#### F/YR22/1014/F

Applicant: Mr Robert Chapman

#### Agent : Mr G Boreham Morton & Hall Consulting Ltd

Land South And West Of Beats Lodge, Hooks Drove, Murrow, Cambridgeshire

Change of use of equestrian land (and stables) to Builders Yard (Sui Generis) with office, including erection of aggregate bays, 2.4m high fence and sliding gates, the formation of a Swale, and extend existing access (part retrospective)

**Officer recommendation: Refuse** 

Reason for Committee: Number of representations contrary to the officers recommendation.

### 1 EXECUTIVE SUMMARY

- 1.1. The application site is located approximately mid-way between Wisbech and Thorney, on Hooks Drove, approximately 1 kilometre southwest of Murrow and within the parish of Wisbech St Mary. The site consists of an access/parking area, a stable block, a former menage and the surrounding paddocks. The site is currently being used as a yard with lorries being stored at the location, there is an aggregate and sand store on site which is sold and delivered to sites, this use has been occurring at the site for roughly one year according to the applicant's agent.
- 1.2. This application seeks full planning permission to change the use of the equestrian land to a builder's yard (Sui Generis). The change of use will entail the laying of hardstanding to the majority of the site with 10 no. aggregate bays, each measuring 10m in width, 10m in depth and 4m in maximum height, 5 no. grab lorry parking spaces, 6 no. staff parking spaces and machinery including a topsoil screener and aggregate bagger on hardcore/gravel. The existing access at the site is to be extended and utilised with the introduction of a 2.4m high sliding gate with adjoining fence.
- 1.3. The site was, before it was developed, grade 1 agricultural land which is the highest quality in the Agricultural Land Classification and categorised as 'best and most versatile'.
- 1.4. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified and is therefore contrary to Policy LP3 of the Fenland Local Plan 2014.

- 1.5. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light". The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural setting with low background noise levels. Consequently, the proposed development would lead to an unreasonable loss of amenity to nearby residential properties and is therefore contrary to Policy LP16 of the Fenland Local Plan.
- 1.6. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 states development must be located in a location where 'it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.' Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014
- 1.7. The site lies in Flood Zone 3, the highest risk of flooding, the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.8. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

# 2 SITE DESCRIPTION

- 2.1. The application site is located approximately mid-way between Wisbech and Thorney, on Hooks Drove, approximately 1 kilometre southwest of Murrow and within the parish of Wisbech St Mary. The closest residential properties not occupied by the applicant are Whitegates, Hooks Drove which is immediately to the west of the site access and Asan Can Cottage, Hooks Drove whose garden is approximately 10 metres east of the proposed aggregate bays. There are a further 16 properties, including residential pitches, all accessed from Hooks Drove, within 300 metres of the site. There are 2 properties on Cant's Drove to the south of the site that are within 350 – 400 metres.
- 2.2. The site consists of an access/parking area, a stable block, a former menage and the surrounding paddocks. The site is currently being used as a yard with lorries being stored at the location, there is as aggregate and sand store on site which is sold and delivered to sites, this use has been occurring at the site for roughly one year according to the applicant's agent.
- 2.3. The boundaries of the development site are defined by mature hedges with the exception of the eastern boundary to the neighbouring dwelling, Asan Can Cottage, that has a length of 1.8 meter high close boarded fence.

- 2.4. The site was, before it was developed, grade 1 agricultural land which is the highest quality in the Agricultural Land Classification and categorised as 'best and most versatile'.
- 2.5. The site is located within flood zone 3, the highest risk of flooding.

