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**F/YR23/0546/F**

**Applicant: Mr Paul Adler  
King's Dyke Business Park Ltd**

**Agent : Mr Andrew Hodgson  
Pegasus Group**

**Churchfield Farm, Kings Dyke, Whittlesey, Cambridgeshire**

**Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping (part retrospective)**

**Officer recommendation: GRANT**

**Reason for Committee: Number of representations contrary to officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1** The application seeks full planning permission for the Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping.
- 1.2** The principle of the change of use to B8 use was established by the granting of outline permission F/YR20/0357/O.
- 1.3** Whittlesey is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town and whilst the site falls outside the 'settlement' given its location on the periphery of the town it is clearly referenced under Policy LP11 of the Fenland Local Plan 2014. This Whittlesey specific policy identifies that the Council will support business uses which are located to the west of the town along the A605 and to the north of Kings Dyke as far as Field's End Bridge. This site falls within these parameters.
- 1.4** LP16 (d) states that the proposal should demonstrate that it 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 built environment 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. This area however is designated within LP11 specifically, LP11 states that the Council will support business uses which are located to the west of Whittlesey along the A605. The site is within an established industrial area. Therefore, the proposal is considered to comply with policy LP16 (d) of the Fenland Local Plan 2014.
- 1.5** Policy LP15 states that schemes should provide well designed, safe and convenient access for all. The site makes use of an existing entrance off of the old A605 which is now a no through road to the north of the site. Highways have confirmed they have no objection in principle but require further detail regarding the access gate which will be conditioned. Therefore, the proposal is considered to comply with policy LP15 of the Fenland Local Plan 2014.

**1.6** Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. A Noise Impact Assessment has been submitted which has been considered appropriate by the Environmental Health Team subject to conditions. The closest neighbours not located on the site are more than 150m away. Therefore, the proposal is considered to comply with policy LP16 (e) of the Fenland Local Plan 2014.

**1.7** As such, the recommendation is to grant planning permission.

## **2 SITE DESCRIPTION**

2.1 The site is located on the western outskirts of Whittlesey. Immediately to the east of the site is a small collection of commercial buildings, beyond which a lake has formed in a disused clay pit. To the south of the site past the newly built A605 bypass are open fields which are intersected by the King's Dyke (Drain) which forms part of a network of high-level watercourses, with water carried by the Dyke being pumped into the River Great Ouse.

2.2 To the west of the site beyond the new bypass roundabout are residential properties with long rear curtilages extending southwards, beyond which is Must Farm Quarry where clay is still extracted. The old A605 Kings Dyke (Peterborough Road) forms the site's northern boundary, beyond which are large-scale industrial commercial warehouses. The Ely-Peterborough railway line runs roughly east-west to the north of these commercial warehouses.

2.3 Previously within the site boundaries were buildings associated with the Churchfield Farm Equestrian Centre, which have been demolished. It included two outdoor livery yards, a stable block, a metal clad storage barn, an open-sided storage barn, and horse paddocks. There is a small, disused dwelling (no. 99) still present on site. The northern boundary of the site is comprised of a row of trees. The existing gated access into the site is located on the north-eastern boundary of the site.

2.4 The site is located within flood zone 1 (Low risk) and is accessed off Kings Dyke.

2.5 The majority of the site is relatively level, with a gradual slope on the southern portion of the site.

## **3 PROPOSAL**

3.1 The application seeks full planning permission for a change of use of existing paddock land to B8 Open Storage with associated access works and landscaping. The application is part retrospective as the land has been levelled and there are already trucks being stored on site.

Full plans and associated documents for this application can be found at:

[F/YR23/0546/F | Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping | Churchfield Farm Kings Dyke Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0546/F)

#### 4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR23/0409/F	Erect a 2.4m high (max height) Mesh fence involving the demolition of existing buildings (part retrospective)	Granted	09 Aug 2023
F/YR20/0357/O	Erect up to 7432 sq m of B1 (c) and B8 floor space involving the demolition of existing buildings and dwelling (99 Kings Dyke) (outline application with matters committed in respect of access)	Granted	04 Dec 2020
F/YR15/0742/CCSCOP	Single carriageway road with bridge over railway line to bypass level crossing	Further Details Not Required	02 Sep 2015
F/YR15/2010/CCC	Development of a single carriageway road south of the existing A605 (Peterborough Rd) from a point 480m west to 435m east of the current Kings Dyke level crossing passing south of the commercial properties taking the new A605 road over the rail line on a bridge, also including two new 3 arm roundabout junctions (one with Funthams Lane and one with the brickworks access), two underpasses maintaining private access requirements, a footway along the full length of the link road, two surface water drainage balancing/soakage ponds, a surface water attenuation ditch, street lighting, safety fencing, signage, landscaping/ planting, a site compound and a temporary access to the brickworks	Raise no objections	18 Jan 2016
F/YR06/0576/F	Use of site for containerised storage, erection of a 2.7 metre high security fence and installation of CCTV and security lighting	Refused	04 Jul 2006
F/97/0823/F	Continued use of land for the stationing of a portacabin for use as a tack shop	Granted	26 Mar 1998
F/97/0040/F	Change of use of agricultural/domestic enclosure to riding enclosure; change of use of agricultural land to	Granted	15 Jul 1997

	equestrian cross country course including formation of jumps and use of stables for livery; and alteration to existing access		
F/96/0093/CM	Deposit of inert waste	Deemed Consent (CCC)	11 Sep 1996
F/94/0747/F	Use of land for the stationing of a portacabin for use as a tack shop	Granted	28 Feb 1995
F/93/0526/F	Use of land for the stationing of a mobile, car trailer mounted tack shop for retail sales	Granted	10 Nov 1993
F/1276/89/F	Erection of structure for use as a riding enclosure for private use and as a cattle yard (retrospective)	Granted	17 Dec 1992
F/0619/89/F	Use of land as riding school.	Refused	17 Jul 1989

