

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13th January 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1356/09/F – MELBOURN
Change of Use from B1 (C) (Light Industrial) to Ambulance Station
At Plasmon Data Systems UK Ltd Headquarters, Whiting Way
For East of England Ambulance Service NHS Trust

Recommendation: Approval

Date for Determination: 15th January 2010

Notes:

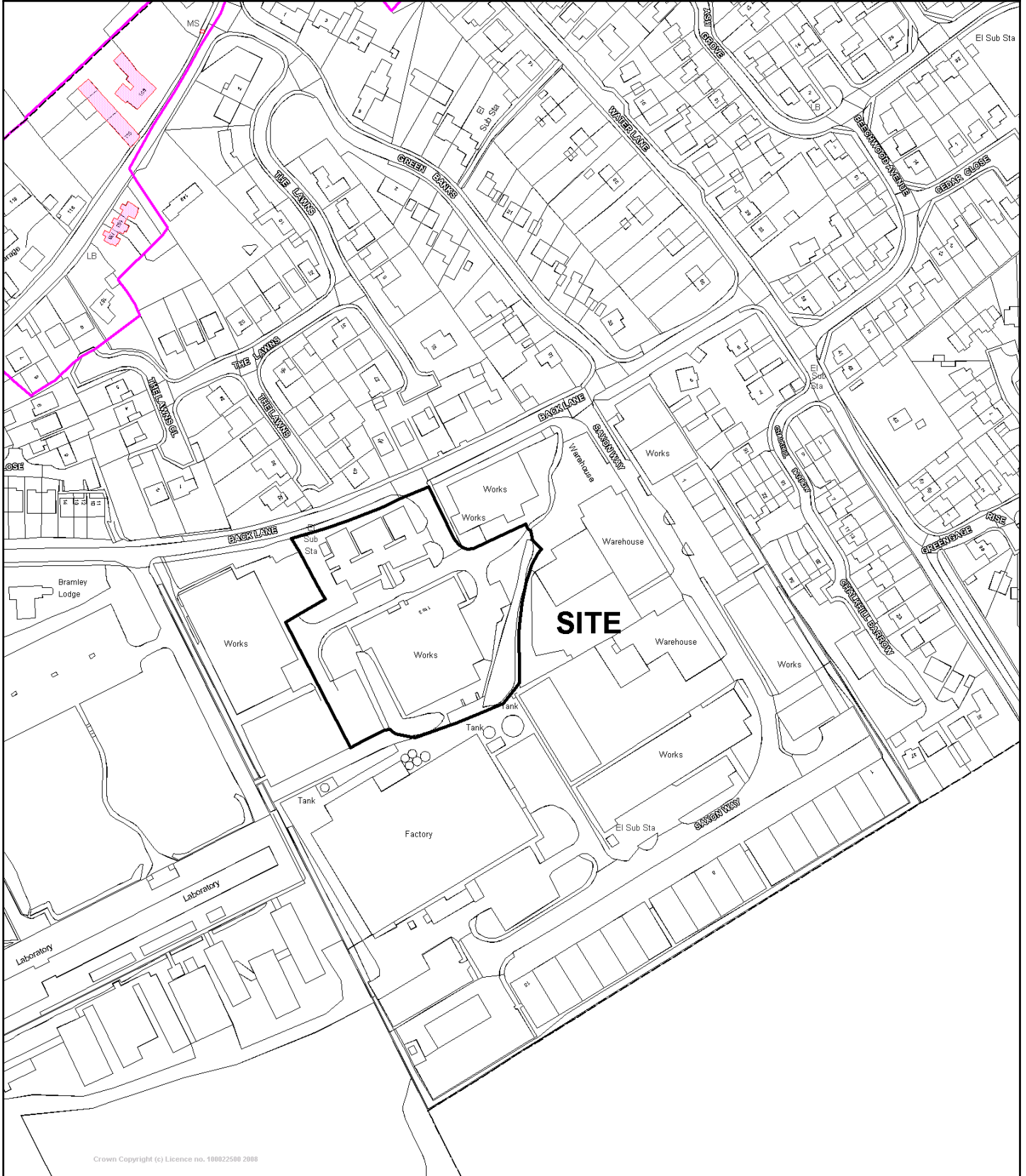
This Application has been reported to the Planning Committee for determination because it is a departure from the Local Development Framework Development Control Policies 2007

Site and Proposal

1. The application site comprises 0.86ha and is located on an existing employment site inside the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site comprises an existing building of 2675m² in floor area and 67 existing parking spaces. Access is achieved via an existing access off Back Lane.
2. The land to the north is an established residential area comprising modern detached dwellings in The Lawns and Lawns Close, which are cul-de-sacs. Back Lane and a band of trees and shrubs along the northern boundary divide these from the site. To the east, south and west are further industrial buildings. The building to the west was presented to Planning Committee last month for a change of use.
3. This full application, submitted on 16th October 2009, seeks consent to change the use of the site to allow for an ambulance station and ancillary uses. It also includes the erection of a sliding vehicular and pedestrian gate between the east elevation of the building and its eastern boundary edge though this is considered to be Permitted Development and does not therefore form part of the proposal. The application contains a Planning Statement and a Design and Access Statement.

