

**Application Number: F/YR13/0209/O**

**Major**

**Parish/Ward: Wisbech/Waterlees**

**Date Received: 27 March 2013**

**Expiry Date: 26 June 2013**

**Applicant: Mr M Gibbard, Tingdene Developments Ltd.**

**Agent: Mr J Pyatt, Alliance Planning.**

**Proposal: Erection of 10 commercial units for B1, B2 and B8 use.**

**Location: Land East of 37, Crab Marsh, Wisbech.**

**Site Area: 1.42 hectares**

**Reason before Committee: Part of the land is owned by Fenland District Council.**

## **1. EXECUTIVE SUMMARY/RECOMMENDATION**

This application seeks outline consent for 10 commercial units at land off Crab Marsh in Wisbech. The proposed uses of the units are a mix of B1, B2 and B8 which cover business, general industrial and storage and distribution uses. The area is characterised by industrial and commercial premises, including the port area. The application has been the subject of pre-application discussions.

The key issues to consider are:

- Relevant Policy
- Design and Layout
- Access

The proposal relates to the development of a currently vacant site within the existing commercial area. The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be in line with the relevant policies. Therefore the application is recommended for approval.

## **2. HISTORY**

Of relevance to this proposal is:

- |     |                 |                                                                                                                                                 |                                                                     |
|-----|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 2.1 | F/YR120663/SCOP | Screening Opinion: Erection of 10 commercial units                                                                                              | Further information not required – 27 <sup>th</sup> September 2012. |
| 2.2 | F/YR05/0174/F   | Change of use of timber yard to mobile home park comprising 63 units with detached garages, office (phase 1) and 3.0 metre high acoustic fence. | Refused 6 <sup>th</sup> May 2005.                                   |

- 2.3 F/YR04/3808/F Change of use of saw mill/scrap yard to mobile home park comprising 93 units with detached garages and office. Refused 6<sup>th</sup> October 2004.

### 3. **PLANNING POLICIES**

#### 3.1 **National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and encourage the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 19: Significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 20: To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of businesses and support an economy fit for the 21<sup>st</sup> century.

Paragraph 32: Safe and suitable access to the site can be achieved for all people.

#### 3.2 **Fenland Local Plan Core Strategy (February 2013):**

CS1: Presumption in favour of sustainable development.

CS6: Employment proposals will be assessed against a selection of criteria including site suitability and infrastructure capacity.

CS8: Wisbech – Crab Marsh will be predominantly for business uses.

CS16: Delivering and Protecting High Quality Environments across the District.

#### 3.3 **Fenland District Wide Local Plan:**

EMP1 – Proposals will normally be favoured for the establishment of new or the extension or expansion of existing firms engaged in business, general industrial, storage or distribution uses within the primary industrial/business area.

E8 – Proposals for new development.

### **CONSULTATIONS**

4.

#### 4.1 ***Town Council***

Recommend approval as members encourage business expansion, but they have concerns over traffic and wish for a link road between Crab Marsh and Osborne Road to be considered.

#### 4.2 ***Natural England***

The proposal is unlikely to affect any statutorily protected sites or landscapes. There is sufficient information submitted relating to bats. Advises that the application is unlikely to affect bats.

#### 4.3 ***Wildlife Trust***

No comments to make.