## 5 CONSULTATIONS

### Designing Out Crime Officers

*Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder, and the fear of crime. I have searched the Constabulary crime and incident systems covering location and ward for the last 2 years. I would consider the proposed location to be an area of low to medium risk to the vulnerability to crime based on the figures below.*

<b>Benwick, Coates and Eastrea Ward</b>	<b>Ward</b>	<b>Kings Dyke</b>
<b>Total Crime: 506</b>		
Criminal Damage	69	0
Robbery	1	0
Theft from person	0	0
Bicycle Theft	3	0
Theft from a vehicle	24	0
Theft of a vehicle	20	<b>2</b>
Vehicle Interference	4	0
Public Order	49	1
Burglary Business	18	<b>6</b>
Possession of drugs	4	0
Trafficking of drugs	4	0

Suspicious Circumstances		0
Possession of weapons	7	0
Violence	139	0
<b>Total Incidents</b>	<b>1329</b>	
Rowdy Nuisance	24	
Vehicle Nuisance	23	
Poaching	68	

*There doesn't appear to be any security or crime prevention section within the Planning Statement. As you are aware, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for people living, working in, and visiting this location.*

*I have the following comments for your consideration.*

o **Lighting** - Please ensure that parking areas and footpaths are well lit for the safety of the user, these should be designed to BS 5489-1:2020. A fully qualified lighting engineer will be able to design in the safety and security element as well as having the ecology and wildlife in mind. Bollard lighting should be used as wayfinding only and not as a main source of lighting, particularly in parking areas where they are also prone to damage.

o **CCTV** - While it 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. It should cover the access entrance, building entrances and perimeter, the site boundary, and open yards. It needs be of a quality that always produces evidential images (complemented by lighting) and have the capability to store and retrieve images, either be monitored by an Alarm Receiving Company (ARC) or linked to the security office if approved or mobile device. CCTV should also be registered with the Information Commissioners Office (ICO). Signage - CCTV signage should be at the entrance compliant with the ICO Code of Practice.

- **Security Guard** – Can you confirm if there is a plan for roaming patrols.

- **Boundary Treatment** – I note that the use of palisade fencing, and gates will be installed on site. Our recommendation is a 2m 358 anti-climb weldmesh fencing and matching gates will help to slow down any would-be offender from entering the site.

- **Landscaping** – A management plan should be in place for any existing trees or hedges. Tree crowns should be raised above 2m and any hedging should be no higher than 1m, this is to allow for natural surveillance across the site.

## **CCC (Lead Local Flood Authority) 31/07/23**

*At present we object to the grant of planning permission for the following reasons:*

### **1. Stone Surface, treatment stages and infiltration testing**

*The applicant states that the stone surface of the storage area is analogous to permeable paving, there is no evidence that this statement is true. Stone surfaces usually compress over time due to loading, causing them to become less permeable. Additionally, infiltration testing needs to be performed to confirm that infiltration can occur in this location. As the site is predominately underlain by clay this may not be feasible.*

*In accordance with Paragraph 6.3.20 of the Flood & Water Supplementary Planning Document, in order for us to support infiltration for this development we require site specific test results and any testing should be in accordance with BRE DG 365. For information, as outlined in paragraph 6.3.21 of the SPD there must be a minimum clearance of 1.2 m between the base of any infiltration feature and peak seasonal groundwater levels. At present this has not been demonstrated as part of the application.*

*Any infiltration features greater than 2 m below ground level is considered to be a deep system and these are generally not acceptable. The LLFA will look to review this application once the Environment Agency has deemed the installation of deep bore soakaways appropriate.*

### **2. Hydraulic Calculations**

*The applicant has not provided any supporting hydraulic calculations which model the drainage system in various storm events. The modelling must show that the surface water system will not surcharge in a 1 in 1 year storm event, not flood in a 1 in 30 year storm event and that exceedance flows will be adequately managed and not leave the red line boundary in a 1 in 100 year storm event. Climate change allowances must be accounted for in these calculations. As the site lied within the Old Bedford and Middle Level rainfall management catchment this needs to be 35% in the 1 in 30 year storm and 40% in the 1 in 100 year storm event.*

### **3. IDB Consent Required**

*The applicant is proposing to discharge surface water from the site into an existing watercourse which is managed by Whittlesey District Internal Drainage Board (IDB). Therefore, an 'in-principle' agreement must be obtained from the IDB to discharge into their system at the proposed rate.*

#### **Informatives**

##### **Infiltration**

*Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.*

##### **Pollution Control**

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should*

*not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

**CCC (Lead Local Flood Authority) 25/09/23**

*At present we object to the grant of planning permission for the following reasons:*

