

**Application: F/YR15/0513/F**

**Minor**

**Parish/Ward: Chatteris Town Council – Mills Ward**

**Applicant: Mr T Calvert**

**Agent: Richard John Andrews**

**Proposal: Change of use of land for the use as a Veterinary Physiotherapy Referral Practice involving the erection of a single-storey building**

**Location: Land North Of 1 Stocking Drove, Chatteris, Cambridgeshire**

**Reason before Committee:** This application has been called in to planning committee by The Head of Planning due to this being the proposal for a unique business to the District but which is not policy compliant.

**1. EXECUTIVE SUMMARY/ RECOMMENDATION**

This application seeks full planning permission for the change of use of land to a Veterinary Physiotherapy Referral Practice involving the erection of a single storey building.

The key issues to consider are;

- Principle of Development
- Employment
- Scale, Layout and Appearance
- Access and Highways
- Impact on amenity
- Other Matters - Consideration of Applicant's Justification

It is considered that the proposal would lead to a business operation unconnected and without robust justification, to the rural enterprises otherwise supported in policy LP3 of the Local Plan. The land is in an unsustainable location, with a single track access to the site and 3Km from the nearest public transport and services. This would ultimately lead to the necessity to access the employment site by car which is an unsustainable means of transport and contrary to the ambitions of the Fenland Local Plan 2014 and the NPPF.

The recommendation is to refuse the application.

**2. HISTORY**

Of relevance to this proposal is:

<b>2.1</b>	F/YR14/0913/F	Erection of a single-storey building for the use as a Veterinary Physiotherapy Referral Practice.	Refused 12.01.2015
	F/YR13/0593/F	Erection of stables and 1.3 metre high fencing, and change of use of land to equestrian paddock (part retrospective)	Granted 30.09.2013

### **3. PLANNING POLICIES**

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

Paragraph 2:	Planning law requires that applications for planning permission must be determined in accordance with the development plan.
Paragraph 14:	Presumption in favour of sustainable development.
Paragraph 17:	Seek to ensure high quality design.
Paragraph 32:	Transport impacts
Section 7:	Requiring Good Design

#### **3.2 Fenland Local Plan 2014:**

LP2:	Health & Wellbeing
LP3:	Fenland Settlement Hierarchy
LP6:	Employment, Tourism, Community Facilities and Retail
LP12:	Rural Areas Development
LP15:	Transport & Highways
LP16:	High Quality Environments

### **4. CONSULTATIONS**

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

Strongly recommend approval

#### **4.2 *CCC Highways(LHA)***

No highway objections to the application subject to conditions controlling;

1. the construction of the vehicular access where it crosses the public highway
2. The laying out of proposed on-site parking /turning prior to commencement of use
3. The setting of any gates a minimum of 6m from the near edge of the public highway.
4. Full details showing details of the access arrangements, width, proposed materials and the available vehicle to vehicle visibility, to be submitted prior to commencement of development.

#### **4.3 *FDC Environmental Health***

Raise no objection

#### **4.4 *Middle Level Commissioners (IDB)***

Advised will be commenting – no comment yet received

#### **4.5 CCC Archaeology**

No objection subject to a condition requiring archaeological investigation prior to the commencement of any development.

#### **4.6 Local Resident**

1 letter of support received from neighbouring property as part of the application submission.

#### **Other**

2 letters of support received from persons residing outside the district as part of the application submission.

### **5. SITE DESCRIPTION**

- 5.1** The site lies outside the established settlement of Chatteris, approximately 3Km from the main core of the town and is accessed via a single track road, Stocking Fen Road, which has some informal passing places and connects the outskirts of Chatteris to the village of Sutton which is approximately 7Km to the south east.

The site comprises approximately 0.18Ha of land attached to approximately 2Ha of paddock land and lies within an agricultural and isolated setting. Within the site exists some modest stables granted permission in 2013 (see Site Planning History). The site is enclosed with post and rail fence and the site entrance lies to the south west of the site.