Planning History

4. Originally built in the 1970's for industrial/warehousing purposes the sites planning history is quite extensive starting around the early 1960's. The majority of planning applications refer specifically to the erection of the development as a whole starting with **SC/0196/73/O**. The site was the subject of many 'change of use' applications. These include warehousing to light industrial, warehousing to general industrial and vice versa. The most recent applications for this building are dated in the 1990's and it was at this time the changes to the use occurred. Extensions to the building were



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Scale 1/2500 Date 15/12/2009

Centre = 538175 E 243963 N

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approved in 2000 under planning reference **S/0455/00/F** and a change of use has recently been granted at the neighbouring building under reference **S/1071/09/F**.

Planning Policy

5. Planning Policy Statements:

PPS1 (Delivering Sustainable Development)

PPG4 (Industrial commercial development and small firms)

PPS7 (Sustainable Development in Rural Areas)

PPS 23 (Planning and Pollution Control)

PPG24 (Planning and Noise)

6. **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.

South Cambridgeshire Core Strategy 2007

7. **ST/5 Minor Rural Centres** includes Melbourn.

South Cambridgeshire Development Control Policies 2007

8. **DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **ET/6** Loss of Rural Employment to Non-Employment, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **TR/1** Planning for More Sustainable Travel, **TR/2** Car and Cycle Parking Standards, **TR/4** Non Motorised Modes.
9. **Appendix 1** of the LDFDCP 2007 states that sui generis uses should provide up to 7 spaces per 10 employees.

Consultations

10. **Melbourn Parish Council** recommends approval, stating:

“Strong concern with lack of pedestrian pavements in Back Lane, local residents use this to travel to schools, shops and surgeries. It is used by HGV’s delivering to the industrial estate and domestic vehicles accessing this end of the village. As it will be 24/7 operation it is very important to NOT activate sirens in this area.”

11. **Local Highway Authority** - raises no objection to the change of use from a highway safety viewpoint. It asks that the visibility area shall be kept clear of all planting and the like exceeding 600mm high.
12. **Cambridgeshire Police Architectural Liaison Officer** - It has already been looked at from a Counter Terror Perspective and advice given to the Ambulance Trust. In terms of this the only point I will highlight to planners is the recommendation for Weldmesh or palisade fencing to secure the vehicle compound. I would also like to see the southwest elevation of building 2 secured in the same way thus effectively securing the rear.
13. **Corporate Manager (Health and Environmental Services)** – comments not received.

Representations

14. **Councillor Van de Ven** - Representation has been received from Councillor van de Ven in relation to an email received 25th November regarding the safety of Back Lane and the potential intensification of traffic. Councillor van de Ven comments:

“My reason for objecting is that Back Lane is a public by-way and completely unsuitable for the anticipated increase and type of traffic, for the reasons set out in the attached document.

The document Cllr Van de ven is referring to is one from local residents of Melbourn with regard to Back Lane sent directly to her that states:

The County Council Highways Dept. Have confirmed that Back Lane is a Byway Open to All Traffic (BOAT) which Section 66(1) of The Wildlife and Countryside Act 1981 defines as:

‘a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used’.

In addition to the above statement the document argues that Back Lane should not be subjected to an increase in traffic levels. It raises concern about vehicular intensification on Back Lane through granting approval of this application.