*1. Insufficient Surface Water Treatment Significant areas of hardstanding have insufficient surface water treatment. As HGVs will use these hardstanding areas it is important that at least two stages of pollution mitigation is used before surface water is discharged from site. Currently it is assumed that all water will be directed to the attenuation basin which will act as a single stage before discharging to the highway basin. Section 6.5 of the SPD states that runoff from a site should be of an acceptable water quality to protect receiving waters. The size and number of treatment stages required is based on the level of pollution entering the system. Using the Simple Index Approach (as outlined in the CIRIA SuDS Manual), additional treatment stages will be required to address Total Suspended Solids / Metals / Hydro-carbons.*

*The drainage strategy needs to be updated to include additional surface water treatment stages.*

**2. Drainage Plan**

*It is currently not clear how surface water from the site will enter the attenuation basin, overland flows will need to be mapped in the case that surface water will simply run off towards the basin.*

**3. Flow Control Diameter**

*The flow control diameter at the outflow of the attenuation basin is 35mm in diameter, as the attenuation basin is an unprotected system debris can easily block the orifice, it is a requirement that the flow control be a minimum of 75mm in such a scenario.*

**4. Impermeable Area**

*It is not clear if the surface area of the attenuation basin is included in the sites total impermeable area. Attenuation basins when filled are treated as an impermeable surface which needs to be accounted for in calculations.*

**Informatives**

**Pollution Control**

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

**CCC (Lead Local Flood Authority) 16/10/23**

*Thank you for your re-consultation which we received on the 2nd October 2023.*

*We have reviewed the following documents:*

- Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023*
- Topographical Survey, ASC, Ref: ASC.19.113, Dated: 22nd February 2019*
- Surface Water Management Strategy, Cannon, Ref: V271-PL-SK-310, Rev: P01, Dated: 9th August 2023*
- Network Calculations with Additional Basin, Cannon, Ref: V271, Dated: 27th September 2023*

**Based on these, as Lead Local Flood Authority (LLFA) we can remove our objections in principle to the proposed development.**

*The above documents demonstrate that surface water from the proposed development can be managed through the use of swale and dual attenuation basin, restricting surface water discharge to 2.8l/s via flow control device. Provided the flow control is adopted and adequately maintained the flow control diameter will suffice.*

*Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following conditions are imposed:*

**Condition 1**

*No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.*

*The scheme shall be based upon the principles within the agreed Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023 and shall also include:*

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- e) Site Investigation and test results to confirm infiltration rates;*
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- h) Full details of the maintenance/adoption of the surface water drainage system;*
- i) Permissions to connect to a receiving watercourse or sewer;*
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.*

**Reason**

*To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.*



## **Condition 2**

*No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.*

*Reason To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.*

## **Informatives**

### **Pollution Control**

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

## **County Development, Minerals & Waste Planning Group**

*Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:*

### **Policy 5: Mineral Safeguarding Areas**

*The site lies within Sand & Gravel and Brickclay Mineral Safeguarding Areas which are safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. In this instance, the MWPA is content that Policy 5 either doesn't apply due to the exceptions set out within the policy or that prior extraction is not feasible. The MWPA, therefore, has no objection to the application in respect of Policy 5.*

### **Policy 16: Consultation Areas (CAs)**

*It is noted that the proposed development is located within the Consultation Area for the sites of Kings Delph, Whittlesey (Minerals Allocation Area) and Must Farm, Whittlesey (Minerals Development Area), both of which are safeguard under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).*

*Policy 16 seeks to safeguard minerals facilities and allocations. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.*

*It is noted that the proposed development is for a change of use to a Class B8 use (open storage). The MWPA is of the view that proposed use is generally considered to*

*be compatible with the nearby Minerals Development Area and Allocation. Consequently, subject to the applicant confirming to the Local Planning Authority that they are aware of the site and allocation and are satisfied that the proximity to the site will not affect their operations, the MWPA has no objection to the application in respect of Policy 16.*

*For reference, a full copy of Policies 5 and 16 can be found at the end of this letter. The Cambridgeshire and Peterborough Minerals and Waste Local Plan can be found on our website at: <https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan>.*

### **Anglian Water Services Ltd**

*The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.*

*The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:*

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

*Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:*

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

*If you have any further queries please contact the Planning & Capacity team on the number below.*

### **Cambridgeshire County Council Highways Authority**

*The application includes insufficient information to enable it to be determined whether the proposal will have a detrimental impact on the public highway and the applicant should be invited to provide further clarification as outlined below. While the Transport statement describes a moderate site providing access and parking for approximately 16 HGVs, the application itself appears to imply 19600m<sup>2</sup> of B8 open storage across the entire site. The applicant should be invited to clarify this and either quantify and detail the limited area to which the proposed use will apply, or to provide a Transport Assessment that accurately reflects the potential B8 use of the entire site.*

*In either case, the applicant should be invited to provide a comprehensively dimensioned plan detailing the internal layout, including the areas of storage and those areas required to enable HGVs to turn within the site. The plan should also include any applicable loading areas and appropriate parking provision required to meet the District Councils parking standards for the use class proposed.*

*While access arrangements are described in section 6 of the Transport Statement with plans provided in Appendix C, I would have expected these to have been*