Approximately 130m to the south west of the site lies a group of 3 dwellings including paddocks and a farmstead. The character of the area is generally agricultural set in open countryside.

The site lies within Flood Zone 1.

### **6. PROPOSAL**

The application proposes to erect a single-storey building for use as a Veterinary Physiotherapy Referral Practice (therefore a D1 use) for the treatment and rehabilitation of small animals.

The proposed business will be operated on an appointment basis, following referrals from veterinary practices and will provide treatment primarily for animals post operatively or with debilitating medical or geriatric conditions. Clients are anticipated to travel from up to 30 miles away from the site. The business will operate during daytime with no proposal for overnight boarding.

The proposed building will be sited along the south west boundary and measures approximately 5.4m in width by 22m in length by 5.2m in height and is designed to reflect the crooked and dilapidated agricultural barns that can be found across the district, incorporating angled exterior walls and offset roof pitches.

It is proposed to be constructed with burnt timber exterior cladding and will incorporate an array of sustainable energy solutions such as solar and thermal panels and air source heat pumps.

The existing access is proposed to be used and 4 parking spaces have been provided for staff and visiting members of the public as well as a cycle storage area located to the rear of the building.

The existing stables and associated paddock will remain for the use of the horses, not related to the business.

## **7. BACKGROUND**

**7.1** This application is a resubmission of a previous application (F/YR14/0913/F) which was refused for the following reasons;

- 1. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of these operations and therefore would result in a new business in an unsustainable location in the open countryside and therefore does not comply with the requirements of LP3.*
- 2. Policies LP2, LP6 and LP12 of the Fenland Local Plan seek to steer new development, including employment sites, to sustainable locations. The proposed development by virtue of its isolated location in the open countryside and poor access to public transport and services is unsustainable and therefore fails to satisfy LP2, LP6 and LP12 of the Fenland Local Plan 2014.*

This application therefore aims to overcome the reasons for refusal and although no physical changes have been made to the proposal, the applicant has submitted a statement to address the reasons for refusal for the previous application which is summarised as follows;

### *Location*

The applicant advises that the location of the business has been chosen due to its rural location which would provide a quiet, calm environment for the small animals undergoing treatment and advises that a town centre location would therefore not be a suitable location for reasons of noise disturbance due to the sensitivities of the animals which would otherwise hinder their recovery.

### *Transport impacts*

The applicant advises that in most cases, customers would transport their pets via car (personal or taxi) and that public transport would not be appropriate, again due to the sensitivities of the animals. In addition they advise that those customers who are able to walk or carry their pets to the premises, if this was within a town centre location; again this could adversely affect the animals due to their sensitivities.

The site also provides suitable off-road parking, which a town centre location may not.

## **8. PLANNING ASSESSMENT**

### **8.1 Key Issues**

- Principle of Development
- Employment
- Scale, Layout and Appearance
- Access & Highways
- Impact on Amenity
- Other matters – Consideration of Applicant's Justification

### **8.2 Principle of Development**

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, Chatteris being one of them. The site lies approximately 3Km from the core services provided in Chatteris including shops and bus stops and is not near to or adjacent to Chatteris' footprint or any recognised settlement. Therefore it is considered that 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 proposes to operate the physiotherapy service for 'small animals' which, according to letters of support would include therapy for dogs i.e. household pets. This does not constitute an 'agricultural' operation or any of those identified within LP3 as above. Therefore, the proposal fails to satisfy the requirements of LP3 in this regard and therefore the principle of the development is not supported.

### **8.3 Employment**

Policy LP6 seeks to encourage employment opportunities and economic growth and lists 9 criteria for business proposals to be assessed against. These assessment criteria consist of; the Council's Spatial Strategy (see LP3 above), availability of and accessibility to public transport services, site suitability in terms of physical constraints, infrastructure capacity and impact in terms of landscape character. Policy LP2 seeks to ensure that development should create employment opportunities in accessible locations.