4.4	<b><i>Countryside Access Team</i></b>	Public Footpath Number 3 runs along Crab Marsh. It is noted that there are proposals to make some changes to Crab Marsh to make it more suitable for access to the proposed development and have no objections to this. It is important that any works make good provision for those who are using it as a footpath. The developer will need to discuss this with the Rights of Way Team at CCC before works take place. Request that an informative relating to the public footpath is included with any permission given.
4.5	<b><i>Environment Agency</i></b>	No response received.
4.6	<b><i>CCC Highways</i></b>	The junction has been assessed using OSCADY and the CCC have a preference for using LINSIG3. Therefore they request that a LINSIG3 model is produced for this development. The development will be expected to make a contribution to the Wisbech Market Town Transport Strategy. Requests further information relating to cycle parking provision and the overall accessibility of the site. The Agent has provided further information to the LHA and their comments are awaited.
4.7	<b><i>Police Architectural Liaison</i></b>	Requests a condition relating to the addressing of crime prevention needs within future proposals for this site.
4.8	<b><i>Kings Lynn BC</i></b>	No response received.
4.9	<b><i>FDC Valuation &amp; Estates</i></b>	Supportive of the application. It will increase the availability of modern commercial premises for SME businesses in this location. It is hoped that many of the incoming businesses will be marine-related and assist with the development of a marine sector hub aligned with the growth of the offshore energy market in The Wash. The application site passes over land solely in the ownership of FDC and discussions have been undertaken with the agent. The principle of granting access is not in dispute and accommodating the needs of the existing users is of paramount importance. A solution is currently being developed between all parties.
4.10	<b><i>Harbour Master</i></b>	No response received.
4.11	<b><i>FDC Scientific Officer</i></b>	No response received.
4.12	<b><i>Cambs Fire &amp; Rescue</i></b>	Requests condition relating to the provision of fire hydrants.

4.13 **Anglian Water**

4.14 **FDC Environment & Health**

4.15 **Local Residents:**

Requests informatives be attached to any permission given relating to AW assets.

No implications to Environmental Health.

1 letter of objection received from a neighbouring business concerning (in summary):

- The access to their premises will be altered by this proposal.
- A suitable alternative has not been put forward by the applicant or FDC.
- Concern over the proposed access width of 6.1 metres.
- This company has operated in this location since 1987 and has a legal right of access over Crab Marsh.
- Presently HGVs find it difficult to manoeuvre in this area and reverse down Crab Marsh.
- The development would affect the security of the existing business.
- No objection to the use of the site for industrial and employment purposes but object to any alteration of the route of Crab Marsh.

Councillor Mrs Bucknor has commented as follows:

- No issues providing the development is accessed via Crab Marsh and no consideration would be given to access via Osborne Road.
- Opposite the site are 2 residential park home sites with more than 200 elderly residents.
- Consideration should be given to the noise impacts on these residents.

## 5. **SITE DESCRIPTION**

5.1 The site currently comprises vacant land within an existing industrial/commercial area off Crab Marsh in Wisbech. The site falls within the defined Primary Industrial/Business Area (PIBA). The site has been vacant for some time however the former use was as a saw mill. The area is characterised by industrial and commercial development, and also includes the port area and associated works. The site has no structures on it at present but the area is characterised by a number of industrial sheds and buildings. The area also houses 2 residential park home sites.

## 6. PLANNING ASSESSMENT

6.1 The key considerations for this application are:

- Relevant Policy
- Design and Layout
- Access

### Relevant Policy

The application has been assessed in line with the relevant National and Local Policies listed within Section 3 of this report. The NPPF states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and encourage the effective use of land by reusing land that has been previously developed (brownfield land). It also advises that significant weight should be placed on the need to support economic growth through the planning system. As such, the NPPF's spirit in supporting economic growth must be taken into consideration and balanced against the relevant site specific constraints and local policies.

Within the Fenland Local Plan Core Strategy – February 2013, Policy CS8 specifically relates to Wisbech and states that the Crab Marsh area is predominantly for business use. Furthermore, Policy EMP1 states that proposals will normally be favoured for the establishment of new or the extension or expansion of existing firms engaged in business, general industrial, storage or distribution uses within the primary industrial/business area.

The National and Local Policy direction is in favour of these types of proposal within a suitable area and as such the principle of this development is considered to be acceptable in this instance.

