
F/YR22/0337/F

**Applicant: Noble
Nicholas Percival**

**Agent : Mr James Curtis
Grow Design Studio**

**Land South And West Of March Enterprise Park 33, Thorby Avenue, March,
Cambridgeshire**

**Erect 7 x commercial units (Class E), comprising of 1 x block of 6 x units and 1 x
detached unit, with associated parking**

Officer recommendation: Refuse

**Reason for Committee: Referred by Head of Planning on advice of Committee
Chairman**

1 EXECUTIVE SUMMARY

- 1.1 The proposal is seeking permission for two buildings comprising smaller units for purposes within use class E on land at Thorby Avenue, March Trading Estate. This includes uses which are defined in the NPPF as town centre uses. Any combination of uses within class E could be created if an open permission were granted. The NPPF and policy LP6 of the Local Plan and policy TC1 of the March Neighbourhood Plan require both an impact assessment to be submitted and a sequential approach to be taken for main town centre uses that are proposed in an out of centre location. The applicant has failed to provide such information/evidence therefore the proposal is not acceptable in principle.
- 1.2 The proposal could also result in the loss of employment land for Class E(g)/B2 and B8 purposes contrary to policy LP9 of the Local Plan.
- 1.3 The proposed open nature of the potential uses for the two proposed buildings could create a parking demand that is greater than the number of spaces shown on the site layout plan and as required by policy LP15 and Appendix A of the Local Plan. As such the proposal could lead to parking on the road which could impact other road users.
- 1.4 In other respects, the imposition of conditions could deal with the deficit of a surface water drainage strategy and other matters such as materials, designing out crime, cycle storage, landscaping etc where more detail is required.

2 SITE DESCRIPTION

- 2.1 The site is situated within the March Trading Estate to the north of Hostmoor Avenue. The site is located in an established employment area. The site is currently accessed off the west side of Thorby Avenue and contains a building which comprising 10 small units (labelled as existing unit C on the submitted plans), a gravelled parking area and landscape area to the site frontage. The site

is largely surrounded by other plots containing commercial/employment uses/buildings. The parts of the plot to the south and west remain undeveloped.

3 PROPOSAL

- 3.1 The proposed development comprises the construction of two buildings providing a total of 7 new units. The description of development does not specify what the proposed uses might be within Class E of the Use Classes Order, therefore the application is for any of the uses set out in the class which may include retail, financial services, café/restaurant, indoor sport, creche/nursery, medical services as well as employment use for light industry/offices.
- 3.2 The two buildings comprise proposed unit A to the front of the site, broadly in the location of the existing car park and landscaping and unit B to the rear of the site.
- 3.3 Unit A comprises one unit and measures approximately 15.5 metres x 7.5 metres (for the most of its width) x 4 metres high to a flat roof. It is broadly rectangular but has a feature at the entrance whereby the wall kicks out slightly at an angle. The drawings show a mixed cladding of timber, grille/metal and other. The drawings also indicate that this unit will be a food establishment ie a café/restaurant within class E. *(officer note: however, if an open class E permission were to be granted unconditionally, this unit could be used for any use within class E).*
- 3.4 Unit B comprises a building measuring approximately 41 metres x 15 metres x 7.4 metres to its highest part. The roof is asymmetrical dual pitched. There are also 3 external “chimney” type features which extend slightly above the height of the apex of the roof. There are six units within this building – units 3 and 4 each have stairs to a second-floor area which is approximately one third of the floor space of the unit.
- 3.5 The proposed parking strategy plan shows that proposed unit B would have 21 allocated spaces for the 6 units, proposed unit A would have 7 allocated parking spaces and the existing unit C would have 11 parking spaces.
- 3.6 The red line application site boundary extends around the access and the two new units only whilst existing unit C is within a blue line showing that this land is within the ownership/control of the applicant.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR22/0337/F | Erect 7 x commercial units \(Class E\), comprising of 1 x block of 6 x units and 1 x detached unit, with associated parking | Land South And West Of March Enterprise Park 33 Thorby Avenue March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0337/F)

4 SITE PLANNING HISTORY

F/YR07/0147/F – Erection of 21 units comprising block of 5 units, block of 6 units and block of 10 units for B1, B2 and B8 use with trade counter and associated parking – approved 24/07/07

F/YR16/1177/F – Unit C5 – ancillary retail to commercial laundry business – approved 15/02/17

F/YR20/0253/F – Change of use of unit 4 to fitness and kick boxing facility (D2) – approved 15/05/20.

(Officer note: Units 4 and 5 above are within the block of 10 units existing at the site and labelled as Unit C on the current application)

5 CONSULTATIONS

5.1 March Town Council - Recommend approval

5.2 CCC Highway Authority – No objections

5.3 CCC Minerals and Waste – *The site lies within a Sand and Gravel Minerals Safeguarding Area, safeguarded under policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to ensure that mineral resources of local and/or national importance are not needlessly sterilised. There are a number of exemptions set out in criterion to policy LP5, none of which are relevant in this case. However, it is noted that the site is relatively small and is an infill development located within March Trading Estate as set out in policy LP9 – March, of the Fenland Local Plan. The MWPA considers that as the site is relatively small and is an infill development, complete prior extraction of any mineral is unlikely to be feasible.*

5.4 Cambridgeshire Constabulary – Consider the area to be a low risk of vulnerability to crime at present. No separate information was provided regarding security and crime prevention is the design and access statement. Crime prevention should be considered as an integral part of design. Recommendations made concerning use of full lighting columns to light external areas rather than bollards, Block A cycle stands should be visible from the windows and secured into the ground not bolted down, reposition and cover cycle store proposed for unit B, detailed guidance provided about door, window and shutter design and approved suppliers independently verified by third party testers, possible use of CCTV and recommend fitting a barrier to car park which can be closed overnight as boy racer and car meets are a huge problem on industrial estate car parks.