#### 3 PROPOSAL

- 3.1. This application seeks full planning permission to change the use of the equestrian land to a builder's yard (Sui Generis). The change of use will entail the laying of hardstanding to the majority of the site with 10 no. aggregate bays, each measuring 10m in width, 10m in depth and 4m in maximum height, 5 no. grab lorry parking spaces, 6 no. staff parking spaces and machinery including a topsoil screener and aggregate bagger and on hardcore/gravel.
- 3.2. The existing access at the site is to be extended and utilised with the introduction of a 2.4m high sliding gate with adjoining fence. The proposed sliding gates are to be set back approx. 20m from the existing highway at Hooks Drove with the first 20m of the access to be laid in tarmac. The proposed access to the site beyond the sliding gate is to be 5m in width with a gravel/hardcore surface.
- 3.3. The existing stables in the stable block are to be utilised for storage in connection with the proposed builders yard.
- 3.4. A swale is proposed to the south of the compound to discharge water into the existing drain to the south of the site.

Full plans and associated documents for this application can be found at: <u>F/YR22/1014/F | Change of use of equestrian land (and stables) to Builders Yard</u> <u>(Sui Generis) with office, including erection of aggregate bays, 2.4m high fence</u> <u>and sliding gates, the formation of a Swale, and extend existing access (part</u> <u>retrospective) | Land South And West Of Beats Lodge Hooks Drove Murrow</u> <u>Cambridgeshire (fenland.gov.uk)</u>

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0525/F	Erection of a stable block and horse walker, and the formation of ménage with 8 x 5m high flood lighting for part domestic/part commercial use	Grant	20/08/2014
CCC/21/070/FUL (Cambridge County Council)	Use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and the erection of a demountable building (retrospective)	Refuse	14/04/2022

#### **5** CONSULTATIONS

#### 5.1. Wisbech St Mary Parish Council (11/10/2022)

'Wisbech St Mary Parish Council was unable to submit a recommendation on this application due to the cancellation of Septembers meeting following the passing of our beloved Queen Elizabeth II. Councillors were requested to submit individual comments via email if = they had strong views on this application. Should this application go to Re-Consultation the Parish Council will be happy to receive that in the usual manner.'

#### 5.2. Cllr David Scrimshaw - Wisbech St Mary Parish Council (26/09/2022) 'Already been refused on similar grounds, I object to this application as this is a single track line.'

#### 5.3. Anglian Water Services Ltd (08/09/2022) 'Having reviewed the development, it falls out of our Statutory sewage boundary. We therefore have no comments.'

#### 5.4. Environment Agency (09/09/2022)

'The planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues. See following link for assistance -

<u>https://scanner.topsec.com/?d=1978&r=show&u=https%3A%2F%2Fwww.gov.uk%</u> <u>2Fflood-risk-assessment-local-planning-</u> authorities&t=fb7261fe5e045379d609e5fdb35052f3b2a0094a'

#### 5.5. Designing Out Crime Officer (12/09/2023)

'I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above location for the past 12 months. At present, I would consider this to be an area of low risk to the vulnerability to crime.

I have no objection to this proposed change of use. However, I have the following comments for your consideration.

**CCTV** - While CCTV is not a universal solution to security problems, it can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. CCTV should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications, be well signed and registered with the Information Commissioners Office. Cameras should ideally cover main entrances into the buildings, lobbies, service yards, car park and cycle storage.

**External Lighting** – Our recommendation is that access roads and footpaths, car parks, cycle parking and loading areas/service yards should be lit by 1.6m columns designed to BS5489-1:2020 or BS EN 12464-:2014. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. A professional lighting engineer will be able to advise on the ecological issues and the protection of wildlife.

**Landscaping -** Any landscaping you should ensure the following: hedges and low planting should be kept down to 1m - 1.2m and tree crowns raised to 2m to ensure surveillance across the site. Care should be taken to ensure that there is no conflict with the location of lighting, trees, landscaping, and CCTV.'

#### 5.6. Wildlife Officer (14/09/2022)

**'Recommendation:** The application scheme is acceptable but only if conditions are imposed.

#### Pre-Commencement Condition(s) -

• Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been created and approved in writing by the Local Planning Authority. The scheme shall be updated to include the following details:

- All ecological enhancements, mitigation and compensation as recommended within the Preliminary Ecology Appraisal (Hiller Ecology, August 2022), including all recommendations regarding ecologically sensitive lighting;

- Planting to account for the loss of the trees and grassland on site, and suitable planting for the swale as to increase ecological diversity.

- Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;

- Boundary treatments.

Development shall be carried out in accordance with the submitted details and at the following times:

Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

#### Informative -

• Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

#### Assessment/Comment:

The conditions above have been recommended as to ensure that all recommendations from the Ecology Reports are captured in working documents to be used on site. It is noted that none of the current documentation quantifies the potential net loss of biodiversity the site represents. A net negative loss of biodiversity is expected as such the landscaping documentation will need be modified in order to either demonstrate no net loss or justify off site compensation.'

#### 5.7. North Level District I.B.D (20/09/2023)

'My board has no objection in principle to the application.

I note from the application that it is proposed to excess water from the swale to the Bords No. 5 Drain. An application for Land Drainage consent will be required for any new outfall, together with payment of a development levy in accordance with the enclosed.'

#### 5.8. CCC Highways (30/03/2023)

'In order to make an informed decision in respect of the submitted application, additional information is required:

The site benefits from an existing access onto the public highway but this access is not necessarily suitable for intensification as would be anticipated with this change of use application. As such, the applicant needs to demonstrate that the access can achieve inter-vehicular visibility splays commensurate with the signed speed limit or the observed 85th percentile speed.

The methodology provided to derive the splays of 2.4m x 57m to the west and 2.4m x 60m to the right is generally accepted. However, the applicant has not demonstrated that the splays can be fully contained within the application boundary and / or the highway boundary. The applicant will therefore need to overlay a copy of the verified highway boundary on the submission drawings, a copy of which can be procured by following the instructions at the link below.

<u>https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development</u>

A builder's yard will attract large vehicles to the site. The applicant should demonstrate with appropriate swept path analysis that the proposed access is capable of safely accommodating the largest forecast vehicle, which based on the submission would appear to be a grab lorry. Hook's Drove and the surrounding highway network comprises of narrow carriageway (circa 4m) for long lengths. It is devoid of opportunity for vehicle passing and is generally a poor location for a B2 development of this scale. In order to make the development acceptable in highway safety terms, the applicant will need to give consideration to highway mitigation in the form of suitable passing places at regular intervals. Passing places would be needed at semi-regular intervals between the site and Murrow Bank; a distance of 1.5 miles. The scale of such works may be disproportionate to the development and any such conditions could therefore be unreasonable. I will defer this matter to the LPA for their consideration.

The tangent point of the corner radius of the proposed access (east side) sits directly on the access to the neighbouring property. As a kerb upstand will be required on the radius, it is unclear how this can be constructed in a manner which will not result in vehicles clipping the kerb and causing damage.

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, likely a refusal.'

#### 5.9. CCC Highways (28/07/2023)

'I have reviewed the latest note from MTC and I can accept the access visibility but the other comments in my response 30th March 2023 remain valid, namely the applicant has not demonstrated that the access is suitable for grab lorries and they have not commented upon the 1.5m of highway devoid of passing opportunity. It is my view that unless the applicant can provide suitable mitigation (which would be very costly in light of the remote location), this is not an appropriate location for a builders yard and such a developer could materially impact upon highway safety.'

#### 5.10. FDC Environmental Health (09/06/2023)

'I have consulted with colleagues and agreed that that the previous submission was reasonable, hence:-

The application if granted would permit the introduction of industrial processes into close proximity with residential properties in a rural location with low background noise levels. In view of this I formally object to this application on the grounds that the change of use will cause an unreasonable loss of amenity to nearby residential property.'