### Layout and Design

This application seeks outline consent for 10 industrial units for B1, B2 and B8 uses at land at Crab Marsh in Wisbech. The site is currently vacant and was formerly a sawmill and is within the Primary Industrial/Business Area (PIBA). As the application is in outline only the design and layout are indicative at this stage and will be fully considered at the Reserved Matters stage. The proposed layout of the units involves accessing the site off the existing Crab Marsh route. The 10 proposed units are to be sited around the edges of the site with an access road running centrally through the site. 6 of the proposed units are detached, stand-alone units with 4 units being positioned in 2 pairs of semi-detached units. The unit floorspace sizes vary from 200 to 400 square metres, with a total floor space of just under 3,000 square metres (2,930). The layout includes a 1.8 metre footpath for pedestrian access to the West of the site.

The design of the units is one of a pitched roof industrial unit appearance. The designs include roller shutter doors. As this application is in outline the final design of the units will be considered at the Reserved Matters stage, however the indicative designs shown at this stage reflect the character of the area and the type of building commonly found within industrial and commercial premises.

The indicative layout and design of the proposal serves to demonstrate that 10 units could be comfortably accommodated on this site whilst remaining in keeping with the existing character of the area.

### Access

The proposal is to be accessed via Crab Marsh. Crab Marsh currently serves the port area and existing commercial and industrial sites. This proposal will sit to the Northern edge of Crab Marsh adjacent to the existing public footpath. Within the site itself there is a central access road of a width of 6.1 metres proposed to provide access to the units for large vehicles. The site also provides 76 car parking spaces. Although this application is at outline stage only the access arrangements have been committed.

To allow access for the larger vehicles associated with commercial/industrial uses, a small area of the existing Boat Yard to the West of Crab Marsh has been included in the proposal. This piece of land is owned by Fenland District Council and notice has been served to this effect. No objections have been raised by Fenland as land owners providing pedestrian access is retained to an acceptable level. In addition, a footpath runs along Crab Marsh and the CCC Countryside Access Team have raised no objections to works being undertaken in this location. They have requested that the developer engages in discussions with them as to the legal requirements for carrying out works to a public footpath and this will be included as an informative.

The Local Highways Authority have considered the proposal in terms of access and parking arrangements, as well as in the context of the wider Wisbech Transport Strategy, and have requested further information as detailed in Section 4 of this report. The application has been accompanied by a detailed Travel Plan and the Agents have provided further information to the LHA as requested. Further comments from the LHA are awaited and Members will be updated further prior to Planning Committee.

## **7. CONCLUSION**

- 7.1 This is an outline application with only access committed at this stage, as detailed within this report. It is considered that the proposal is acceptable in principle and that the Highways requirements can be met. There will be no adverse impact on the character of the area or neighbouring amenity and as such it is considered that the proposal is acceptable in this instance and will bring economic and employment benefits to the area through the re-use of a currently vacant site within the PIBA. As such the proposal is recommended for approval subject to satisfactory comments from the Local Highways Authority.

## **8. RECOMMENDATION**

**Grant – Subject to the LHA being satisfied with the access and transport arrangements.**

### **1. Approval of the details of:**

- (i) the layout of the site**
- (ii) the scale of the building(s);**

- (iii) the external appearance of the building(s);
- (iv) the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

*Reason - To enable the Local Planning to control the details of the development hereby permitted.*

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

*Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.*

3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

*Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.*

4. The details submitted in accordance with Condition 01 of this permission shall include:

- (a) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (b) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;
- (c) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site
- (d) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;
- (e) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

*Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site.*

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.*

6. Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

*Reason - To ensure a satisfactory form of development.*

7. Prior to the first occupation of any unit within the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development as a whole shall be implemented in accordance with schemes previously submitted to and approved in writing by the Local Planning Authority.

*Reason – In pursuance of the Council’s duty under Section 17 of the Crime and Disorder Act 1998, to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council’s powers under Section 2 of the Local Government Act 2000 and to reflect Government guidance set out within National Planning Policy Framework Section 7: Requiring Good Design.*

8. Any conditions required by the LHA
9. Any conditions requested by the EA
10. Any conditions requested in relation to contaminated land.
11. Approved Plans.

