

Application Number	11/0827/FUL	Agenda Item	
Date Received	11th July 2011	Officer	Miss Amy Lack
Target Date	5th September 2011		
Ward	East Chesterton		
Site	192 Green End Road Cambridge Cambridgeshire CB4 1RN		
Proposal	Proposed change of use to motorcycle dealership.		
Applicant	Mr P Coleman 192 Green End Road Cambridge Cambridgeshire CB4 1RN		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 192 Green End Road is a two storey pitched-roofed building, located to the east of the junction with Scotland Road, on the south east side of Green End Road. The ground floor unit and a flat roof single storey outbuilding to the rear were previously occupied by 'Glassworld' (Use Class B1 - light industry). These are now occupied by Kawasaki motorcycle dealership 'Supa Moto' (Sui Generis). The upper floor of the building comprises three flats.
- 1.2 To the south is 196 Green End Road. This is a smaller two storey detached dwelling. The ground floor appears to be vacant and is boarded up at the front. However access to the side of the property and rear accesses an upper floor flat. The properties directly to the north east are retail units with residential above, with residential beyond. On the opposite corner there are other retail uses with offices and a church opposite the site. Beyond these uses, the area is dominated by residential properties.

1.3 The site is designated a local centre. It does not fall within a conservation area and falls outside the controlled parking zone (CPZ).

2.0 THE PROPOSAL

2.1 This application proposes a retrospective change of use of the ground floor unit and outbuilding to the rear from light industry (Use Class B1) to a motorcycle dealership (Use Class sui generis).

2.2 Externally a decking area is proposed central to the forecourt at the front of the building to provide an informal seating area with four motorcycle parking bays marked out on the tarmac either side. The area of decking measures 2.95 metres wide, 5.9 metres long and 0.12 metres high.

2.3 To the rear the installation of a garage door to an existing single storey outbuilding is proposed. This building is used for storage ancillary to the dealership.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
05/0754/FUL	Use of land for parking of food trailer.	REF
C/00/0732	Change of use from domestic garage to dog grooming parlour (retrospective application).	REF
C/98/0750	Demolition of existing buildings and subsequent erection of a two storey replacement building comprising retail at ground with three flats above and garages to rear.	A/C
C/98/0497	Change of use of mixed use - retail (Class A1) on ground floor with residential on first floor to offices (Class A2) on ground	A/C

floor with residential on first floor.

- 3.1 Planning application reference C/98/0750 granted permission of the demolition of the previous buildings on site and subsequent erection of the two storey building that currently stands comprising retail at ground with three flats above and an outbuilding to the rear previously garages to the flats.

4.0 PUBLICITY

- | | |
|---|-----|
| 4.1 Advertisement: | No |
| Adjoining Owners: | Yes |
| Site Notice Displayed: | No |
| Public Meeting/Exhibition (meeting of): | No |
| DC Forum (meeting of): | 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 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.

5.4 **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.

5.5 **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

5.6 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/11 The design of external spaces

4/13 Pollution and amenity

7/3 Protection of Industrial and Storage Space

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

5.7 **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.

5.8 Material Considerations

5.9 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.

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)

6.1 No significant adverse impact should result upon the Public Highway as a result of this proposal.

Head of Environmental Services

6.2 No objection. It is recommended that the hours of trade are conditioned to accord with those suggested on the application form given residential accommodation on the first floor.

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:

- 186, Green End Road
- 204, Green End Road
- 10, Tenison Road

7.2 The representations can be summarised as follows:

Procedure

- Change of use from Glass shop to Motorcycles presumably does not need permission but operating a café may need permission but this is not mentioned in the application.

Highway safety and access

- A nursery and sight impaired charity across the road already struggle with accessibility, made worse by parked cars and motorcycles;
- Delivery of motorcycles on large trucks which cannot turn properly on the site and reverse into the highway is dangerous.

Residential amenity

- If approved opening hours should be 0800 – 1700 Monday to Friday 0830-1230 Saturday and not Sundays and bank holidays.
- Hazardous substances on site should have appropriate licences, and proper waste storage should be provided.
- The associated flats need to be better provided for with car parking, cycle parking and refuse storage as well as for the proposed.
- Attempts to sell food and drink from this site have been made over the years but always rejected on issues of noise, little and environmental issues.
- All work should be undertaken inside with doors and windows shut.