*included separately in the submission's principal drawings. While the arrangements for vehicular access shown on plans 4623-WSP-00-XX-DR-TP-001 P05 appear to be broadly acceptable with respect to the turning movements described, I note that this plan has removed the pedestrian link to the roundabout previously approved with respect to planning application F/YR20/0357/O for a site of up to 7432 sq m of B1 (c) and B8 use. It's removal here would appear inappropriate, especially given the potentially larger site. It is recommended that the applicant be invited to include footways as previously proposed.*

*I have referred this application to the County Councils Transport Assessment team who may have further observation with respect to the current application.*

*Please let me know if the applicant is unable or unwilling to provide clarification and any necessary amendments as outlined above, so that I can consider making alternative recommendations.*

### **Cambridgeshire County Council Highways Authority 31/10/23**

*While I have no objections in principle to this application, the plans recently provided raise additional issues and it is recommended that the applicant be invited to provide further clarification or amendment.*

*I note that areas of storage, loading and turning have now been included on the plans provided. While the turning areas associated with the storage of HGVs appears to be reliant upon vehicles being able to utilise one of the HGV parking spaces to turn, it is reasonable to anticipate that any additional vehicle will be able to utilise part of the loading areas shown, which should only occasionally be occupied, and I do not therefore object in this regard.*

*While not clearly described, turning for the smaller storage areas appears to be broadly acceptable for cars and smaller vans. However, if each Lot is to be enclosed and gated as suggested on plan the applicant should be invited to demonstrate how HGVs delivering to these smaller Lots can turn from and into the access road within the gate width shown.*

*If the internal Lots are gated as shown, it is also unclear how an HGV entering the site and finding the internal gates closed would be able to turn within the main access road. The applicant should be invited to provide at least one area of unrestricted turning suitable for an HGV, to prevent the need for reversing out onto Peterborough Road.*

*The plans recently provided create additional confusion with regard to the proposed access, and specifically the presence or positioning of any access gate. While drawing 4623-WSP-00-XX-DR-TP-0007 P02 shows no gates across the main access the other plan, P22-2829\_DE001\_H\_10 shows gates very close to Peterborough Road in a position that would be unacceptable to the Highway Authority.*

*Previous plans such as P22-2829\_DE001\_B\_01 and 4623-WSP-00-XX-DR-TP-0001 P04 show consistent road alignment, although gates are not detailed on the latter, where both alignments would differ/conflict with the arrangements shown on plan 4623-WSP-00-XX-DR-TP-0007 P02. In finalising the internal arrangements, the applicant should be invited to provide a plan clarifying the access and gate position.*

*While parking spaces for vans is detailed, it is unclear whether this represents the requirements for parking associated for the proposed B8 use. As indicated in previous correspondence the Local Planning Authority must be satisfied that parking provision meet the District Councils parking standards for the use class proposed. This should remain appropriate should the site be subdivided into separate Lots.*

*The observation made previously in correspondence dated 21st September 2023 with respect to footway provision and parking on the adjacent site remain applicable and should be considered by the LPA when determining this application. Please let me know if the applicant is unable or unwilling to provide clarification and necessary amendments as outlined above, so that I can consider making alternative recommendations.*

**Environment & Health Services (FDC) – 09/08/23**

*I refer to the BWB Noise Impact Assessment (NIA) dated May 2023 (Ref: 232144).*

*The Environmental Health Service have completed the review of the Noise Impact Assessment (NIA) and associated documentation in relation to this case and concluded the NIA has been undertaken by suitably competent persons in the field of acoustics - and has been undertaken in accordance with relevant policy documents, technical guidance - and draws conclusions which are based on established good practice.*

*The mitigation measures set out in Section 5 of the report designed to control noise from HGV movements and the storage of refrigerated trailers are reasonable - the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.*

*My recommendation, therefore, would be that - if planning permission is to be granted for the storage of HGVs including refrigerated trailers at the site to which the application refers shall not occur until :*

1. *Additional information in relation to the noise barrier identified in section 5.2 and the glazing and ventilation measures discussed in 5.15 of the NIA are submitted in writing to the Council - which shall include (but not necessarily be limited to):*

- *exact dimensions, materials to be used and full technical specification*
- *proposed locations*
- *evidence of the levels of attenuation which will be achieved*
- *confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity - throughout the lifetime of the proposed development*

2. *The Council have provided their written acceptance of the details requested in 1 above.*

3. *The mitigation proposals are implemented in full - in accordance with the proposals in the NIA and any additional detail submitted (as identified above).*

### **Environment & Health Services (FDC) 14/08/23**

*Further to my comments on the response to the Noise Impact Assessment I note the site has been subject to the disposal of waste and is also relatively close to a former landfill site. In view of this I recommend that prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:*

*1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.*

*IF, during development, any previously unsuspected contamination is discovered, then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:*

*2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:*

*(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.*

*(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and*

*(iii) The extent and methodology have been submitted to and approved in writing by the*

*Local Planning Authority. Two full copies of a report on the completed site investigation*

*shall be submitted to and approved in writing by the Local Planning Authority.*

*Following written LPA approval of the Site Investigation the LPA will require:*

*3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.*

*4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.*

### **Whittlesey Town Council 24/07/23**

*The Town Council have no objection and therefore recommend approval. This is the gateway to Whittlesey coming from west to east and could a better site be approval is there a possibility for a better site to be found.*