15. There have been 7 representations made objecting to the proposed change of use. Five of these are from local residents. The concerns raised are as follows:
- (a) Concern about speed limits being broken.
 - (b) There should be no significant increase in vehicular movement.
 - (c) Ambulances should exit the village via the quickest route which is not through the village.
 - (d) Sirens should not be used until on the A10.
 - (e) Weekend activity should be limited.
 - (f) There should be no acceptance for weekend work for future tenants.
 - (g) Lighting should be controlled.
 - (h) Back Lane is too narrow to accommodate HGV's and ambulances.
 - (i) Noise and light pollution.
 - (j) Back lane is very busy at certain times of the day – this will ultimately result in ambulances trying to get out quickly having to use both lights and sirens.
 - (k) Inappropriate development so close to residential properties.
 - (l) Speed restriction should be imposed for emergency vehicles given the level of activity by all users including pedestrians.
 - (m) Development not in accordance with ET/4.
 - (n) Pedestrians are at high risk given there is no footpath in Back Lane.
 - (o) There is a trial village 20 mph speed limit that will need to be implemented before the end of the current financial year. This will limit ambulance response times and therefore the suitability of the site is questioned.

16. An email has also been received from the Countryside **Access Team** who states the following:

“As we pointed out in our earlier response (email dated 1/12/09), the access to the site is along Public Byway No. 14, Melbourn (Back Lane).

As we only found out about the application the day before the Planning Committee meeting, we did not have the opportunity to undertake the same research into the history/ physical appearance of the byway which we would normally carry out. We therefore did not appreciate that this route has been tarmaced for many years and now looks much like the vehicular roads in the surrounding area. However, despite its appearance as a vehicular carriageway, Back Lane is still recorded on the Definitive Map (the legal record of public rights of way in Cambridgeshire) as a Public Byway. As such, although it is technically open to all traffic, it is primarily intended for 'soft' users i.e pedestrians, horseriders and cyclists. Until the early 1970s, when the industrial estate was first constructed, Back Lane would have had a rural character and non-metalled surface. Its development into a hard-surfaced 'road' has been incremental as development has taken place along the route, but there does not appear to have ever been a corresponding change in the route's legal status.

Our understanding is that Byway No. 14 is well used by local walkers/ riders, some of whom have contacted us with concerns about the impact of the proposed development. In addition, the byway is part of the 'Riders' Route' of the Icknield Way Regional Route, which forms an important link between several popular and well-publicised long-distance routes in the wider region (in particular, the east end of the Ridgeway National Trail in Buckinghamshire, and the Peddar's Way National Trail in Norfolk). There is already a conflict between these 'soft' users, for whom the byway is principally intended, and the goods vehicles associated with the industrial estate.

We believe this conflict will be exacerbated by the proposed ambulance station. The Design and Access Statement for this application is notably lacking in detail. However, we envisage that use as an ambulance station will involve frequent movements of vehicles, which will presumably be travelling at speed in response to emergency calls.

We feel that this is a qualitative change in the nature of use from what is currently permitted on the site. We understand from the Highways Development Control Engineer that ambulances leaving the station will not be using their sirens and should therefore be respecting the speed limit. However, we doubt that respecting the rights of other, 'soft', byways users (pedestrians, horseriders and cyclists) will be foremost in the minds of ambulance drivers responding to emergency calls. In these circumstances, riders and pedestrians will almost certainly be forced out of the way, or worse. From the point of view of the Ambulance Service, who are surely concerned about their response times, is a site where the only access is shared by frequent pedestrian and equestrian use really appropriate?"

17. An email has also been received from the **Ramblers Association** who makes the following comments:

"On behalf of the Ramblers' Association Cambridge Group, we wish to register our objection to the application. The grounds for objection are that the only vehicular access to the site is via Back Lane, which, although it is now a tarmac road, is still legally a Byway Open to All Traffic, intended primarily for use by pedestrians, equestrians and cyclists. The road is narrow, and has no footway. It is commonly used by pedestrians and cyclists, including local children, to reach the network of byways to the south west of Melbourn village, and forms part of the Riders' Route" for the "Icknield Way" regional route. Instances of conflict between pedestrians and commercial traffic already occur and any additional traffic, particularly vehicles such as ambulances whose drivers are likely to be hastening to service a call, is likely to increase the danger and inconvenience to local non-motorised traffic.

We understand that the County Council's Countryside Access Team has expressed its opposition to the proposed development, and we ask the District Council to support this by refusing planning consent for an ambulance depot on this particular site, unless an alternative vehicular access route can be found.”