## **UPDATE**

Members will recall that this application was deferred from the 26<sup>th</sup> June 2013 Planning Committee to allow further investigation into how the site will be accessed.



Since this time the Agent has been in negotiations with the LHA, FDC assets team and neighbouring land owners in order to produce a means of access to the site which meets the needs of those concerned.

Initially the scheme saw the site accessed by a road off Crab Marsh, which would swing through the centre of the site and back out of the other side. This would mean all adjoining landowners would need to negotiate through the site itself to access the sites to the North. This has now been changed to result in the road continuing straight to provide access into the sites to the North, with a junction into the site to allow access to the proposed units. An amended plan has been submitted which now shows the main access having been moved further north which has resulted in a slight reconfiguration of some of the units proposed. The number of units and the proposed floor space remains as previously applied for and as such there are no concerns or objections to this minor change. The plan also shows the existing straight access route along Crab Marsh to be retained solely for the use of vehicles accessing the Drake Towage site. Further to this a footpath, with a width of 1.5m will be provided from the boatyard to beyond the site access, thus retaining and enhancing a safe, pedestrian access. The proposal also now includes a passing bay on Crab Marsh itself and relevant signage will be provided.

The amended plan has been assessed by the Local Highways Authority who are satisfied with the proposed arrangement. They comment as follows (in summary):

- The distance between the widened areas of carriageway is within normal tolerances for a narrowed section of highway with passing places and, accordingly, no objections.
- The Local Highways Authority will need to approve the works along the approach access, full details of which should be secured by condition.
- Conditions are required in relation to the provision of a travel plan and the completion of the highway works prior to the first occupation of the development.

The LHA confirm that the proposed access arrangements are acceptable in terms of use and highway safety and the principle of the proposal remains acceptable. No further objections have been received in relation to the amended access and the development as a whole. As such the proposal remains recommended for approval with the amended access arrangements and subject to the conditions as listed below.

## **RECOMMENDATION**

**Grant:**

**1. Approval of the details of:**

- (i) the layout of the site**
- (ii) the scale of the building(s);**
- (iii) the external appearance of the building(s);**
- (iv) the landscaping**

**(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).**

***Reason - To enable the Local Planning to control the details of the development hereby permitted.***

**2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

***Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.***

**3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

***Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.***

**4. The details submitted in accordance with Condition 01 of this permission shall include:**

- a. details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;**
- b. details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;**
- c. details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site**
- d. details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;**
- e. the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.**

***Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site.***

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

***Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.***

6. Prior to the first occupation of any unit within the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development as a whole shall be implemented in accordance with schemes previously submitted to and approved in writing by the Local Planning Authority.

***Reason – In pursuance of the Council’s duty under Section 17 of the Crime and Disorder Act 1998, to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council’s powers under Section 2 of the Local Government Act 2000 and to reflect Government guidance set out within National Planning Policy Framework Section 7: Requiring Good Design.***

7. Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- a) the layout of the site, including roads, footways, cycleways, buildings, visibility splays, provision and surface water drainage.
  - b) car and cycle parking provision
  - c) turning Area(s)
  - d) loading Area(s)