### **Whittlesey Town Council 31/07/23**

*With regard to the planning application to change the use from paddock land to B8 open Storage with associated access works & landscaping.*

*Whilst there is no planning policy that Whittlesey Town Council can refuse this application. I would suggest the following:*

*This site is already being used for the storage of refrigerated trailers & the hard standing has been completed over the last few weeks.*

*The site presents itself as the first view of Whittlesey Town, indeed the first Town within Fenland after driving through the "Welcome to Fenland" signs on A605. This, we consider is 'the gateway' to Fenland & as such, should be considered for a site that showcases not only Whittlesey but Fenland also as a district that welcomes guests & business alike. A District & Town that features not only Industrial but Hospitality, Leisure, Recreation & Tourism.*

*In short, if this site is turned to Industrial use, we are firmly hammering a nail in the coffin of our Historic Town. On these grounds, we would strongly disagree with this development.*

### **Local Residents/Interested Parties**

#### **Objectors**

26 letters of objection received. Letters of objection received from residents living within Whittlesey and Eastrea the neighbouring parish. Letters of objection stated concerns as follows:

- Visual amenity going into Whittlesey
- Traffic (Noise, Congestion, Pollution)
- Highways Safety/Road deterioration
- Retrospective
- Materials used in surfacing
- Visual screening/Landscape plan
- Carbon Footprint
- Road system through Whittlesey/ Increased HGV traffic

#### **Supporters**

4 letters of support received from a resident of Whittlesey. Comment made:

- Suitable industrial location
- Suitable landscaping/screening has been planted.

## **6 STATUTORY DUTY**

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)**

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 8 - Achieving sustainable development

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Chapter 6 - Building a strong, competitive economy

Para. 81 - Planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para. 83 - Planning decisions should recognise and address the specific locational requirements of different sectors [including storage and distribution operations at a variety of scales and in suitably accessible locations].

Para.85 - Identifies that sites to meet business and community needs may have to be found adjacent to or beyond existing settlements.

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context: C1 - Relationship with local and wider context;

Identity: I1 - Respond to existing local character and identity; I3 Create character and identity

Built Form: B1 - Compact forms of development; B2 - Appropriate building types and forms

Nature: N3 - Support rich and varied biodiversity

Uses: U1 - A mix of uses

Homes and Buildings: H3 - Attention to detail; storage, waste, servicing and utilities.

Resources R3 - Maximise resilience

### **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

LP11 – Whittlesey

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – Historic Environment

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:

Policy LP3 – Spatial Strategy for Employment Development

Policy LP4 – Securing Fenlands Future

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP15 – Employment

Policy LP20 – Accessibility and Transport

Policy LP24 – Natural Environment

Policy LP27 – Trees and Planting

### **Whittlesey Neighbourhood Plan 2021-2040**

Policy 1 – Spatial Planning

Policy 7 – Design Quality

Policy 10 – Delivering Sustainable Transport

Policy 11: Adapting to and Mitigating Climate Change

## **8 KEY ISSUES**

- **Principle of Development**
- **Character**
- **Amenity**
  - **Noise**
  - **Contamination**
- **Highways**
- **Biodiversity and Landscaping**
- **Health and Wellbeing**
- **Economic Growth**
- **Archaeology**

## **9 BACKGROUND**

- 9.1 The site has extant outline permission for up to 7432 sq m of B1 (c) and B8 floor space under application F/YR20/0357/O. This application included outline permission for the demolition of the buildings associated with the old Livery business and the dwelling on site. The livery buildings have been demolished but the dwelling remains. No reserved matters application was submitted in relation to the outline permission.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Whittlesey is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town and whilst the site falls outside the 'settlement' given its location on the periphery of the town it is clearly referenced under Policy LP11 of the Fenland Local Plan 2014. This Whittlesey specific policy identifies that the Council will support businesses uses which are located to the west of the town along the A605 and to the north of Kings Dyke as far as Field's End Bridge. This site falls within these parameters.



- 10.2 Furthermore, the principal of development on the site is established by the previous permission and the redevelopment of the site will make effective use of a redundant brownfield site; thereby aligning with Paragraph 85 of the NPPF which clearly identifies that the 'use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'
- 10.3 It is also necessary to consider any character/visual amenity impacts in accordance with Policy LP16 of the Fenland Local Plan 2014, along with site constraints which include flood risk (LP14), heritage (LP18) and biodiversity impacts (LP19). Matters of residential amenity, to include noise impacts, air quality and contamination (LP2 and LP16) along with any highway implications (LP15) must also be evaluated with mitigation being secured as appropriate.

