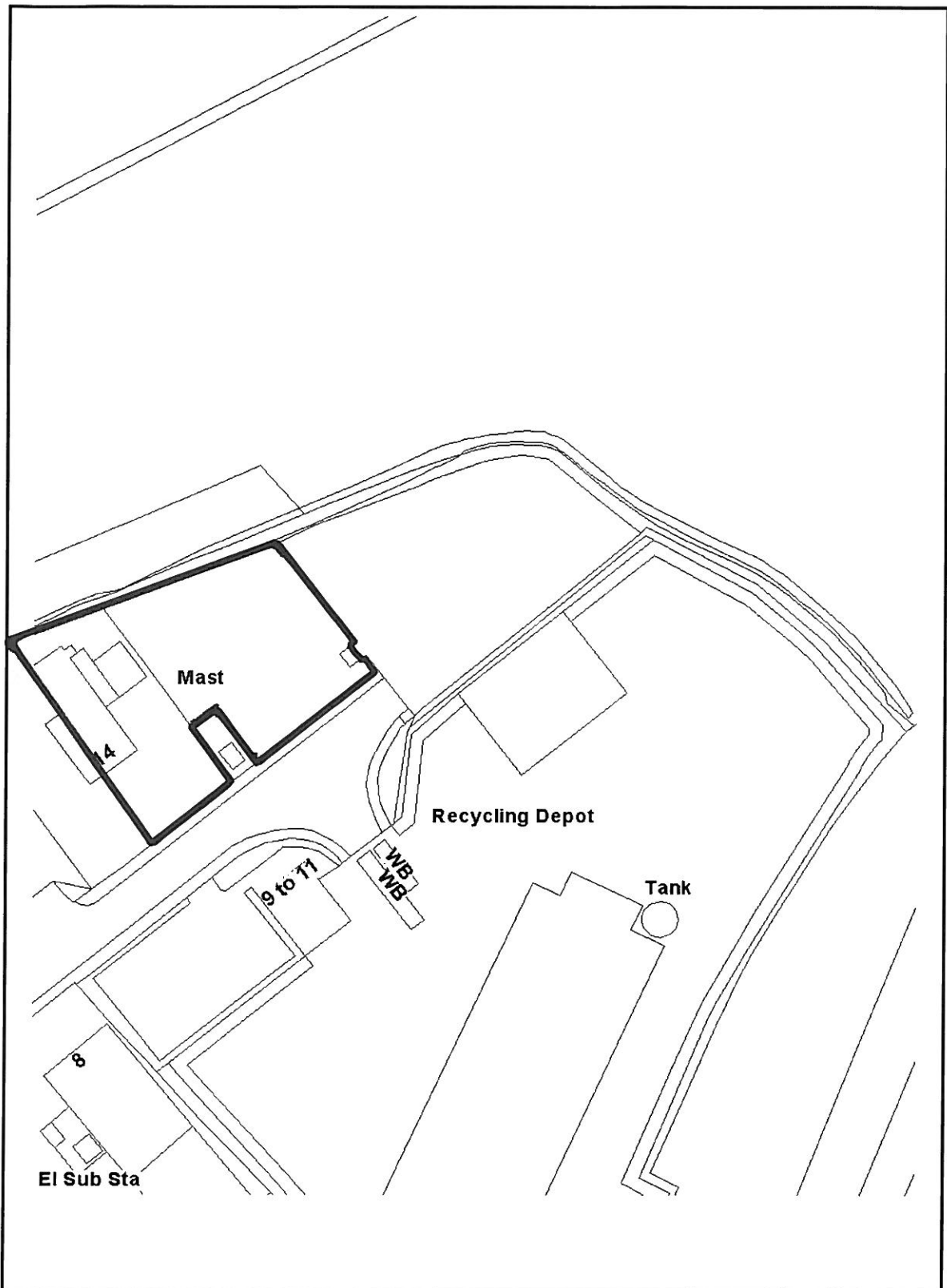
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

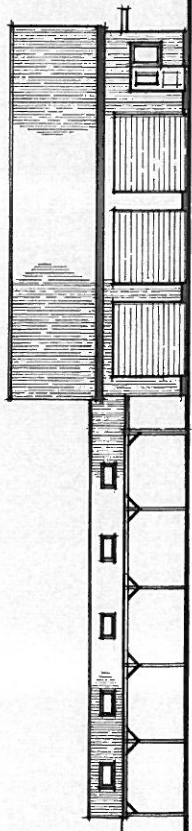
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received 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.