***Reason: To ensure that the local road network is adequate to cater for the development proposed.***

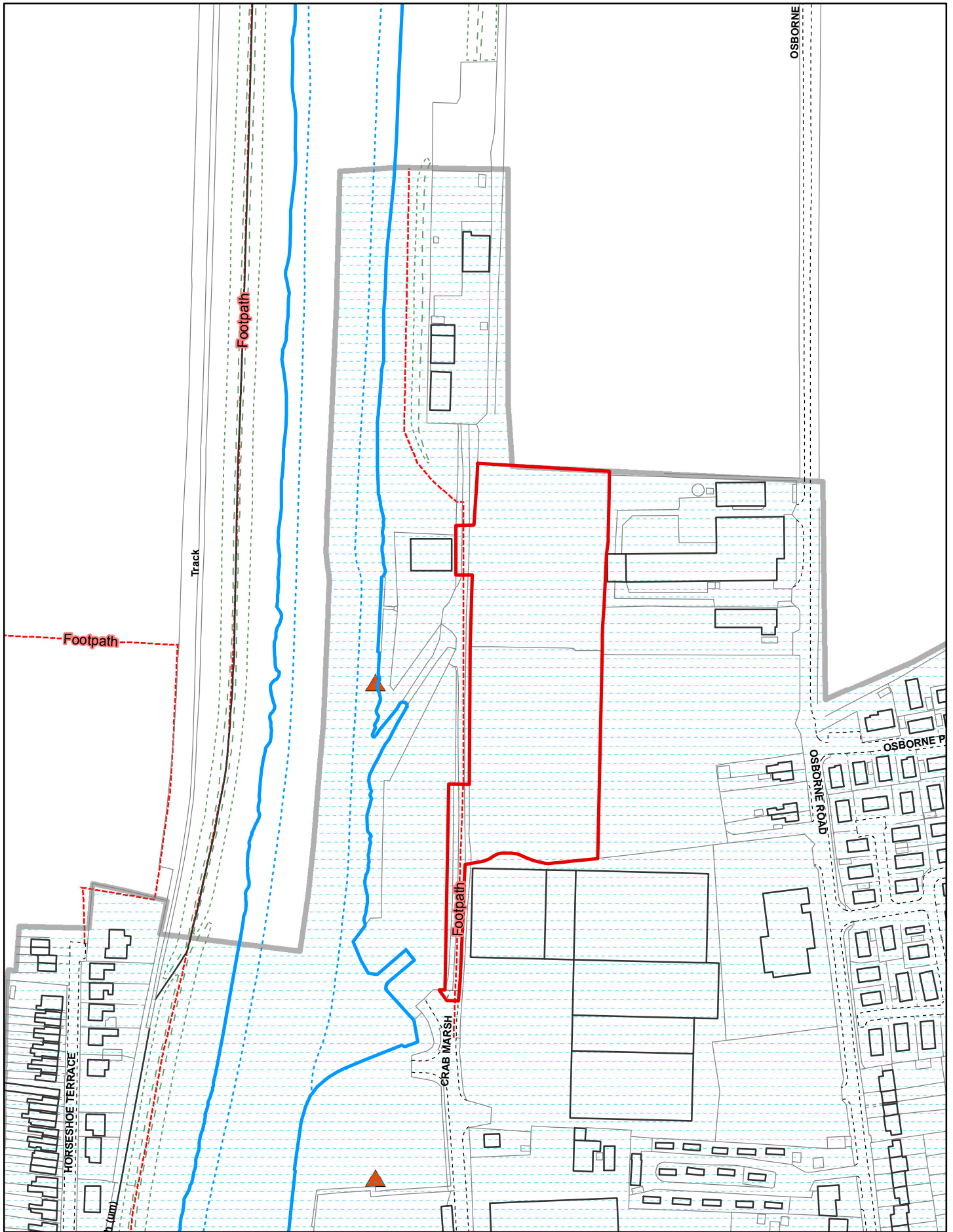
8. **Prior to the first occupation of the development hereby permitted the site access and off-site highway improvement works shown in principle on Drawing 10000/03/70 shall be completed in accordance with a detailed engineering scheme to be submitted to an agreed in writing by the Local Planning Authority, and such a scheme shall include levels, forms of construction, drainage, street lighting systems, signing and lining.**

***Reason: To ensure that the local road network is adequate to cater for the development proposed.***

9. **The development hereby permitted shall not be commenced until a Travel Plan has been submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority.**

***Reason: In the interests of Highway safety and to ensure that the local road network is adequate to cater for the development proposed.***