Planning Comments – Key Issues

18. The key issues to consider in the determination of this application are:

- (a) Principle of Development
- (b) Car/Cycle provision
- (c) Residential amenity
- (d) Noise
- (e) Highway Safety

Principle of Development

19. The most relevant Policy in the LDFDCP 2007 is ET/6 as the proposal comprises development that proposes a new use not primarily for the purpose of employment. Under this policy a change of use from an existing employment site to non-employment uses should be resisted unless one of its criteria is met.
20. With regard to this criteria, and more specifically criterion b, it allows for development, such as that proposed, if the overall benefit to the community outweighs any adverse effect on employment opportunities and the range of available employment land and premises.
21. It is considered that the proposed use has a significant benefit to the community insofar that it would provide a public service serving a wider geographical area within the District and neighbouring areas. It requires specialist trained ambulance staff who are needed for larger scale or hazardous incidents. The applicant believes this location is very well suited both geographically and functionally to operate successfully.
22. Whilst it reduces the potential for a B1 (c) use (light industrial), the ambulance station will also be a base for the training of its staff. In addition, the actual running of the building itself will generate new jobs, such as maintenance of the grounds/building etc.
23. It is also considered that this use would not result in an adverse impact on employment opportunities in the area.
24. It is suggested by an objector that officers are wrongly applying Policy ET/6 to assess the application and should be applying ET/4 of the LDFDCP 2007. ET/4 refers specifically to New Employment Development in Villages and imposes floor space restrictions for different employment uses. It is considered this policy is not applicable. Firstly, this application is for a change of use to an existing employment building and secondly it is considered the new use is not for the primary purpose of employment. ET/6 is considered to be the correct employment policy in this instance.
25. The existing building will not require any external changes. The erection of the gate to the west of the building is for the security of the ambulances stationed to the rear of the property in the existing building. This gate could be erected under permitted development rights.

Car/cycle provision

26. Car parking facilities to the front of the property comprise 67 spaces. The parking requirement equates to 7 spaces per 10 staff. With 67 existing spaces the site has provision for nearly 100 employees. Cycle provision is not included in this application. It is considered reasonable to request such provision is secured through condition to promote alternative methods of sustainable transport.

Residential Amenity

27. With there being no changes to the external appearance of the building the change of use will not have any more of a visual impact on neighbouring residents than the existing building. No trees are proposed to be removed and the site will remain predominately the same as existing.
28. The building has been out of use for some time; similar to that of the neighbouring property and therefore the new use(s) will be more apparent considering the recent lack of activity on this particular site. People coming and going will create some noise that is not present at the moment and the use of lighting internally and externally will, again, be more apparent. However, it is not considered that this will generate any form of disturbance to local residents that will result in an adverse impact on residential amenity. Retention of the existing tree belt around the site will help reduce any future impact.
29. With regard to parking facilities, these are located close to the road and neighbouring properties and any new lighting for the car park should be agreed prior to development commencing to ensure there is no harmful light pollution to those living opposite the site or its entrance.
30. Blue flashing lights and sirens associated with ambulances attending emergencies are seen as having a potential adverse impact on residential amenity, particularly as the proposed service is 24 hours. This was one of the officer concerns raised during pre- application discussions and the applicants have tried to address this in their submitted documents by suggesting that sirens will not be used until vehicles reach the A10. It is understood that emergency vehicles do not use blue lights unless at the scene of an emergency or when a driver considers it necessary to indicate the journey is urgent.
31. It has been raised that the amount of traffic that uses Back Lane could restrict access to ambulances and therefore warrant the excessive use of sirens/lights. In response to this it is the view of officers that the level of traffic in Back Lane is not excessive enough to warrant a restriction on the use of sirens/lights in light of the restrictions on emergency vehicles using them and in any case such a restriction would be difficult to enforce through a planning condition.

Noise

32. Comments are awaited from the Environmental Health Officer. Members will be updated prior to the meeting.
33. It would not be unreasonable given that the site is very close to residential properties to restrict external training activities. It is stated that the majority of staff will be predominately based inside the building, however, should activities for training (or the like) be based externally these could be restricted to times that would not adversely impact on surrounding residents.

34. Whilst it is not indicated that there will be regular deliveries to and from the site nor does the use proposed promote a high level of delivery movement, it is seen as reasonable to restrict deliveries to and from the building within the same timescale as that of the neighbouring building so as not to disturb local residents. It does not seem reasonable to apply this to Sundays or Bank Holidays as the use would indicate supplies could be needed all year round.

Highway Safety

35. The representations made by the Councillor Van de ven, the Countryside Access Team and the Ramblers Association reiterate that Back Lane is a Byway Open to All Traffic (BOAT) that's primary use is for pedestrians. The safety of the primary users of this stretch of road is questioned based on the increase in traffic and the speed ambulances could be travelling. With a lack of footpath to provide a clear separation between the users space it is suggested that Back Lane is improved to accommodate all its users.

