

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee
AUTHOR/S: Director of Development Services

6th July 2005

S/1751/04/F - Pampisford

Change of Use to General Builders Merchants (Comprising Storage, Sale and Distribution of All Supplies and Services Required by The Construction Industry), Together with Storage and Restoration of Reclaimed Building Materials and Their Sale To The Trade And Public, Or Use for Storage and Distribution (Application In The Alternative) at Station House For Solopark Plc

Recommendation: Mind to Approve
Date for determination: 18th November 2004 (Major Application)

Departure Application

Site and Proposal

1. The application site extends to 2.5 hectares (6.1 acres) and is occupied by the existing Solopark premises. It is bounded by a 4-5 metres approximately green metal fence and is used for the storage, display and sale bricks, tiles, slates, oak beams, fireplaces, staircases, stained glass, paviers, doors, timber, chimney pots, garden ornaments, windows, gates, ironmongery and steel. Two pitched roof green metal cladding showrooms/stores, a portacabin used as a sales office, workshops and open fronted stores stand on the site.
2. This full application, registered on the 19th August 2004 with the application description amended on the 31st May, proposes a change of use of the site to a general builders merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public, or use for Storage and Distribution. A builders merchants is a sui generis use. Storage and distribution is a B8 use. No physical alterations or additions are proposed to the site or the existing buildings.
3. If approved, this application 'in the alternative' would allow the use of the site to be switched between the two specified uses within the 10 year period following the date of the permission. At the end of the 10 year period, the use being carried out at that time would become the lawful use and a planning application would be required to subsequently change to the other specified use or another use.

Relevant Planning History

4. **S/1561/04/F** - Extensions to Existing Sawmill and Refurbishment Buildings - Approved October 2004
5. **S/1200/01/F** - Sewage Treatment Plant and Associated Works - Approved August 2001
6. **S/0694/00/F** - Storage/sales building - Withdrawn June 2000

7. **S/1074/98/LDC** - Use for the sale of the same or similar goods the nature of which are presently sold at the site but without any restriction that the goods should be reclaimed - Refused in September 1998 on the basis that, whilst it was considered that a change of use had occurred, it had not been so for a period of 10 years.
8. **S/0447/96/F** - Retention of office building and access - Approved May 1996
9. **S/1253/95/95/F** - Storage/sales building - Approved December 1995
10. **S/1059/95/F** - Variation of condition 11 of planning permission S/0195/85/F (opening hours) - Approved October 1995
11. **S/1058/95/F** - Variation of condition 5 of planning permission S/1023/93/F (opening hours) - Approved October 1995
12. **S/1258/94/F** - Wood workshop and general store - Approved October 1994
13. **S/1286/93/F** - Temporary office building and temporary access with associated parking - Approved September 1993
14. **S/1023/93/F** - Change of use of agricultural land to commercial yard for reclaimed building materials - Approved September 1993
15. **S/1684/92/LDC** - The substantive use of the property for the storage, display and sale only of (a) all building materials, fittings, fixtures and fixings reclaimed from the actual demolition of any building subject to provisos (b) building materials, fittings, fixtures and fixings which, though not reclaimed materials have the appearance of reclaimed materials subject to provisos (c) new materials being decorative products, fixtures, fittings and fixings and small-scale, non-trade items subject to provisos (d) cement and aggregate subject to provisos and (e) marble and marble products; and the following ancillary uses - the manufacture of joinery items from reclaimed wood, the fabrication of wall and other small fittings to match reclaimed fittings and the use of a specified workshop for the provision of a workshop service ancillary to the permitted uses - Issued February 1993
16. **S/0275/92/F** - Variation of conditions 3 and 4 (restricting use of building to the display, sale and storage of building materials ancillary to and carried on in association with the main use of the site for the storage, display and sale of reclaimed building materials) of planning permission **S/2015/91/F** - Refused in May 1992 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would be tantamount to the creation of a retail warehouse which would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
17. **S/21015/91/F** - Showroom building for the storage, display and retails sale of building materials - Approved February 1992
18. **S/0045/91/F** - Variation of conditions 3 and 4 (requiring use of building to be carried out in association with the main use of the site for the storage, display and sale of reclaimed building materials and requiring Solopark Ltd to be the first occupier) of planning permission S/2618/89/F - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by

large areas of open storage and generates a limited amount of traffic. A retail use and its ancillary uses and buildings would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.