### **Character**

- 10.4 LP16 (d) states that the proposal should demonstrate that it 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 built environment 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.
- 10.5 As clearly evaluated in the submitted planning statement that accompanies the submission the site lies within an area where commercial activity is prevalent with warehousing and commercial units immediately adjacent to the east. The A605 forms the boundary to the north and beyond this are larger industrial and commercial buildings, as well as a single large wind turbine located opposite the site which in turn abuts the railway line. Beyond the railway line there are further industrial and manufacturing premises.
- 10.6 Concern was raised by neighbours as part of the consultation that the proposal would harm the character of the entrance way into Whittlesey. This area however is designated with LP11 specifically identifies that the Council will support businesses uses which are located to the west of Whittlesey along the A605. The site is within an established industrial area. And the landscape plan for the new road to the south of the site included extensive planting between the host site and the road whilst this hasn't currently matured it will and will serve as a green screen to the site.
- 10.7 As such the delivery of commercial storage on site in association with local business, accords with the general character of the wider area in accordance with Policy LP16 of the Fenland Local Plan.

### **Amenity**

- 10.8 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. There is a residential property on site that it is under the ownership of the applicant. The closest residential properties off site are located more than 150m to the west, along the A605 Kings Dyke. There are no buildings proposed on site.

### 10.9 Noise

The Noise Impact Assessment states that adverse impacts are predicted during the daytime and night-time periods as a result of noise associated with the

proposed development. Therefore, further consideration of mitigation measures is required. The site has been remodelled with a proposed 2m high acoustic barrier around the northern and north-western site boundary and it is suggested that façade insulation may be appropriate for the property on site to control noise.

10.10 The Fenland District Council Environmental Health Service completed a review of the Noise Impact Assessment (NIA) and associated documentation and concluded that the mitigation measures set out in Section 5 of the NIA report designed to control noise from HGV movements and the storage of refrigerated trailers are reasonable. They recommend that conditions be attached to the permission relating to the proposed noise barrier. Therefore, when the noise mitigation measures are implemented the noise impact would be considered to be neutral.

#### 10.11 Contamination

Representations received through the consultation process highlighted a concern for the hard surfacing that has been laid on site and possible contamination. The Environmental Health team noted that the site has been subject to the disposal of waste in the past and that it is also relatively close to a former landfill site. The proposal states that hardcore was put on top of the existing land and no excavations were undertaken. The Environmental Health Team recommend that a condition be attached to the permission relating to a scheme and timetable to deal with contamination of land and/or groundwater.

10.12 Therefore, on balance subject to conditions the proposal is considered acceptable in terms of policy LP16 (e) of the Fenland Local Plan 2014.

#### **Highways**

10.13 LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed, safe and convenient access for all. The proposed site entrance is positioned to the north of the site along what is now a no through road leading to the railway track along the A605 Kings Dyke. The site and the dwelling on the site were previously accessed using an access in a very similar position to that proposed.

10.14 Owing to negotiations, plans were submitted showing proposed parking and turning on site and Highway Authority comments on these will be provided in a future update to Committee. A condition will be attached to the decision to request detail of gates proposed on the entrance to the site (Location, material, design).

10.15 Therefore, the proposal is considered acceptable in terms of policy LP15 of the Fenland Local Plan 2014.

#### **Biodiversity and Landscaping**

10.16 Policy LP19 states that the Council working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

10.17 The proposal contains an Arboricultural Impact Assessment (AIA). The AIA sets out that none of the trees that were on site were located in a conservation area or subject to a Tree Preservation Order. It is proposed to retain the trees to the north of the site in the main and only trees affecting visibility splays to be removed for Highways safety reasons and the assessment confirms that no tree

roots should be affected by the proposals. The assessment makes a number of recommendations that should have been implemented prior to any works starting on site. However, as all demolition works have taken place, this is no longer applicable. For any further works on site, the AIA suggests that protective fencing is erected around the remaining trees as part of the tree protection plan.

10.18 There has been extensive tree planting to the west and south of the site in association with the new road and bridge. This planting has not yet matured but when it does mature will give good screening to the site from the road.

10.19 Therefore, the proposal is considered to comply with policy LP19 of the Fenland Local Plan 2014.

**Health and Wellbeing**

10.20 Policy LP2 of the Fenland Local Plan, 2014 seeks to facilitate the health and well-being of Fenland’s residents by creating an environment in which communities can flourish, creating opportunities for employment in accessible locations, promoting and facilitating healthy lifestyles, providing good access to health, leisure and recreation facilities and providing sustainable and safe transport networks, amongst other things.

10.21 This proposal will meet the relevant criteria within this Policy as it will provide opportunities for employment through the expansion of local business premises. As such the proposal complies with Policy LP2.

**Economic Growth**

10.22 The proposed development will provide economic benefits to Whittlesey and the District as a whole through the provision of employment opportunities for an established expanding business. As such the development will support the economic growth of the area and therefore complies with Policy LP6 of the Fenland Local Plan, 2014.

**11. CONCLUSIONS**

11.1 The area within which the site is located has been identified under Policy LP11 as a suitable location to support business uses. The A605 forms the boundary to the north and beyond this are larger industrial and commercial buildings, as well as a single large wind turbine located opposite the site which in turn abuts the railway line. There has been significant tree planting around the exterior of the site that will form a visual barrier to the site when mature. Mitigation measures have been conditioned to protect the amenity of neighbouring properties. Therefore, on balance no significant harm in terms of the principle of the development, the character of the area, residential Amenity, highways safety or biodiversity is anticipated. It is therefore recommended that the proposal be granted.

**RECOMMENDATION**

Approve subject to conditions.