5.5 Anglian Water – The foul drainage network has capacity to take the anticipated flows from the development. It is noted there is no surface water drainage strategy submitted with the development. AW will need evidence of compliance with the surface water hierarchy and a condition should be imposed requiring submission of a drainage strategy prior to the laying of any hard surfaces.

5.6 FDC Environmental Health – As the proposed development is surrounded by other business uses, there are no objections

5.7 Local Residents/Interested Parties

A comment has been received from a unit holder in unit C who raises concerns questions about access, parking arrangements and proximity to property. He states that he runs very busy martial arts classes – 25 per week with over 150 members visiting from 8.00am to 10.00pm every week. (*Officer note: Unit 4 see site history*)

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

- 2. Achieving Sustainable Development
- 4. Decision Making
- 6. Building a Strong, Competitive Economy
- 7. Ensuring the Viability of Town Centres
- 12. Achieving Well-Designed Places

National Planning Practice Guidance (NPPG)

National Design Guide 2021

- Context
- Identity
- Built Form
- Movement
- Nature
- Public Spaces
- Uses
- Homes and Buildings
- Resources
- Lifespan

Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP6 – Employment, Tourism, Community Facilities and Retail
- LP9 – March
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy
LP3 – Spatial Strategy for Employment
LP5 – Health and Well-being
LP7 – Design
LP11 – Community Safety
LP15 – Employment
LP16 – Town Centres
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP32 - Flood and Water Management
LP40 – Site Allocations for Non-residential development in March

March Neighbourhood Plan 2017

TC1 – Primary Shopping Frontages
TC2 – Regeneration Sites

The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5: Mineral Safeguarding Areas (MSAs)

8 KEY ISSUES

- **Principle of Development**
- **Design**
- **Access and Parking**
- **Drainage**
- **Other**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 of the Fenland Local Plan 2014, directs the majority of new employment growth to the market towns, of which March is a primary market town.
- 9.2 Policy LP6 sets out that the land required to deliver the necessary employment growth will be provided for in intensification and extensions to established areas of employment and through a master planning approach in the urban extensions to the four market towns. The approximate target for March for the period 2011 to 3031 is 30 hectares. Policy LP6 goes on to state that the Council will seek to retain for high quality employment use land or premises currently or last in employment use for B1/B2/B8 employment purposes, unless it can be demonstrated through a marketing exercise that there is no reasonable prospect of the site being used for these purposes. In addition, for new office only proposals, priority will be given to locations in the centre of market towns, then edge of centre, then out of centre sites.

- 9.3 For retail development, policy LP6 states that the Council embraces a strong “town centre first” message when considering the most appropriate locations for retail and leisure developments in the towns. The town centres in March and Wisbech are at the top of the retail hierarchy. Future retail development will be directed to Primary Shopping Frontages and the Primary Shopping Area and then town/district centre locations. Thereafter, proposals will need to follow the sequential approach set out in the NPPF. Retail development outside of town centres where there is proposed 500 square metres gross of floorspace or more will be required to undertake an impact assessment to ensure the vitality and viability of defined centres is protected and/or enhanced.
- 9.4 Policy LP9 identifies the March Trading Estate (in which the site is located) is a broad location for growth and that it is expected that development in this area will predominantly or entirely relate to business uses.
- 9.5 Policy LP40 in the emerging Local Plan allocates 78.4 hectares at March Trading Estate for employment development. The draft policy in the Draft Local Plan Consultation August 2022 states that development proposals should provide development within use classes B and E. The Planning Policy Team has advised that reference to an open Class E in this draft policy is a mistaken and should be class E(g) which fits with the other employment allocations for March. It is noted that an open Class E allocation at March Trading Estate would conflict with the aims of emerging policy LP16 which generally reinforces the existing policy LP6 in the current local plan whilst recognising the flexibility granted by Class E in the Use Classes Order. The same approach to town centres is reflected in policies TC1 and TC2 of the March Neighbourhood Plan. Policy TC1 identifies the primary shopping frontages in March Town Centre and for out of centre developments requires an impact assessment for proposals with a gross floor area of 500 square metres or more. Policy TC2 is concerned with regenerating a number of sites within March town centre to help improve the attractiveness and heritage of the town centre. It should be re-stated that as the emerging Local Plan is at such an early stage, it carries very little weight.
- 9.6 Class E of the Town and Country Planning (Use Classes) Order has grouped together retail, café/restaurant, professional and financial services, sport and leisure uses, health provision, creche/nursery provision and offices/light industry and research and development uses into the one-use class. This means that existing land and buildings within one of these uses can change use to one of the other uses without needing planning permission, unless such existing uses are controlled by other means e.g. conditions. In this case, new buildings are proposed which the applicants proposed to use for any purpose within Class E. The applicant considers that the change to incorporate Class E into the UCO is a material consideration. However, the NPPF still places the development plan at the heart of decision making and also retains Section 7 to ensure the viability and vitality of town centres. It contains a glossary which identifies which uses are main town centre uses and these include much of the development included in use class E including retail, restaurants, health and fitness centres and offices.
- 9.7 In this instance, the proposed unit A has a floor area of approximately 112.5 square metres. The proposed unit B has a floor area of approximately 660 square metres (including the first floor area of approximately 45 square metres). This combined floor space is well in excess of the 500 square metres set out in Local Plan policy 6 as requiring an impact assessment as well as policy TC1 of the March Neighbourhood Plan and also emerging policy LP16. The applicant