#### 5.11. Local Residents/Interested Parties

#### **Objectors**

4 letters of objection have been received from 4 addresses located along Hooks Drove, Murrow which raised the following summarised concerns:

- Previous applications to change the use of Equestrian land and stables to a recycling centre was refused
- Van, trucks and movement of vehicles along this road will cause more damage
- Noise pollution
- Not safe for bicycle users and walkers along the road
- Hooks Drove road is a substandard single lane, the road has subsided in several places, there are humps, pot holes and the road surface is cracking
- Dust pollution
- Site is already operating as builders yard and HGVs are present at the site

- Operating hours for the site are declared as 07:00 to 18:00 Mon to Sat. This will be disruptive especially if the site becomes open to the public
- The road is not equipped to be able to cope with the frequent HGV movement that a site like this would require and deterioration of the roadway can already be seen
- Increased traffic along road but lack of passing bays, will lead to increased danger to walkers and cyclists as there is no pathways or street lighting on road
- Visibility on leaving the site is poor, this will impact upon highway safety
- Previous farming land has been now covered in hardcore for access already without permission
- The land prior to the commencement of the business use on site was lay lower than what it does now and it is now less permeable because of the materials that have been tipped onto it

### Supporters

26 letters of support have been received from 26 addresses within Murrow, Wisbech which made the following summarised comments:

- Expansion of local business and creates jobs for local people
- Location is ideal on outskirts of village and therefore not impacting the village and local has minimal impact on local residents
- Support economic growth within the local community
- Potential that the proposal will attract more businesses to the area
- Directly behind the applicants site you have Adapt Biogas Plant which is again operating all hours of the day and night again using large machinery and articulated lorries causing noise, dust and strong smelling odours
- Potential to support the careers of younger generation
- Hooks Drove is not a single carriageway as there is no road signage stating this
- There have and still is many businesses within the vicinity of the applicant that have vehicles such as HGVS that use the local roads
- Local A.D Plant only a few hundred yards away from the site has seen massive expansions approved and completed
- Local business providing these goods reduces carbon footprint and transport costs of materials

# 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) National Planning Practice Guidance (NPPG) National Design Guide 2021

#### 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

LP12 – Rural Areas Development Policy

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 LP19 – The Natural Environment

# 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 Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP15: Employment
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP32: Flood and Water Management

# Supplementary Planning Documents/Guidance

Cambridgeshire Flood & Water SPD (2016)

# 8 KEY ISSUES

- Principle of Development
- Visual Impact
- Residential Amenity
- Access and Highways
- Flood Risk

# 9 BACKGROUND

9.1. An application was submitted to Cambridgeshire County Council in 2021 for the site for the 'use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and the erection of a demountable building (retrospective)' the application was refused in April 2022. The application submitted to Cambridgeshire County Council is a material consideration for the determination of the proposed development within this submitted application, the refusal reasons of that application are detailed below:

1. There is surplus capacity for the recycling of inert construction, demolition and excavation waste within the area of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) for the Plan period. The applicant has not demonstrated that the development would comply with Cambridgeshire and

Peterborough Minerals and Waste Local Plan (July 2021) Policy 3 by:

(a) assisting in closing a capacity gap identified in the table in Policy 3, provided such a gap has not already been demonstrably closed; or
(b) assisting in closing a new capacity gap identified in the future, with such identification to be set out in the annual monitoring of the Plan; or
(c) moving waste capacity already identified in the table in Policy 3 up the waste hierarchy.

The proposed development does not address any identified capacity gap or move waste up the waste hierarchy and would divert inert construction, demolition and excavation waste from other sites with planning permission or sites which would be in a location that complies with Policy 4.

2. The application site is in a rural area outside the development limits of any settlement and is not for the recycling or recovery of agricultural waste so is contrary to the locational criteria set out in Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4. The applicant has not demonstrated that sites which meet criterion (a) or (b) of Policy 4 are not available or suitable.

The application site is remote from most sources of inert construction, demolition and excavation waste so would generate more vehicle-miles transporting the waste and the processed material which would not minimise greenhouse gas emissions or contribute to sustainable development so would be contrary to Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 1.

3. The development does not comply with the spatial strategy for waste management development set out in Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4 therefore a quantitative need for the development must be demonstrated and the applicant has not done so. Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 3 requires proposals to be in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4 and the development is not.

4. The access to the application site access is sub-standard in terms of visibility (particularly towards the west) and not properly set out in terms of geometry and construction for HGV movements. The position of the gate is too close to the carriageway edge and visibility splays of the required standard would not be achievable within land controlled by the applicant. Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. The development would be contrary to Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and to Fenland Local Plan (May 2014) Policy LP15.