19. **S/0044/91/F** - Variation of conditions 3 and 4 (restricting use of building to the display, sale and storage of building materials ancillary to and carried on in association with the main use of the site for the storage, display and sale of reclaimed building materials) of planning permission S/2624/89/F - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would be tantamount to the creation of a retail warehouse which would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
20. **S/0043/91/F** - Use of site for the storage and sale of building materials and associated products - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation. Moreover, the proposed use would be neither precise nor easy to monitor and enforce, and would be tantamount to the creation of a retail warehouse within a countryside location; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
21. **S/0058/90/F** - 2m high fence and landscaping - Approved April 1990
22. **S/2624/89/F** - Showroom building for the storage, display and retail sale of building materials - Approved November 1990
23. **S/2618/89/F** - Office and workshop building - Approved April 1990
24. **S/1922/89/F** - Office, showroom and stores - Refused in October 1989 as it would dominate Station Road and detract from the rural character of the area
25. **S/0342/89/F** - Septic tank - Approved March 1989
26. **S/0405/88/F** - Temporary security Office (renewal of S/1975/85/F) and extension - Approved March 1988
27. **S/0850/87/F** - Temporary security office (extension of period consent S/1763/84/F) - Approved June 1987
28. **S/1975/85/F** - Temporary security office (renewal of S/1763/84/F) - Approved February 1986
29. **S/0195/85/F** - Redevelopment of site for the storage and sale of reclaimed building materials - Approved August 1985
30. **S/1763/84/F** - Temporary security office - Approved March 1985

Planning Policy

31. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
32. Structure Plan 2003 **Policy P2/5** states that distribution, warehousing and manufacturing activities which generate large volumes of freight movement will only be located on sites with good access to rail freight facilities, and to motorways, trunk or other primary routes. It also states that distribution and warehousing facilities will not be permitted within or close to Cambridge. The supporting text states that suitable sites for distribution will be allowed but that Cambridge and its immediate environs is not appropriate for large-scale distribution and warehousing activities because housing and employment with a need to be close to the city have priority on land which is identified for development.
33. Local Plan 2004 **Policy EM7** states that development for the expansion of existing firms within village frameworks or on suitable brownfield sites next to or very close to the village frameworks will be permitted subject to the provisions of Policy EM3 and EM6. A firm or business will be considered as “existing” if a significant element of its operations has been based in the Cambridge Area for a minimum of two years prior to the date of any planning application for development.
34. Local Plan 2004 **Policy EM10** states that permission will be granted for the change of use of rural buildings to employment use provided: the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; the form, bulk and general design of the buildings both before and after conversion are in keeping with their surroundings; the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside; safe and satisfactory vehicular access can be provided together with adequate space within the curtilage to accommodate ancillary requirements such as car parking and lorry manoeuvring without significant detriment to the setting of the building and the landscape within which it is located; and the scale and frequency of traffic generated by the proposal can be accommodated on the road system without undue adverse effects.

Consultation

35. **Pampisford Parish Council** recommended refusal in relation to the original application description (which read ‘Change of Use to Builders Merchants and Associated Trades Comprising Storage and Distribution of New and Reclaimed Building Materials and Restoration of Building Materials and their Sale to the Trade and Public, or Use for Storage and Distribution with Ancillary Retail Sales (Application in the Alternative)’) stating “It is not good policy to change planning permission to reflect what is happening (retails sales now 38%) instead of what should be happen under the current planning permission (retail sales should be 25%). We feel that sales should remain capped at 25% since no evidence is put forward as to why this should be amended. We are not happy with a generalised consent to allow alternative acceptable uses without the need for specific planning consent. We feel specific consent should be required.”
36. Any additional comments received before the meeting in relation to the amended application description and to my letter (which clarified that there is currently no restriction in relation to the percentage of total sales from the site that can be made up of sales to the general public and that the reference to ‘alternative’ would only

allow one or other of the two uses set out in the application description to be carried out) will be reported verbally at the meeting.