1	No laying of services, creation of further hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in
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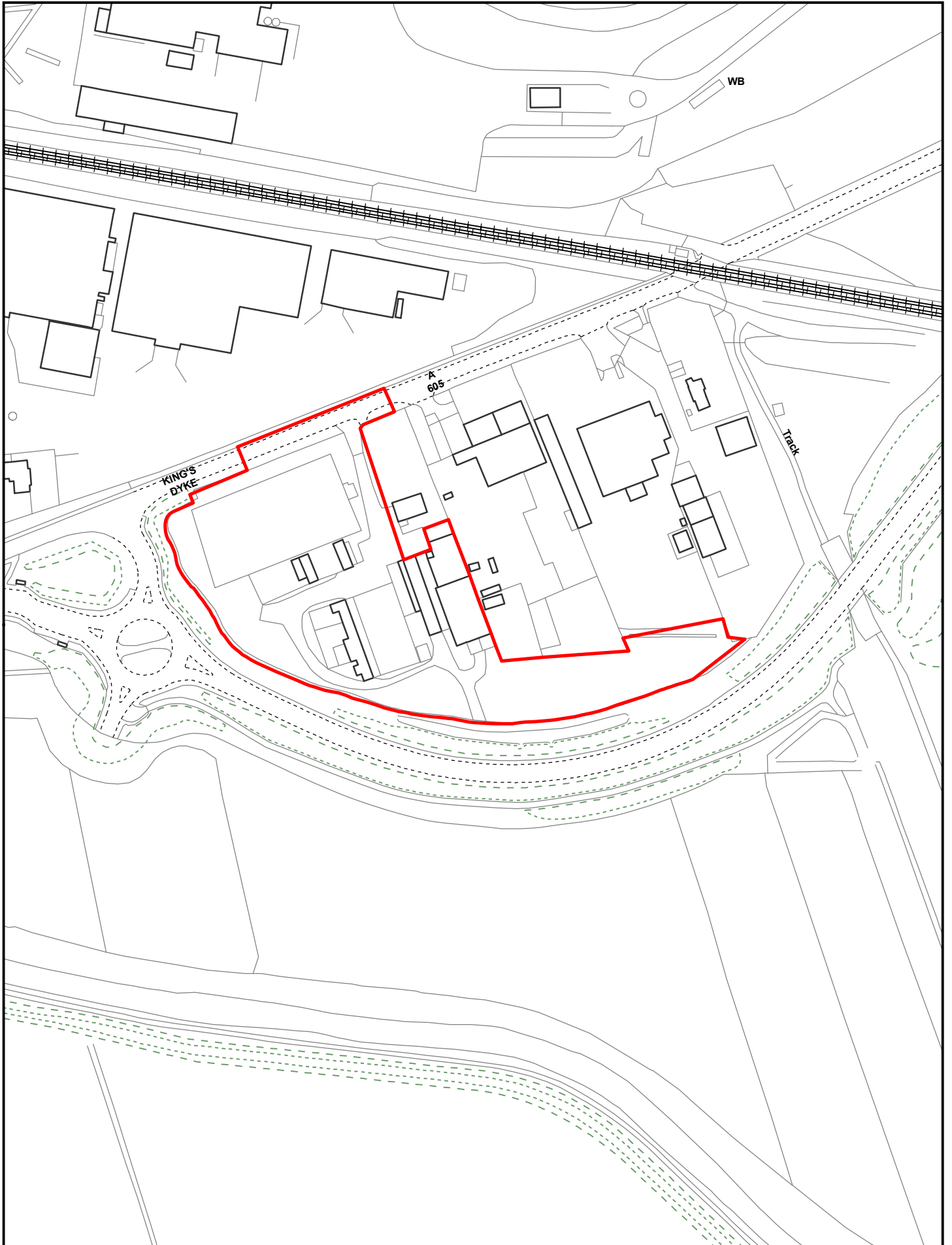
	<p>accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</li> <li>b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</li> <li>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>e) Site Investigation and test results to confirm infiltration rates;</li> <li>f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</li> <li>g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</li> <li>h) Full details of the maintenance/adoption of the surface water drainage system;</li> <li>i) Permissions to connect to a receiving watercourse or sewer;</li> <li>j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.</li> </ul> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts. To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
2	<p>No further development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts. To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>

3	<p>Notwithstanding the approved plans. Detail should be submitted prior to the erection of any gate along the site access: Detail to include:</p> <ul style="list-style-type: none"> <li>• Exact position of proposed gates</li> <li>• Material of proposed gates</li> <li>• Height and design of proposed gates</li> </ul> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
4	<p>A detailed scheme additional for the noise barrier identified in section 5.2 and the glazing and ventilation measures discussed in 5.15 of the Noise Impact Assessment which shall include (but not necessarily be limited to):</p> <ul style="list-style-type: none"> <li>- exact dimensions, materials to be used and full technical specification</li> <li>- proposed locations</li> <li>- evidence of the levels of attenuation which will be achieved</li> <li>- confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity - throughout the lifetime of the proposed development.</li> </ul> <p>shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved scheme within 6 months of this permission and thereafter retained in accordance with the approved scheme.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
5	<p>The mitigation proposals set out in the approved Noise Impact Assessment (NIA) shall be implemented in full - in accordance with the proposals in the NIA within 6 months of this permission and any additional detail submitted in connection with condition 4.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <ul style="list-style-type: none"> <li>(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.</li> <li>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</li> <li>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</li> </ul> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy</p>