has been given opportunity to reconsider the application for an open Class E development but has declined to do so. It is right, therefore that the local authority must look at every potential scenario for uses or combination of uses that could occur within use class E which includes retail.

- 9.8 Paragraph 87 of the NPPF requires a sequential approach to be undertaken with regard to applications for main town centre uses (defined in the glossary). Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available in edge of centre locations. Only then should out of centre sites be considered. March Trading Estate is an out of centre location.
- 9.9 Paragraph 90 of the NPPF requires applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date development plan, to be assessed against an impact assessment which should accompany the application and against locally set and proportionate floorspace thresholds. In this instance, the locally set threshold in the existing local plan, neighbourhood plan and emerging plan is 500 square metres of gross floorspace.
- 9.10 Therefore, the applicant should have considered if any sequentially more favourable sites are available in areas better suited for town centre uses and should have submitted an impact assessment with regard to impact on March Town Centre. Despite requests for this information, none has been submitted. In accordance with paragraphs 90 and 91 of the NPPF, the application should be refused for this reason.
- 9.11 The application is also in conflict with policy LP6 of the Local Plan and TC1 of the March Neighbourhood Plan which requires town centre uses to be located in town centres first and requires developments providing over 500 square metres of floorspace to provide an impact assessment.
- 9.12 Much of the site formed part of the permission granted in 2007 for business units. The existing unit C formed part of this planning permission. The remainder of the units have not been built out. This permission was for B1/B2/B8 uses and therefore a sui generis use as the precise use of each unit was not specified. The site forms part of the March Trading Estate broad location for growth set out in policy LP9 of the Local Plan where it states that development in this area shall be predominantly or entirely related to business uses (at that time this would have been B1/B2/B8 uses although B1 has now been subsumed into use class E). The site is to be allocated for employment development as part of policy LP40.1 in the emerging local plan (noting that the policy on page 127 mistakenly refers to Class E rather than Class E(g)). It is clear that if the site is granted permission for new units that could be used for any purpose within use class E then it is highly likely that the land will be lost to business uses i.e. Class E(g), B2 or B8 for which it is intended.
- 9.13 The application is not accompanied by the required impact assessment and sequential information. As such the proposal is not acceptable as it may harm the vitality and viability of March town centre contrary to policy LP6 of the Local Plan and TC1 of March Neighbourhood Plan and section 7 of the NPPF which seeks to ensure the vitality of town centres. The proposal could also result in the loss of employment land for Class E(g)/B2 and B8 purposes contrary to policy LP9 of the Local Plan.

- 9.14 The site lies within a Sand and Gravel Minerals Safeguarding Area, safeguarded under policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). However given the history on the site and that this sits within a wider area of development it is not considered that this designation would preclude the development of the site.

Design

- 9.15 Policy LP16 of the Local Plan requires that high quality environments will be delivered and protected throughout the district. Criteria (d) requires developments to make a positive contribution to the local distinctiveness and character of the area, enhancing the local setting and responding to the local distinctiveness and character of the area.
- 9.16 The NPPF has in its most recent iteration, placed increased emphasis on good design which means layout as well as design of buildings themselves. Paragraph 130 of the NPPF sets out several criteria to which planning decision should adhere, including safety and crime and disorder as well as design principles around layout, good architecture and landscaping etc.
- 9.17 The submitted plans include “shadowing” which makes the drawings slightly more difficult to interpret. Nevertheless, the application proposes essentially two further box shaped structures split into smaller units. Materials could be conditioned as could information concerning designing out crime as advocated by Cambridgeshire Constabulary. The layout generally reflects the layout approved in 2007.
- 9.18 The site is also surrounded by other industrial units, therefore this proposal sits within that context. As such in terms of design, the proposal would be acceptable subject to conditions.