5. The proposed waste management activities will impact on the surrounding area in terms of noise from plant and machinery and HGV movements. The applicant's noise assessment predicts that the development would have a "significant adverse" impact on the occupiers of nearby properties and that if the recommended mitigation measures are carried out the noise emissions from the site would have at worst an "adverse impact" on the occupiers of nearby properties. The environmental health officer is not confident that the "worst case" scenario presented in the applicant's noise assessment will not worsen over time and considers it likely that the straw barriers either side of the screener would degrade and lose their effectiveness. The proposals to mitigate noise from the development are not robust enough to ensure that the development can be integrated effectively with existing neighbouring development and consequently the proposed development would have a detrimental effect on the amenity of the neighbouring residential properties. The development does not comply with paragraph 185 of the National Planning Policy Framework (July 2021), Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 17(c) and Policy 18 and Fenland Local Plan (May 2014) Policy LP16.

6. The applicant has not provided sufficient information on each of the following matters for the waste planning authority and consultees to be able to properly consider the impacts and suitability of the proposed development:

- i) surface water drainage strategy;
- ii) justification of flood zone 3 location;
- iii) run-off water quality;
- iv) biodiversity impacts;
- v) biodiversity net gain;
- vi) protection of high quality soils; and
- vii) justification of use of best and most versatile agricultural land.

The application is contrary to paragraphs 167, 169 and 174 (b) & (d) of the National Planning Policy Framework (July 2021), Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policies 20 (e) & (f), 22 and 24 and Fenland Local Plan (May 2014) Policies LP14 (B) and LP19.

#### 10 ASSESSMENT

#### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3.
- 10.2. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified within LP3 as above.
- 10.3. Policy LP6 of the Fenland Local Plan seeks to concentrate new employment land around the four main market towns of Wisbech, March, Chatteris and Whittlesey by encouraging job growth in all sectors, but focusing on the appropriate provision of land for industrial, office and warehousing uses in sustainable locations to meet the needs of the businesses. In terms of the rural economy the Local Plan supports appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.4. In light of the above the proposal clearly fails to demonstrate compliance with Policies LP3, LP6 and LP12 of the Fenland Local Plan 2014 as the application site is located within a countryside location, the applicant's business does not constitute an 'agricultural' operation or any of those identified within LP3 and the

proposed development would lead to the loss of high grade agricultural land with no justification of this loss.

## Visual Impact

- 10.5. Policy LP16 (d) of the Fenland Local Plan 2014 requires that development 'makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.'
- 10.6. The mature boundary hedges at the site are to be retained within the proposed development, it is considered that they would provide an adequate visual screen to the development. The proposed aggregate bays would have a maximum height of 4m, it is acknowledged that part of the screener would be higher than the boundary hedges but this is not considered to be a significant visual impact when viewed from the properties on Hooks Drove.
- 10.7. It is considered that the development would not have a significant visual impact on the landscape when viewed from the public highway or from neighbouring properties so would comply with Policy LP16 (d) of the Fenland Local Plan 2014.

### **Residential Amenity**

- 10.8. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light".
- 10.9. The applicant has submitted a Health Impact Assessment with the application to support the proposed development. The Environmental Health Officer has commented on submitted application objecting to the proposed development. The Environmental Health Officer has stated that' 'the application if granted would permit the introduction of industrial processes into close proximity with residential properties in a rural location with low background noise levels. In view of this I formally object to this application on the grounds that the change of use will cause an unreasonable loss of amenity to nearby residential property''.
- 10.10. In light of these comments, it is considered that the proposed development would have an adverse impact on the amenity of neighbouring residents and would therefore fail to comply with Policy LP16 of the Fenland Local Plan 2014.