	LP16 of the Fenland Local Plan 2014.
7	<p>A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
8	<p>The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
9	<p>The height of materials stored shall not exceed 6m in height.</p> <p>Reason: In the interest of the appearance of the area and to accord with Policy LP16 of the Fenland Local Plan 2014.</p>
10	Approved Plans

Informatives:

1	Compliance
2	<p>Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.</p>



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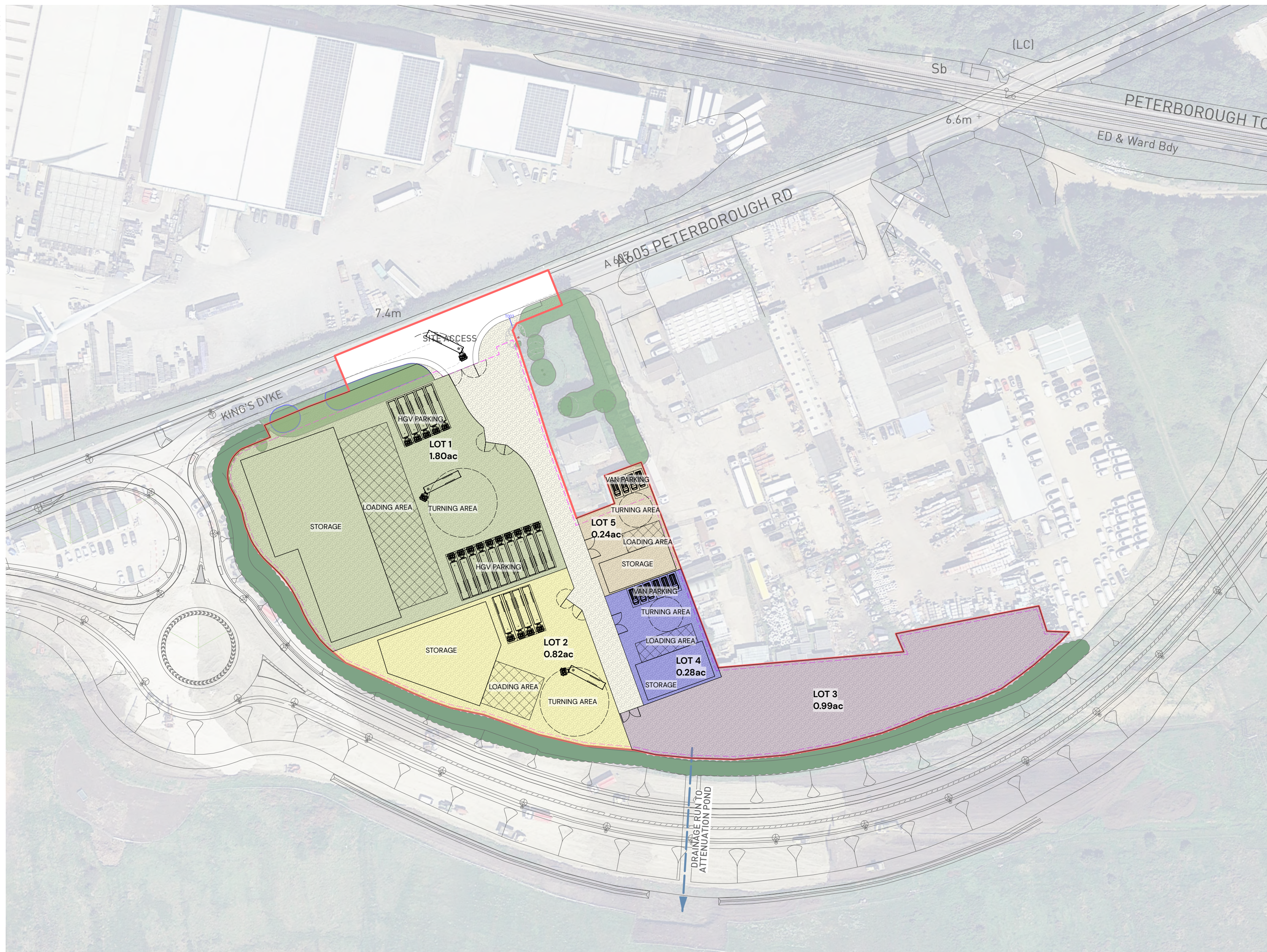
- KEY**
- SITE LOCATION
  - LAND UNDER APPLICANTS CONTROL
  - EXISTING VEGETATION
  - PROPOSED BUFFER PLANTING
  - CRUSHED COMPACTED MATERIAL
  - FENCING - SUBJECT TO APPLICATION F/YR23/0409/F
  - ROUTE OF DRAINAGE TO ATTENUATION POND

**DRAFT**

# LAND SOUTH OF THE A605, WHITTLESEY, PETERBOROUGH - SITE LAYOUT

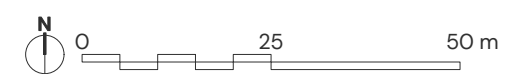






KEY

□ SITE LOCATION



# LAND SOUTH OF THE A605, WHITTLESEY, PETERBOROUGH - PARCELISATION PLAN