Access and Parking

- 9.19 Policy LP15 of the Local Plan requires development to be located so it can maximise accessibility and help increase use of non-car modes. It also requires car and cycle parking to be provided in accordance with Appendix A standards.
- 9.20 The Highway Authority has not objected to the proposal in terms of vehicular access.
- 9.21 The car parking standards set out in Appendix A are based on the “old” use classes rather than Class E. As the potential end use of each unit is so open (within Class E) the parking demand could differ greatly between say a shop and a restaurant or a D2 use such as a sports facility.
- 9.22 A shop up to 499 square metres of floorspace requires two spaces plus one space for every 25 metres over 50 square metres. A restaurant requires one space per 5 square metres of bar, dining and function room area and a sports/leisure use requires one space for every 10 square metres of public area.
- 9.23 Unit B would have 21 allocated spaces and Unit A would have 7 spaces. Unit C retains the 11 spaces surrounding that building. If the units were to be used by those uses within use Class E that create a higher parking demand, the proposed parking is likely to be inadequate, leading to visiting members of the public parking on Thorby Avenue. As the applicant has not specified which uses are

proposed within use class E then the local planning authority would be right to assume a worst-case scenario. Even taking a pragmatic approach and assuming a mix of different uses, it appears that the proposed parking is likely to be inadequate. Cycle parking is shown on the submitted parking strategy plan but it is limited in detail. It appears, however, that there is space to provide further cycle parking which could be secured by condition if permission were being recommended for approval.

- 9.24 In terms of sustainable location, the town centre uses would be best served by public transport and provide better options for combined journeys if located in the town centre. It is recognised that there may be some opportunities for combined trips with the surrounding employment uses and the nearby Tesco store.
- 9.25 In conclusion, an open Class E development as proposed is not adequately served by the proposed amount of car parking for the new units and as such is contrary to policy LP15 of the Local Plan and Appendix A.

Drainage

- 9.26 The site is located in flood zone 1 which is the area at least risk of flooding.
- 9.27 Policy LP14 requires that relevant developments are accompanied by a drainage strategy that shows that surface water drainage will be dealt with in a sustainable way. The application form states that SuDS will be used but no further detail is submitted and there is no attenuation shown on the submitted plan. There is an existing drain to the southern border of the site.
- 9.28 Anglian Water has stated the foul drainage system has capacity to take waste water and that any permission must be conditioned to secure a sustainable surface water strategy. Whilst ideally a drainage strategy should have been submitted with the application, it is possible that sustainable drainage could be achieved and therefore, in this instance, would have been subject to a pre-commencement condition had approval been recommended.

Other

- 9.29 Landscaping/Biodiversity – there is little biodiversity on the site. A suitable landscape scheme could address these issues and could be conditioned.
- 9.30 Amenity – the proposal does not impact on any residences as there are none in the vicinity and it will not impact on the amenity of nearby users of other employment sites except indirectly through potential parking on the street if the car park proved to be inadequate which is probable.

10 CONCLUSIONS

- 10.1 The proposal is seeking permission for two buildings comprising smaller units for purposes within use class E on land at Thorby Avenue, March Trading Estate. This includes uses which are defined in the NPPF as town centre uses. Any combination of uses within class E could be created if an open permission were granted. The NPPF and policy LP6 of the Local Plan and policy TC1 of the March Neighbourhood Plan require both an impact assessment to be submitted and a sequential approach to be taken for main town centre uses that are

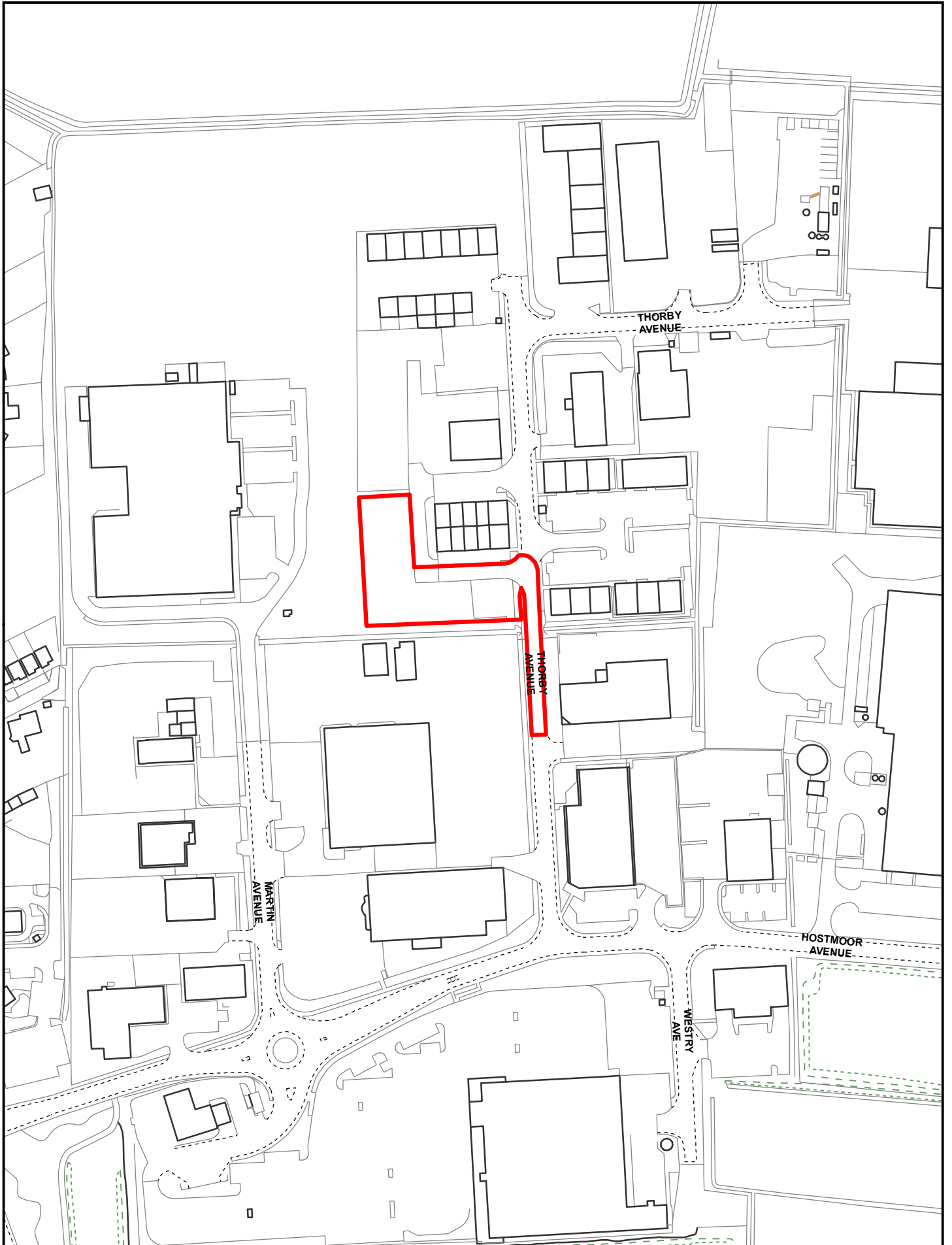
proposed in an out of centre location. The applicant has failed to provide such information/evidence therefore the proposal is not acceptable in principle.