10. **Approved Plans**



Created on: 10/04/2013

**F/YR12/0209/O**



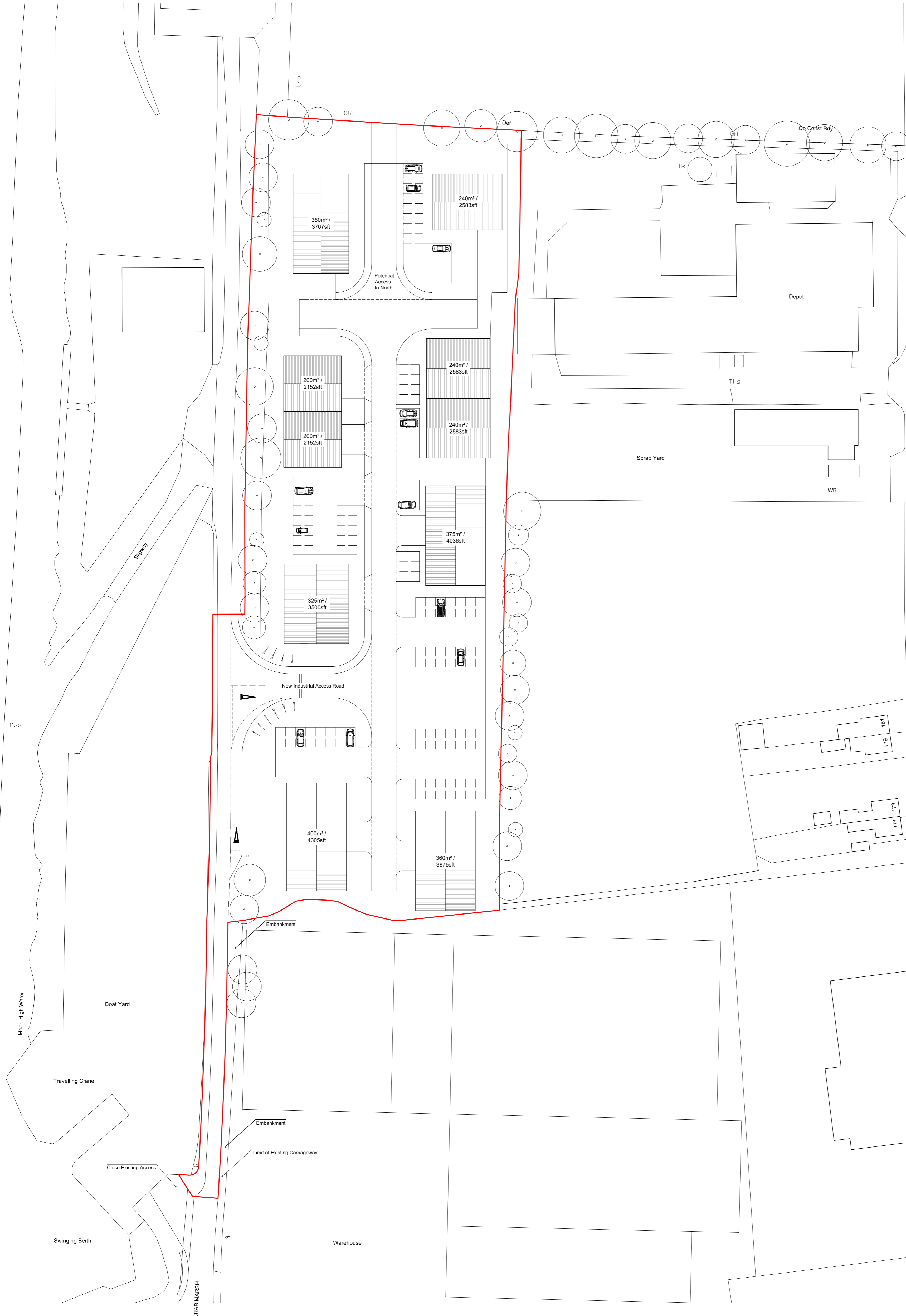
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Drawing Title <b>INDICATIVE PROPOSED SITE LAYOUT</b>	
Scale <b>1:500 @ A1</b>	Date <b>OCT 2013</b>
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