36. In response to this the Local Highway Authority responded with the following statement:

“Although the Ambulance Service will require a staff of 45 to run the station these will operate within a shift pattern and a maximum of 18 staff will be in attendance at any one time. The applicant's state that this will result in 32 two-way movements during the week and 18 two-way movements at the weekend. which assuming a basic one movement per member of staff (in at the start of their shift and out at the end of their shift) model this seems reasonable. To put this in context the existing property allows for 67 car parking spaces, so theoretically a new occupier (again no involvement would be required by either the Highway Authority or Planning Authority) could generate 134 two-way movements. Clearly this is a maximum, but its is unlikely that any new occupier within the existing use class would have such a low level of employment as that proposed by the ambulance service. Given that the proposal represents a reduction in motor vehicles movements to and from the site, this in turn represents a reduction in the hazards associated with using the highway. On a more subjective note I would also infer that given their profession that Ambulance Drivers are more likely to drive in the least hazardous fashion, again potentially reducing risks.

Whereas, it is accepted that Back Lane is narrow and used by pedestrians, it is also accepted that the Ambulance Service would have considered their needs and from their perspective the location services the wider community within Cambridgeshire satisfactorily.

Overall, given the existing conditions and the possible uses of the existing units on the site the Highway Authority would be unable to sustain an objection to either proposal.”

37. It has been suggested that ambulances should always use Back Lane and travel southwest towards the A10 instead of driving through the village when attending incidents. Whilst this seems like common sense and, assume due to ease of accessibility this will be the most likely route, it would not be reasonable of the LPA to restrict ambulances accessing areas that could reduce this time. For example, it is unlikely that should there be an accident on the junction of New Road and the A505 ambulances would travel via the A10 when the distance through the village is much shorter. Whilst it is the intention of the applicants to respect its local residents as far

as reasonably possible, it would be unreasonable of the LPA to place restrictions on the route emergency responses should make.

38. No concerns are raised from a highway safety viewpoint.

Other matters

39. Concern has been raised regarding the use of this site for future occupiers. The current use class permitted is B1 (C); this application seeks to change that use to an Ambulance Station, which is a sui generis use. This use does not allow for any permitted changes and therefore any future occupier would have to apply to specifically change the use of this building, unless, it was for an ambulance station.
40. With regard to the 20mph trial for the village that is referred to in the representations it is likely that the applicants are aware of this in their search for the right site, however, ambulances are permitted, by law, to break the speed limits when necessary.
41. It has been suggested that activity on the site should be reduced at weekends. With regard to the type of service that is being provided this would be an unreasonable request to make and officers are of the view that this would not meet the tests of circular 11/95.

Conclusion

42. The current industrial uses along Back Lane allow for a heavier type of vehicle flow than a residential street. This route has been tarmaced for many years and the industrial site in place since the 1970's. The building has been unused for approximately 12 months and this application proposes to use it for a much needed public service. Whilst the application sees the loss of an employment use the application still meets the relevant policy criteria and it is the view of officers that this makes good use of an existing empty building.
43. There is no concern from a highway safety viewpoint and it is suggested the new use would result in potentially less vehicular movement than its existing use. Cycle parking should be included as part of the scheme.
44. The proposal is for 24 hour use of the building and this will mean people will be on site at all times. This additional use of the building will need to be controlled to ensure that neighbouring residents are not disturbed at unsociable hours that could have an adverse impact on their quality of life. In addition it should not restrict the operations of the ambulance staff. For this reason no additional lighting should be erected unless otherwise agreed to ensure there is no light spill onto residential areas. The existing tree belt to the north of the building contains the noise coming from those entering and leaving the site. The current hard standing is a mixture of concrete and grasscrete and though this is not proposed to be changed it is agreed that details of planting and materials for hard standings are agreed to ensure reduced noise levels where possible.
45. For the reasons above officers agree that the building will be used in a manner that will not have an adverse impact on employment, on its neighbouring residents or on the safety of the existing users of Back Lane and should be approved subject to the following conditions:

Recommendation

46. Approve

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, NE/6 and NE/15 of the adopted Local Development Framework 2007.)
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, NE/6 and NE/15 of the adopted Local Development Framework 2007.)
4. The use, hereby permitted, shall not commence until details regarding covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details. (Reason - To ensure the provision of covered and secures cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
5. No training activities associated with the permitted use shall be undertaken externally within the site between the hours of 1900hrs and 0700hrs.
(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)
6. No deliveries shall be taken at or despatched from the site between the hours of 1900 hrs and 0700 hrs.
(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) 2007
- Planning application references: S/1071/09/F and S/1356/09/F

Contact Officer: Saffron Garner – Senior Planning Officer
Telephone: (01954) 713256