- 10.2 The proposal could also result in the loss of employment land for Class E(g)/B2 and B8 purposes contrary to policy LP9 of the Local Plan.
- 10.3 The proposed open nature of the potential uses for the two proposed buildings could create a parking demand that is greater than the number of spaces shown on the site layout plan and as required by policy LP15 and Appendix A of the Local Plan. As such the proposal could lead to parking on the road which could impact other road users.
- 10.4 In other respects, the imposition of conditions could deal with the deficit of a surface water drainage strategy and other matters such as materials, designing out crime, cycle storage, landscaping etc where more detail is required.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	The application is not accompanied by the required impact assessment and sequential information required for the main town centre uses proposed. As such the proposal is not acceptable as it may harm the vitality of March town centre contrary to policy LP6 of the Local Plan and TC1 of March Neighbourhood Plan and section 7 of the NPPF which seek to ensure the vitality of town centres. The proposal could also result in the loss of employment land for Class E(g)/B2 and B8 purposes contrary to policy LP9 of the Fenland Local Plan 2014.
2.	The proposal would provide for a wide range of uses within use class E for which the exact uses and/or combination of uses within the proposed two new units is unknown. The proposed additional 28 parking spaces could prove inadequate for some of the uses within use class E which would create higher parking demand and could result in parking on the adjacent highway to the detriment of other road users and the occupiers of neighbouring units. As such the proposal is contrary to policy LP15 and Appendix A of the Fenland Local Plan 2014.



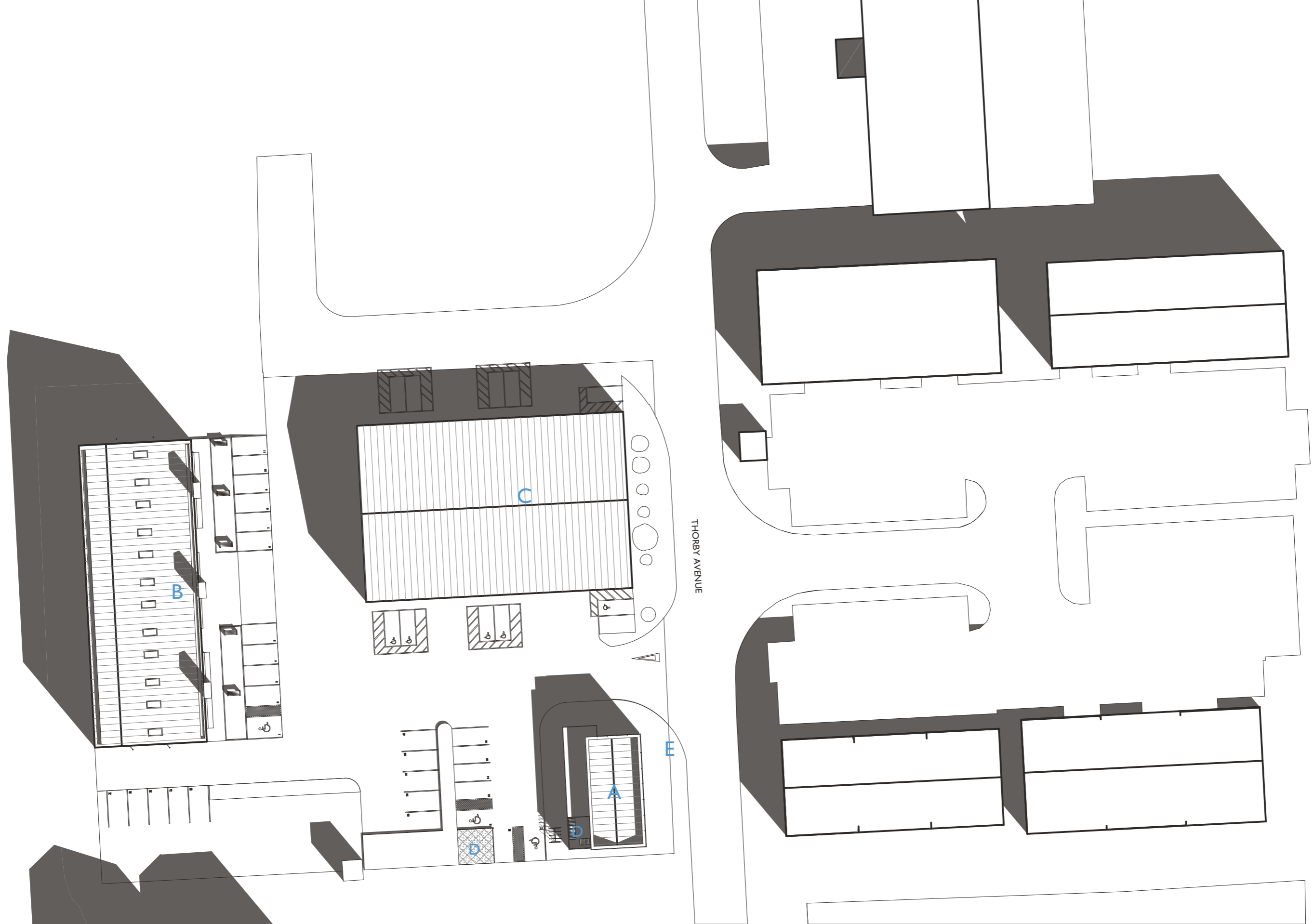
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F/YR22/0337/F