LP6 also requires businesses in rural areas also to comply with the criteria as set out in policy LP12.

Policy LP12 lists 11 criteria which must be satisfied in order for development to be considered acceptable.

These include the developments ability to not adversely impact on the character and appearance of the surrounding countryside, its location being in or adjacent to the existing developed footprint and the requirement for the development to be served by sustainable infrastructure such as highways.

The site lies approximately 3Km to the nearest services and according to Cambridgeshire County Council's Bus Stop route mapping<sup>1</sup>, this is also the nearest location of bus stop. In addition, the site is accessed via 1Km of primarily single track road (c.4.3m wide) from the north (linking to outskirts of Chatteris) and approximately 7Km of the same leading to the village Sutton. There is no footpath which links the site to these settlements

It is considered therefore that the proposal by reason of its isolated location in the open countryside does not satisfy the selection criteria of LP6 or LP12 as it does not accord with the spatial strategy, has poor access to public transport services and has poor infrastructure capacity by reason of the single track road and absence of footpath. The proposal therefore also fails to accord with policy LP2 as it does not create an opportunity for employment in an accessible location.

#### **8.4 Scale, Layout and Appearance**

All development in the open countryside is, by its nature, harmful to the countryside's openness and rural character. Therefore, for development to be acceptable justification should be provided and Policy LP3 identifies circumstances whereby this may be acceptable under the 'Elsewhere' definition. Further to this, Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, responds to and improves the character of the local built environment.

The character of the area is generally rural with barns and outbuildings pepper-potted across the countryside. The building is located within an agricultural setting, adjacent to open paddocks which also include a small stable block. The development utilises a small plot of land, enough to accommodate the building, parking area and an apron of land at the entrance to the building.

The building has been designed with the intention of emulating the dilapidated barns that can be found in rural locations across the District. It achieves this through the use of sympathetic materials; burnt Cedar wood planks which will clad the purposely designed angled exterior walls and offset pitched roof. The building will also incorporate renewable energy features such as solar panels and an air source heat pump. The windows and doors of the structure are located on the eastern facet of the building and therefore away from the highway and the public realm. The height of the structure is relatively modest maintaining a single-storey height and its overall scale is not dissimilar to barns found in the vicinity.

It is considered therefore that the structure will broadly appear as a barn set within the open countryside and will be of a scale and appearance sympathetic to the general character of the area.

However, as no robust justification has been provided for the existence of the structure and by reason of its use being unconnected with the enterprises as listed under policy LP3, it is considered that the development would not make a positive contribution to the local distinctiveness and character of the area as it would represent an unwarranted intrusion into the open countryside. The development therefore does not comply with the requirements of policy LP16(d) in respect of the impact of its scale, layout and appearance.

## **8.5 Access & Highways**

Policy LP2, together with LP15 seeks to ensure that well designed and safe access is provided with new development.

The LHA have raised no objections to the proposal acknowledging the scale of the development and layout of the site in relation to the adjacent single-track highway. The LHA have however requested that the LPA consider imposing conditions securing the access construction specification and layout, turning and parking areas and locations of any gates. These conditions are not considered to be unreasonable and would make the development acceptable in highway terms thereby satisfying policies LP2 and LP15 of the Fenland Local Plan 2014.

## **8.6 Impact on Amenity**

Policies LP2 and LP16 of the Fenland Local Plan 2014 seek to ensure that development does not adversely impact upon the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

The proposed development which comprises the change of use of the land and the introduction of a building is not considered to have any potential to adversely impact upon the amenity of local residents given its isolated location approximately 130m from the nearest dwelling. The scale of the operation is unlikely to generate noise nuisance and the location of the building away from existing residents will not affect privacy or light.

The development is therefore considered to accord with the requirements of LP2 and LP16 in respect of amenity protection.

## **8.7 Other Matters – Consideration of the Applicant’s Justification**

Section 70 of the Town and Country Planning Act 1990 requires the LPA in dealing with applications, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Having considered the applicant’s supporting statement, it is concluded that whilst it is accepted that a quiet environment may be important for the rehabilitation of the animals and that public transport may always not be an appropriate means of transportation for many animals.