37. **Great Abington Parish Council** was consulted in June 2005 after the description was amended. Any comments received before the meeting will be reported verbally.
38. **Chief Environmental Health Officer** states that he has not received any recent complaints concerning the operation of this site and the current hours of operation appear satisfactory and could be conditioned along with a general condition relating to the location and type of any power driven plant or equipment.
39. **Local Highway Authority** raises no objections to the proposed uses but has reservations that the site could become a mainstream DIY store or distribution centre with potentially significant greater impacts on the locale.
40. **Highways Agency** states that the development falls within a category where the Secretary of State does not intend to issue a direction. It does however state that it is a little nervous that this development could result in a DIY or B8 use, both of which could cause problems in the future, and conditions will need to be very carefully worded as will the actual description of the development to avoid picking up a potential problem later. It had originally objected to the proposed B8 element of the application as this could result in substantially more trips, especially HGVs. It subsequently clarified that its concerns in relation to the B8 use related to a general concern that any increase in traffic generated by a B8 use would lead to an increased risk of accidents rather than any site specific risk, and it is not aware of any particular congestion problems in the immediate vicinity.
41. **Environment Agency** recommends that a condition relating to pollution control, including foul and surface water drainage, is attached to any permission.

Representations

42. Pampisford Estate, owner/occupiers of land adjacent to the site, objects to the proposed storage and distribution element of the scheme. It states that the site is not suitable for a general warehouse use of an unspecified nature due to its location, the nature of the access and the impact on the amenity of nearby properties. It also states that the site has limited parking and the access roads are inadequate to cope with the traffic likely to be generated by such a use. If the Council is minded to give permission for the first use only on account of the existing use of the site, any current restrictions imposed by the Established Use Certificate need to form part of any permission granted.

Planning Comments - Key Issues

43. The main issues to consider are:
 - Whether this is an appropriate site for the proposed uses having regard to sustainability, town and village centre viability and traffic issues; and
 - Impact on neighbours.
44. If approved, this application in the alternative would allow the site owner/occupier to switch between the two specified uses without the need for a further planning permission for a period of 10 years from the date of the permission. Unless a further planning permission was granted, after this period, the use for which the site was being used at the end of the 10 years period could continue but a change to the other

specified use or another use would require a planning application. To approve the application, Members will need to be satisfied that both proposed uses are acceptable.

Use as General Builders Merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public

45. The use of the site for the storage, display and sale of predominantly materials reclaimed from the demolition of buildings is lawful by virtue of the Lawful Development Certificate issued in 1993. There is currently no restriction in relation to the percentage of total sales from the site that can be made up of sales to the general public. In relation to the first of the two alternative proposed uses, as well as restricting any external storage to a maximum height of 5 metre and stipulating that no more than 75% of the aggregate floor area of the buildings on the site shall be used for the display of goods for sale, the applicant also proposes that, as part of any permission, the percentage of retail sales to the public is limited to a maximum of 33% of total sales from the site, which is below the existing level stated as part of the application of 38-40%.
46. Whilst I would not want to encourage a retail use in the open countryside that would be more appropriately located within or adjoining a settlement, there is already a retail use of sorts on the site, only bulky goods are generally sold/would be sold and the recommended S.106 Agreement would give the Local Planning Authority control over the proportion of goods sold to the general public rather than trade that it currently does not have. In my opinion, approval of this type of use on this site would not compromise the vitality or viability of retailing in any settlement. Notwithstanding the previous refusal of applications to relax restrictions on the use of the site, mindful of current planning policies, the comments of the highway authorities and subject to compliance with the recommended restrictions, I consider that the use of the site as a general builders' merchant together with storage and restoration of reclaimed building materials would be acceptable.