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Project: COMMERCIAL DEVELOPMENT
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 Drawing: Site layout 02
 Client: Habendum Ltd
 Date: 04/05/2022
 Drawn / checked: JC / AJ
 Scale: 1:500 @ A3
 Drawing no / Rev: 0969_A_SC_11b
 Status: SPATIAL

Date
04/05/2022

Change Name
Substation added

RevID
B

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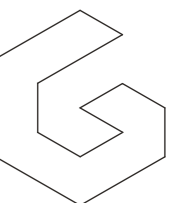


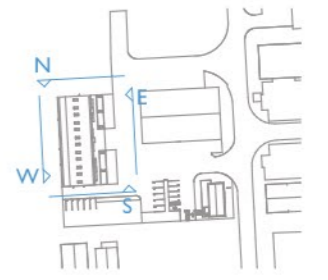
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- A - Proposed block A
- B - Proposed block B
- C - Existing warehouse
- D - Bin storage area
- E - Totem sign

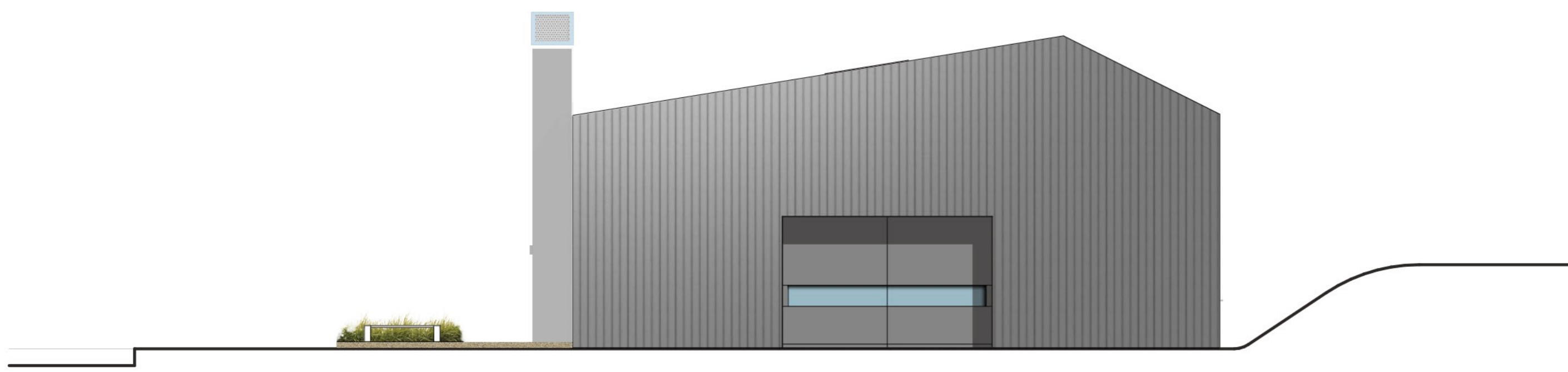
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EAST ELEVATION