There is nothing to suggest that alternative sites have been considered that may still be able to deliver a quiet environment but which also satisfy the requirement for the business to be located adjacent to the footprint of a settlement as a minimum (LP12).

It is considered that there are many rural settlements in the district which could accommodate the proposal, providing a quiet environment with the necessary open space, but with adequate infrastructure such as access to public transport which customers and employees could use where required.

The proposed location by reason of its remoteness would exclude those clients who could reasonably use public transport or walk and would exclude future employees that may wish to travel or have no option but to travel to work via public transport or again walk to work. The development proposal therefore places a heavy reliance on the use of the motor vehicle. This lack of multi-modal transport option is not only unsustainable in respect of tackling the effects of climate change but could in its self be detrimental to the future growth of the business itself and is contrary to policies LP2 and LP12.

## **8.8 Health and Wellbeing**

Policy LP2 requires development proposals to positively contribute to creating a healthy, safe and equitable living environment, for example by promoting high levels of residential amenity, creating opportunities for employment in accessible locations and providing good access to health facilities.

The development will not adversely affect residential amenity. However, by reason of its unsustainable location, placing heavy reliance on motor vehicle for access to the health service for both customers and employees, it is considered that the proposal does not meet the requirements of LP2 and therefore does not facilitate the health and wellbeing of Fenland's residents.

## **8.9 Economic Growth**

The development would result in the introduction of a new business to the district which would contribute to the economic growth of Fenland.

## **9.0 CONCLUSION**

**9.1** The application has been considered in-line with core planning principles of the National Planning Policy Framework and with policies LP2, LP3, LP6, LP12, LP15 and LP16 of the Fenland Local Plan 2014. The proposal would lead to a business operation unconnected and without justification, to the rural enterprises otherwise supported in policy LP3 of the Fenland Local Plan. The land is in an unsustainable location, with a single track access to the site with no footpath and 3Km from the nearest public transport and services. This would ultimately lead to the necessity to access the employment site by car which is an unsustainable means of transport and contrary to the ambitions of the Fenland Local Plan 2014 and the NPPF.