#### Access and Highways

- 10.11. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services.
- 10.12. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where "it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways."
- 10.13. The Highways Officer initially commented on the submitted application and requested further information, the Highways Officer expressed concerns with the proposed development stating *'the site benefits from an existing access onto the public highway but this access is not necessarily suitable for intensification as would be anticipated with this change of use application. As such, the applicant*

needs to demonstrate that the access can achieve inter-vehicular visibility splays commensurate with the signed speed limit or the observed 85th percentile speed'. Furthermore, the Highways Officer outlined that 'a builder's yard will attract large vehicles to the site. The applicant should demonstrate with appropriate swept path analysis that the proposed access is capable of safely accommodating the largest forecast vehicle, which based on the submission would appear to be a grab lorry. Additionally, that 'Hook's Drove and the surrounding highway network comprises of narrow carriageway (circa 4m) for long lengths. It is devoid of opportunity for vehicle passing and is generally a poor location for a development of this scale. In order to make the development acceptable in highway safety terms, the applicant will need to give consideration to highway mitigation in the form of suitable passing places at regular intervals. Passing places would be needed at semi-regular intervals between the site and Murrow Bank; a distance of 1.5 miles. The scale of such works may be disproportionate to the development and any such conditions could therefore be unreasonable.'

- 10.14. Following these comments, the applicant submitted an additional justification statement in relation to the proposed visibility splays and this was accepted by the Highways Officer. However, further concerns that were initially outlined by the Highways Officer were not addressed. The Highways Officer detailed that 'the applicant has not demonstrated that the access is suitable for grab lorries and they have not commented upon the 1.5m of highway devoid of passing opportunity. It is my view that unless the applicant can provide suitable mitigation (which would be very costly in light of the remote location), this is not an appropriate location for a builders yard and such a developer could materially impact upon highway safety'.
- 10.15. Taking the above into account, it is considered that the proposed development within this countryside location would create an adverse impact on highway safety. Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. Therefore, overall, in highways terms it is considered that the proposed development would be contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.

#### Flood Risk

- 10.16. The site lies in Flood Zone 3, the highest risk of flooding; Policy LP14 of the Fenland Local Plan 2014 and paragraphs 159-169 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk sites if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.17. It is noted that the Environment Agency have commented on the submitted application and referred the council to their standing advice. The North Level Drainage Board has submitted comments of no objection in principle.
- 10.18. The application is accompanied by a Flood Risk Assessment however no separate sequential test document is provided. The Flood Risk Assessment contains a section regarding the sequential test; however, this simply states that when the River Nene tidal defences are taken into consideration the site has a low probability of flooding and therefore passes the sequential test.

10.19. It is explicit within the Cambridgeshire Flood and Water SPD that existing flood defences should not be taken into consideration when undertaking the sequential test, as maintenance of the defences and climate change will have an impact on the level of protection they provide. Consequently, as the application has not considered any alternative sites at a lower risk of flooding the sequential test is failed.

# 11 CONCLUSIONS

- 11.1. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified within LP3 as above.
- 11.2. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light". The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural location with low background noise levels. Therefore, the proposed change of use will cause an unreasonable loss of amenity to nearby residential properties and is considered to be contrary to Policy LP16 of the Fenland Local Plan.
- 11.3. Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where 'it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.' Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development within this would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.
- 11.4. The site is located within Flood Zone 3 and the application is not accompanied by a satisfactory sequential test. The proposal is therefore contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water SPD.

### 12 RECOMMENDATION

Refuse for the following reasons:

1	To promote sustainable development in rural areas, Policy LP3 of
	the Fenland Local Plan 2014 outlines a settlement hierarchy and
	aims to steer development in the first instance to the most

	sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified above and is therefore contrary to Policy LP3 of the Fenland Local Plan 2014.
2	Policy LP16 (e) of the Fenland Local Plan 2014 states that development should "not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light". The application if granted would permit the introduction of industrial processes into a location that is within close proximity to residential properties in a rural location with low background noise levels. Consequently, the proposed development would lead to an unreasonable loss of amenity to nearby residential properties and is therefore contrary to Policy LP16 of the Fenland Local Plan.
3	Policy LP15 of the Fenland Local Plan 2014 aims to create a more sustainable transport network, including walking and cycling infrastructure, and locating employment uses where there is reasonable access to this infrastructure and services. Policy LP16 (k) of the Fenland Local Plan 2014 development must be located in a location where 'it can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways.' Hooks Drove is an unclassified road without footways or streetlighting and is unsuitable for HGV traffic by reasons of its width and construction. It is served by other single track approach roads which makes the location of the site and the access to it unsuitable for this type of development. It is considered that the proposed development would therefore create an adverse impact on highway safety contrary to Policy LP15 and LP16 of the Fenland Local Plan 2014.
4	Policy 14 of the Fenland Local Plan 2014 requires that development proposals within Flood Zone 3 are accompanied by a sequential test demonstrating how the development is unable to be accommodated in areas of lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within Flood Zone 3. The submitted application is not accompanied by a sequential test document, instead concluding that due to the presence of flood defences the site is at a low risk of flooding. The Cambridgeshire Flood and Water Supplementary Planning Document 2016 makes it clear that when undertaking a sequential test the presence of
	flood defences is to be discounted. Consequently, the proposal is in conflict with the requirements of Policy LP14 of the Fenland

Local Plan 2014, section 14 of the National Planning Policy Framework and the Cambridgeshire Flood and Water
Supplementary Planning Document 2016.



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		Notes 1.	All levels an Control was GPS Netwo OSGM15 a may not be	nd coordinates r s established us ork OSGB32(3 nd OSTN15 mo shown on this o	relate to a GPS derived datum. ing Ordnance Survey's Active 6). Translated from ETRS89 using odels. Control station information drawing.
		2.	All levels sl channel fac	nown adjacent t e unless stated	o kerb lines have been taken at otherwise.
		3.	Not all exist drawing. Al survey have approximat Clarificatior by the indiv construction	ting services are l services that c e been positione e and used as a n of all undergro ridual service pro n.	e necessarily shown on this ould be located at the time of the ed but should be taken as a guide to their presence. und routes should be confirmed ovider and prior to project
		4.	Land owner been ident post positio face or line	rship boundaries ified in this surv ns and changes of main stem, s	s and legal title extents have not ey. Fences have been surveyed at s of direction. Hedges located at see drawing note to specify.
		5.	Not all trees base of trur	s have been sur ık.	veyed, level relates to ground at
			Areas of indicative informatio	non surveyed p ly only, or perin on is present.	lanting, positions shown neter surveyed where level
		6.	This survey Map Data. fixed where mapping is	v has been merg Boundaries and level information subject to their	ged with Ordnance Survey Master d physical objects have only been on is present. All Ordnance Survey own accuracy and tolerances.
		<ol> <li>The information presented in this survey is a recording of what was present and accessible at the time of survey. Areas of the site not surveyed are represented by Ordnance Survey mapping.</li> </ol>			
		<ol> <li>8. Not all boundaries were surveyed due to extensive vegetation.</li> </ol>			
		Survey completed on 13.05.2022			
		Location Plan			on Plan
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		Checked COBBS AC ENGINEERING			
		Date 15.05.2022			
		COBB'S ENGINEERING LTD 448E March Road, Turves, Whittlesey, Peterborough, PE7 2DW Mobile: 07828 389765 Email: Cobbsengineeringltd@gmail.com			
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EXISTING OUTBUILDING PLAN (1:100)



OUTBUILDING FRONT ELEVATION



PROPOSED OUTBUILDING PLAN (1:100)

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TYPICAL AGGREGATE BAGGER PLAN (1:50)



TYPICAL AGGREGATE BAGGER FRONT ELEVATION (1:50)



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TYPICAL TOPSOIL SCREENER



TYPICAL AGGREGATE BAGGER REAR ELEVATION (1:50)



TYPICAL AGGREGATE BAGGER RHS ELEVATION (1:50)



TYPICAL AGGREGATE BAGGER LHS ELEVATION (1:50)





# TYPICAL AGGREGATE BAGGER PHOTO





(1:200)

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