NORTH ELEVATION

Information -



WEST ELEVATION

Date
17/12/2021

Change Name
RevID
A

HABENDUM LTD
COMMERCIAL DEVELOPMENT

Drawing
Proposed Block B Elevations

Project
March Enterprise Park , Thorby
Avenue, PE15 0AZ

Scale
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Date
11/02/2022

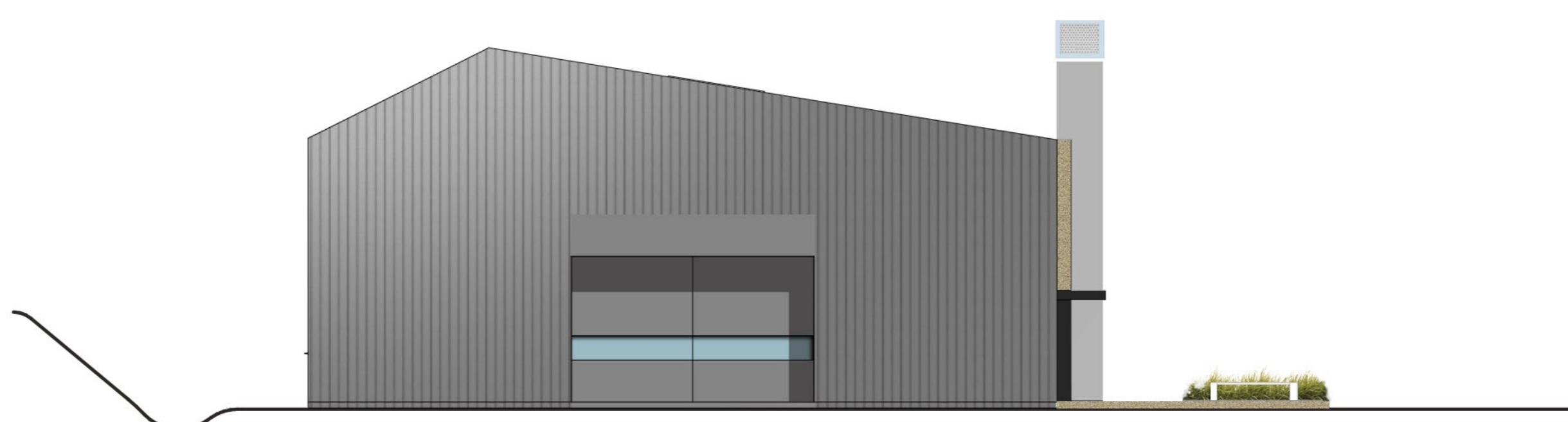
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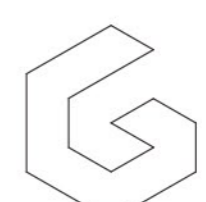
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Status
PLANNING

Drawing No. / Rev
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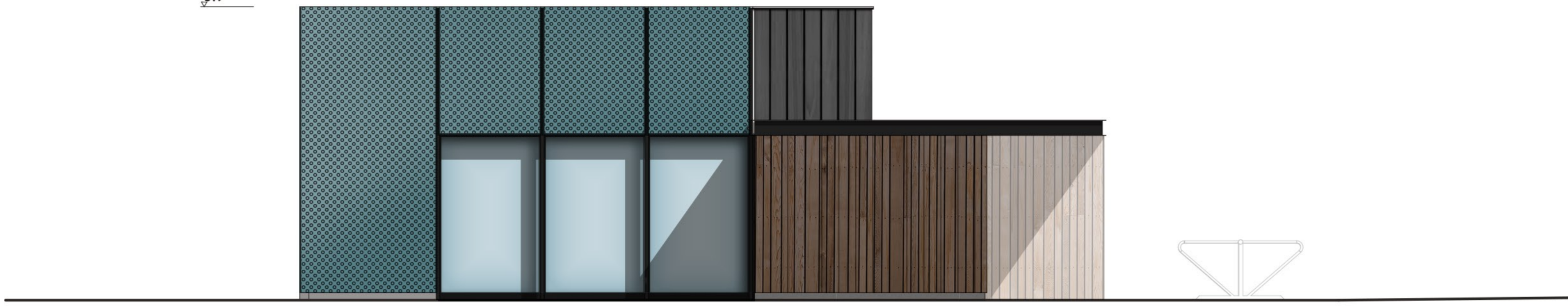