Storage and distribution use

47. Structure Plan Policy P2/5 states that distribution and warehousing facilities (B8 uses) will not be permitted within or close to Cambridge. The supporting text states that suitable sites for distribution will be allowed but that Cambridge and its immediate environs is not appropriate for large-scale distribution and warehousing activities because housing and employment with a need to be close to the city have priority on land which is identified for development. The application has been advertised as a departure from the development plan as the proposal involves a storage and distribution use within the Cambridge Sub-Region.
48. In this instance, the proposal is not considered to be contrary to the aims of the policy as the site is an existing yard approximately 13 km/8 miles from the centre of Cambridge and neither a B1 (Business) Use nor residential development on the site are considered to be appropriate.
49. The site has good access to the A11, A505 and A1307 and, although the highway authorities have expressed some concern that a distribution centre could generate significantly more vehicle movements than the existing use, they don't cite any specific concerns that would result from any such increase. In view of these

comments, it would be difficult to substantiate a refusal to a B8 use of the site on highway grounds.

50. Any B8 use of the site would be predominantly open storage. As with the other proposed use, it would be important to restrict the maximum height of any external storage.

Issues relevant to both proposed use

51. Subject to compliance with the recommended conditions, it is considered that the proposed uses would not seriously harm the amenity of local residents.

Recommendation

52. Approval subject to the application being referred to the Secretary of State as a departure from the development plan and him not calling it in, the prior signing of a Section 106 Agreement to:
 1. Ensure that, in any 12 month period, turnover from retail sales to persons other than those making purchases for the purposes of a trade or business from a builders' merchants use of the site shall not exceed 33% of the total turnover of business on the site;
 2. Require the agreement and implementation of a scheme for the provision of evidence to the Local Planning Authority of compliance with the above restriction, such scheme to be based upon certification of an appropriate return by a person qualifying as a company auditor for the purposes of the Companies Acts 1985 and 1989; and
 3. Ensure that no more than 75% of the aggregate floor area of the buildings on the site shall be used for the display of goods for sale

and to the following conditions:

1. Standard Condition A - Time limited permission (Reason A);
2. Any 'General Builders Merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public' use of the premises shall not open to the public for the sale of goods other than between the hours of 0730 and 1800 Mondays to Saturdays and 1000 and 1700 on Sundays (Reason: To protect the amenities of occupiers of nearby properties);
3. Save for the sale of goods from the premises in accordance with condition 2, no work or process shall be carried out on the premises other than between the hours of 0730 and 1800 Mondays to Saturdays (Reason: To protect the amenities of occupiers of nearby properties);
4. No deliveries shall be taken at or dispatched from the site between the hours of 2200 and 0400 (Reason: To protect the amenities of occupiers of nearby properties);
5. On any day, other than Sundays, a maximum of 3 deliveries shall be taken at or dispatched from the site between the hours of 0400 and 0730 and a maximum of 3 deliveries shall be taken at or dispatched from the site between the hours of 1800 and 2200 (Reason: To protect the amenities of occupiers of nearby properties);
6. No deliveries shall be taken at or dispatched from the site on Sundays other than between the hours of 1000 and 1700 (Reason: To protect the amenities of occupiers of nearby properties);

7. Details of the location, type, noise characteristics and attenuation proposals for any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the buildings but excluding office equipment and vehicles and the location of the outlet from the buildings of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restriction (Reason - To ensure that plant and equipment is not visually intrusive and to protect the amenity of occupiers of nearby properties);
8. Any external storage of materials on the site shall not exceed 5 metres in height (Reason: To ensure the development does not detract from the visual amenities of the countryside);
9. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control, which shall include foul and surface water drainage, shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans (Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment);

Reasons for Approval

1. Although the development is not in accordance with the wording of Cambridgeshire and Peterborough Structure Plan 2003 Policy P2/5, it is considered to be acceptable as a departure from the Development Plan for the following reason: it is not contrary to the aims of the policy as the site is an existing yard approximately 13 km from the centre of Cambridge and neither a B1 (Business) Use nor residential development on the site are considered to be appropriate.
2. The development is considered generally to accord with the Development Plan in all other respects and particularly the following policies:
 - Cambridgeshire and Peterborough Structure Plan 2003: None
 - South Cambridgeshire Local Plan 2004: EM10 (Conversions of Rural Buildings)

Informative

The applicant is reminded that by virtue of this planning permission, Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows the use of the property to be changed between the two alternative uses specified in the application without the need for further planning permission provided such a change of use does not take place more than 10 years after the date of this planning permission.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

- Planning file Refs: S/1751/04/F plus applications referred to in planning history section of this report

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