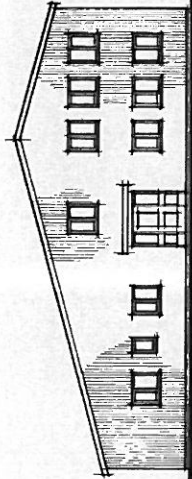




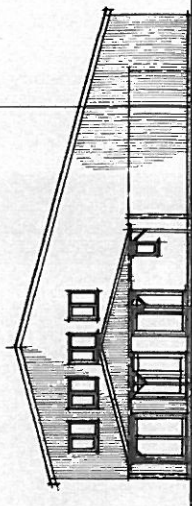
**11/1432/FUL**  
**13-14 Mercers Row Cambridge**



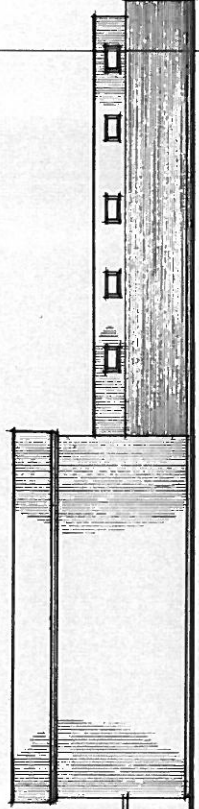
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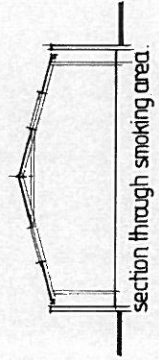
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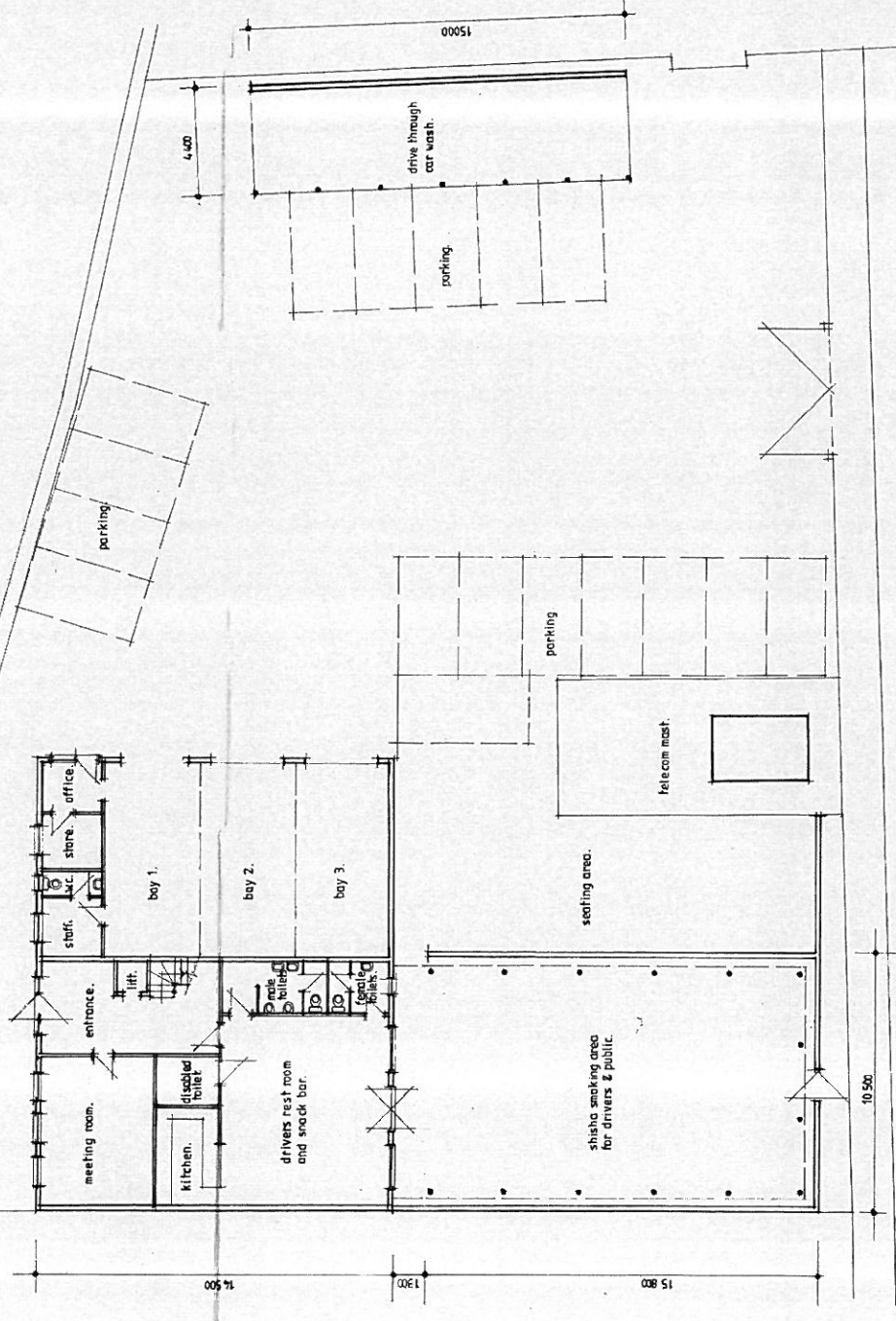
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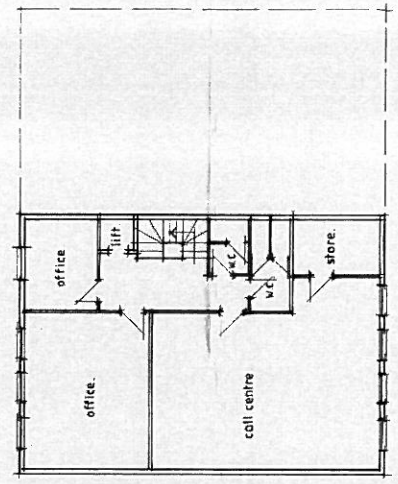
south west elevation.