SOUTH ELEVATION

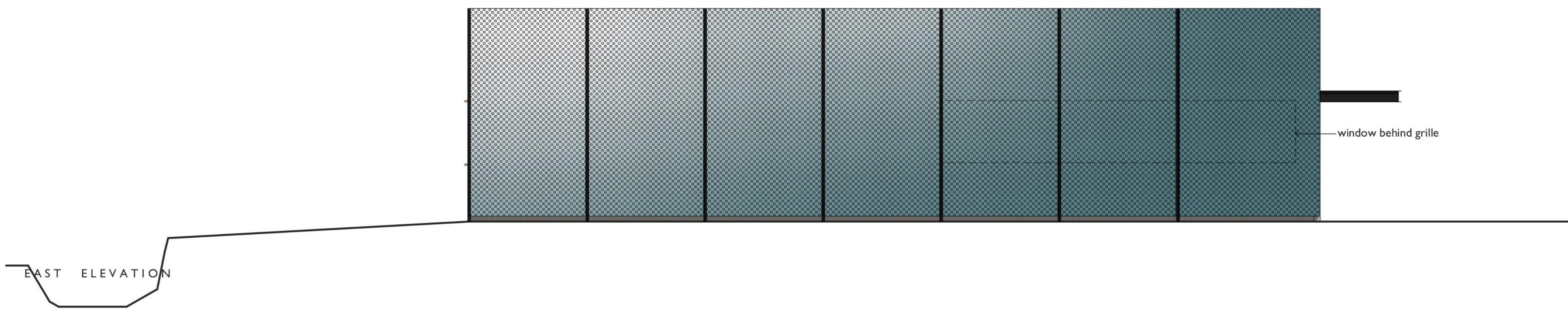




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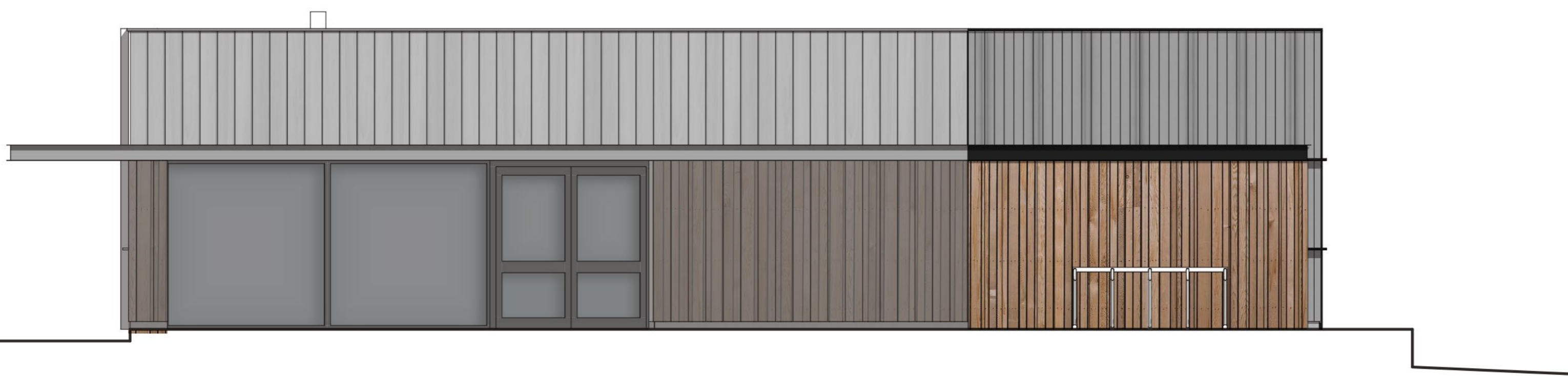


NORTH ELEVATION



EAST ELEVATION

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WEST ELEVATION

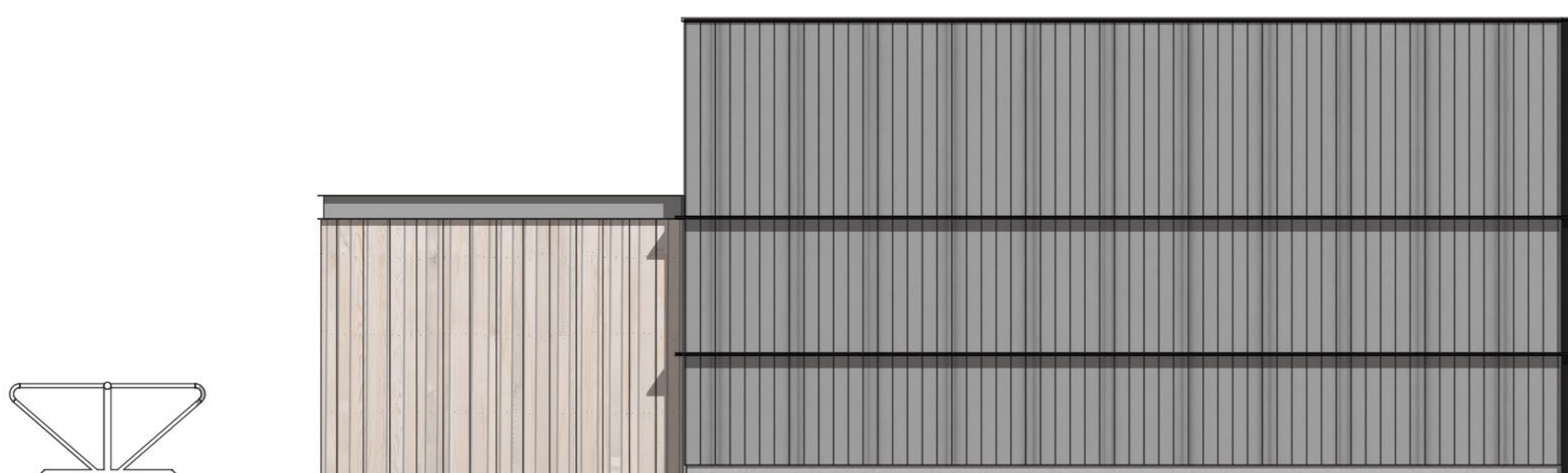
Date 17/12/2021 Change Name RevID A

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Drawing
Proposed Block A Elevations

Project
March Enterprise Park , Thorby
Avenue, PE15 0AZ

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Job Number 0969 Status PLANNING
Drawing No. / Rev 0969_A_SC_03



SOUTH ELEVATION