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. Car and cycle parking
8. Third party representations

Principle of Development

8.2 Previously the company 'Glassworld', Use Class B1(c) - light industry, occupied the ground floor unit at 192 Green End Road and used the single storey outbuilding to the rear. As such, policy 7/3 of the Cambridge Local Plan (2006) applies in determining whether or not the loss of a light industrial unit is acceptable. Policy 7/3 reads as follows:

7/3 Protection of Industrial and Storage Space

Development, including changes of use, that results in loss of floorspace 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. Development, including changes of use, that results in a loss of floorspace within Use Classes B1 (c), B2 and B8 elsewhere in the City will only be permitted if:

- a. there is sufficient supply of such floorspace in the City to meet the demand and/or 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 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.

- 8.3 The applicant has submitted a statement which seeks to demonstrate that the proposed change of use complies with policy 7/3.
- 8.4 The site does not fall within a protected industrial site as identified on the Cambridge Local Plan proposals map. Therefore, in order to satisfy Policy 7/3 the application must satisfy criterion A and one other criterion of the above policy.
- 8.5 Criterion A seeks to ensure that there is sufficient supply of such floorspace in the City to meet the demand and / or vacancy rates are high. If the site had been empty for a significant period of time and efforts had been made to get a B1(c), B2 or B8 use to occupy the site then they would have a good case as to why the proposal meets criterion A of policy 7/3.
- 8.6 The applicant states that the unit was marketed when it became vacant for a period of 10 months before it was occupied again.

It was marketed as Showroom and Workshop. The response throughout the marketing period was just over 30 requests for specific details from the agents Januarys, of those only 2 parties actually carried out a viewing, one was for a Tyre and Exhaust Centre in Nov 2010, the second viewing was taken by the present user. The interest from the Tyre and Exhaust Centre fell following the site visit as they felt the site didn't suit their particular requirements.

- 8.7 The current use generates three jobs, where the previous use generated 2 jobs. Assuming that these are full time employees, then I am satisfied that the application has successfully demonstrated that it meets criterion B of policy 7/3. Furthermore the current retrospectively proposed use is helping provide more unskilled or semi-skilled jobs than the previous use. I consider this to support the diversity of employment opportunities in Cambridge which is one of the purposes of policy 7/3.
- 8.8 Therefore I am satisfied, that in principle the use of this site as a Motorcycle Dealership (sui generis) is acceptable, subject to this use being assessed against the criteria of other relevant development plan policies.

Context of site, design and external spaces

- 8.9 The adoption of the Cambridge Local Plan (2006) identified this part of East Chesterton as a local centre. Here a number of the units which front onto Green End Road and around the junction with Scotland Road to the west are commercial at ground floor. I recognise that the upper floors of many of these units and the surrounding area immediately beyond this centre are predominantly residential but the Motorcycle Dealership has occupied an existing commercial premises. With a small parking area to the front, shopfront glazing at ground and ample parking and storage to the rear the site seems well suited to this use which is in keeping with the character of the area and respects the constraints of its site.
- 8.10 A timber decking area is proposed central to the motorcycle parking on the forecourt. It will provide an area where visitors to the dealership can sit outside. I believe this serves to break up the area of tarmac and is not out of keeping located in front of the commercial building.

- 8.11 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/11.

Disabled access

- 8.12 Access from the pavement, across the forecourt and into the building is level. The customer entrance door into the sales area is not automatic. However, it does have an opening width that is suitable to allow wheelchair access and meets the current Building Regulations with reference to access covered by Part M and British Standard 8300 (Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice). As such, I am satisfied that the proposal is 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

- 8.13 Despite a number of commercial uses adjacent and near to the site the upper floors of the building and the prevailing character of the surrounding area is residential. The applicant has suggested the hours of opening are as currently managed between 0900 and 1800 hours Monday to Saturday and 1000 to 1600 hours on Sunday and Bank Holidays. The Environmental Health officer consulted on the application has raised no objection with regard to the impact of the proposal upon the residential amenity of nearby occupiers. This recommendation is subject to a single condition that restricts the use of the dealership to these hours (condition 1).
- 8.14 Third party representations received have also raised concern at the noise and disturbance from the servicing areas of the building and requested that all windows and doors are conditioned to remain fixed shut. I do not consider this reasonable or necessary. The recommendation of condition 1 above will ensure that operational hours are restricted and should noise from the site impact upon the residential amenity of neighbouring occupiers to a significant adverse degree this should be controlled through separate legislation. Notwithstanding this, I do not envisage the type of repairs that

will be carried out on site likely to be of a nature that would create a significant amount of noise or disturbance to nearby occupiers.

- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider it compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Refuse Arrangements

- 8.16 The submitted plans do not illustrate a designated refuse and recycling store for commercial waste from the motorcycle dealership. While conducting my site visit I observed that provision for refuse was made within the area to the rear of the building which appears to be informally used for the parking of motorcycles which are being serviced or repaired in connection with the dealership, and, in connection with the residential units above, for cycle parking and for drying washing on a gravelled area to the far eastern corner of the site. There is ample room in this space to provide a dedicated area for the commercial waste from the motorcycle dealership. As such, I recommend that a standard waste and recycling condition is imposed (condition 2) to agree details of a dedicated store which will help to maintain the order of this space given that it is also used for access to the flats.
- 8.17 For the residential accommodation above the business, a store accommodating refuse and recycling storage is located at ground floor beneath the external brick stairway which accesses the residential units. I consider this to make satisfactory provision for the refuse requirement of the residential at the first floor which accords with the City Council's current waste strategy.
- 8.18 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 Some of the third party representations received object to the use of the site by the motorcycle dealership on the grounds of

highway safety. A school, nursery and meeting place for an impaired sight charity are all located nearby and I acknowledge that the children and disabled associated with these uses are particularly vulnerable with regard to highway safety. Much of the concern was expressed at parking of vehicles associated with the motorcycle dealership in such a way that would obstruct the pavement and the road.

8.20 I did not witness any such obstruction when I conducted my site inspection. The few motorcycles that were parked out the front were within the forecourt to the unit and in no way obstructing the pavement to Green End Road.

8.21 I am mindful that obstruction of the highway is unlawful. However, Circular 11/95 explains that the planning system should not seek to duplicate the effect of other controls that are in place. In my opinion, considering the parking restrictions of a public highway, the refusal of planning permission on the grounds of highway safety would represent duplication of this control. Further to this the Highway Authority have raised no objection to the proposal on highway safety grounds. As such, in my opinion the proposal is compliant with East of England (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.22 The site has ample room for the parking of bicycles, cars and motorcycles.

8.23 To the front of the building is a forecourt which covers an area in excess of 7 metres forward of the shopfront towards the pavement and occupies the width of the 14.5 metre building. This currently marks out provision for the parking of six cars. When I conducted my site visit this space was being used for the parking of a couple of motorcycles for sale by the dealership and a couple of motorcycles owned by customers. The application proposes the reconfiguration of this space to make provision for eight motorcycle parking bays and a central timber decking area 5.9 metres in length and 2.95 metres in width to provide an area for outdoor seating.

8.24 At the rear of the building six cycle stands, secured to the rear wall of the building, are used by the occupiers of the first floor

flats. This provision is unaffected by the proposals brought forward by this application.

- 8.25 I am satisfied that there is ample parking provision for the uses on the site of motorcycle dealership and residential. The reconfiguration of the parking is acceptable. In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14 and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.26 A number of the third party representations received have made reference to the ancillary café area within the dealership. This only occupies a very small percentage of the floor space within the building, comprising a coffee machine, drinks making area and equipment for heating up food.
- 8.27 The building is very obviously being used as a motorcycle dealership, not a café. The nature of recreational motorcycling will often see the use of a dealership such as this as a destination for a 'ride-out'. It is this minority, or those customers discussing the purchase of a motorcycle with the dealership's sales people that are likely to stop for any length of time enough to have a coffee and/or a snack which will use this part of the service offer. I do not believe the use of this premises as a motorcycle dealership is a guise in order to sell food from this site as some of the third party representations received suggest. I am of the view that the on site café provisions are undoubtedly ancillary to the main use. I have reviewed the planning history for the siting of a food trailer refused under planning application reference 05/0754/FUL. This was to be located on the tarmaced area to the front of the building, it was not associated with the use of this commercial unit.
- 8.28 Issues raised with regard to the obstruction of the pavements and highway, and the use of hazardous substances on site requiring appropriate licences are matter that should be controlled through separate legislation.

9.0 CONCLUSION

- 9.1 The motorcycle dealership use is considered to work well on this site. It is in keeping with the commercial character of this

local centre and subject to a condition to restrict the hours of opening it will not have any adverse impact upon the residential amenity of nearby occupiers. I recommend that the application be approved.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. Except with the prior written agreement of the local planning authority the use of the building hereby approved as a motorcycle dealership shall only be carried out between the hours of 0900 hours to 1800 hours Monday to Saturday and 1000 until 1600 on Sundays and Bank Holidays and at no other times.

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

2. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements 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 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

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: SS1, ENV7, T1, T9, T14, ENV7 and WM6

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 4/13, 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 on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.