section through smoking area.

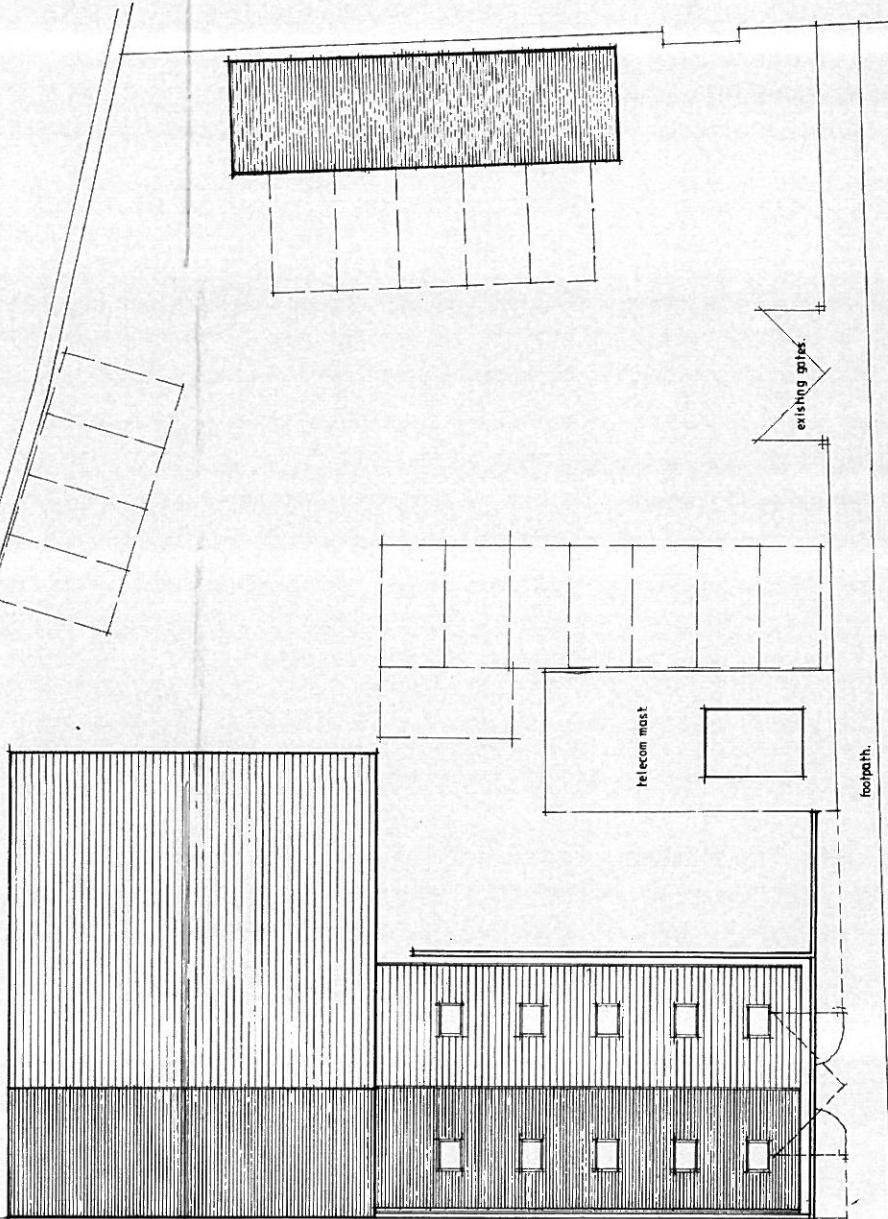
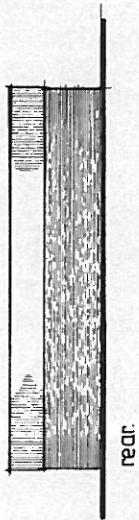
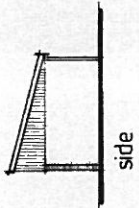
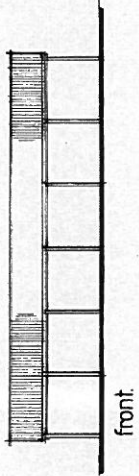
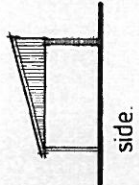
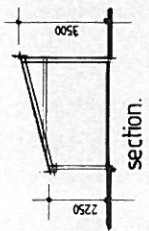
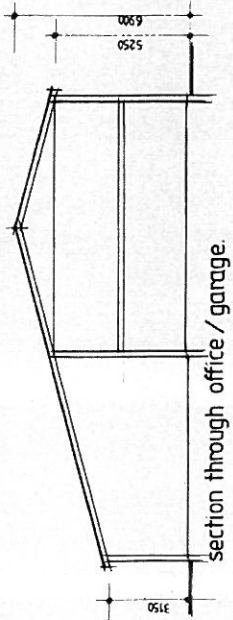


GROUND FLOOR / SITE PLAN.

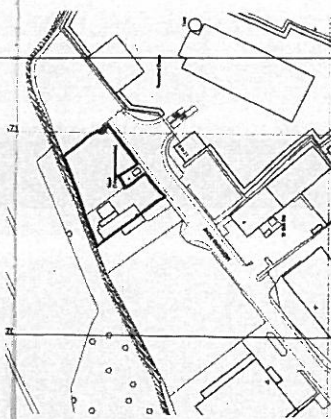


FIRST FLOOR PLAN.

<b>STEPHEN R. FRIDAY</b> <i>Architect</i> Building Design Service 16 Willow Way, Hanston, Cambridge CB2 5JB Tel: 01223-872052	
PROPOSED TAXI OFFICES, CALL CENTRE, WORKSHOPS, CARWASH, REST ROOM & SHISHA SMOKING AREA AT MERCERS ROW (13-14) CAMBRIDGE CB5 8HY.	CLIENT CAM CAB LTD.
DATE: AUG 2011.	SCALE: 1:100.
DRAWING NO. SF-11016	4.



ROOF PLAN.



<b>STEPHEN R. FRIDAY</b> <small>Assoc</small>	
<i>Building Design Service</i>	
<small>16 Willow Way Histon Cambridge CB2 3JF Tel: 01223-472062</small>	
PROPOSED TAXI OFFICES, CALL CENTRE WORKSHOPS, CARWASH, REST ROOM & SHISHA SMOKING AREA AT MERCERS ROW (13-14) CAMBRIDGE CB5 8HY	
CLIENT:	CAM CAB JD.
DATE:	AUG 2011.
SCALE:	1:100.
DRAWING No.	SF 11 016. B