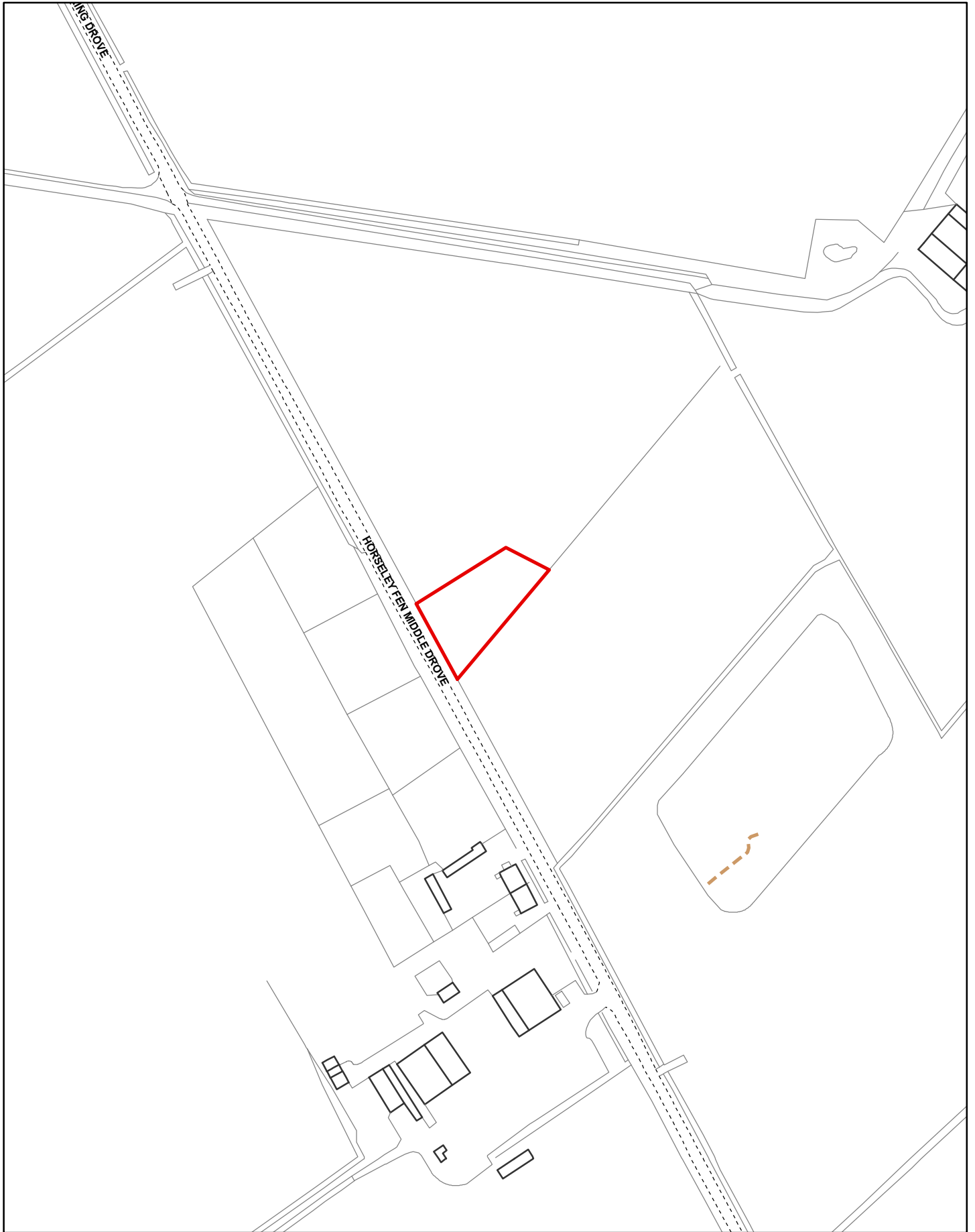
The supporting statement submitted by the applicant has been given due consideration. However it is concluded that the justification provided does not outweigh the policy conflict that the development creates.

## **10.0 RECOMMENDATION**

### **10.1 Refuse for the following reasons;**

1. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of these operations and therefore would result in a new business in an unsustainable location in the open countryside and therefore does not comply with the requirements of policies LP3 and LP16.
2. Policies LP2, LP6 and LP12 of the Fenland Local Plan seek to steer new development, including employment sites, to sustainable locations. The proposed development by reason of its isolated location in the open countryside and poor access to public transport and services is unsustainable and therefore fails to satisfy LP2, LP6 and LP12 of the Fenland Local Plan 2014.

1- <http://www.cambridgeshirebus.info/>



Created on: 29/06/2015

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Scale = 1:2,500





**General Notes**

1. Do not scale drawings. Dimensions govern.
2. All dimensions are in millimetres unless noted otherwise.
3. All dimensions shall be verified on site before proceeding with the work.
4. Richard John Andrews shall be notified in writing of any discrepancies.
5. Any areas indicated on this sheet are approximate and indicative only.

**NOTE:**

**ALL STRUCTURAL DIMENSIONS SHOWN IN THIS DRAWING ARE NOMINAL AND SUBJECT TO STRUCTURAL DESIGN BY STRUCTURAL ENGINEER. PLEASE REFER TO STRUCTURAL ENGINEER'S DRAWINGS FOR ALL STRUCTURE DIMENSIONS.**

**PRELIMINARY**

-  Proposed Buildings Hard-Standing
-  Proposed Development Area
-  Existing Site Boundary
-  Proposed Parking Spaces (Nos 4)
-  Existing Paving Zone (Undesignated) and site access

**DETAILS**

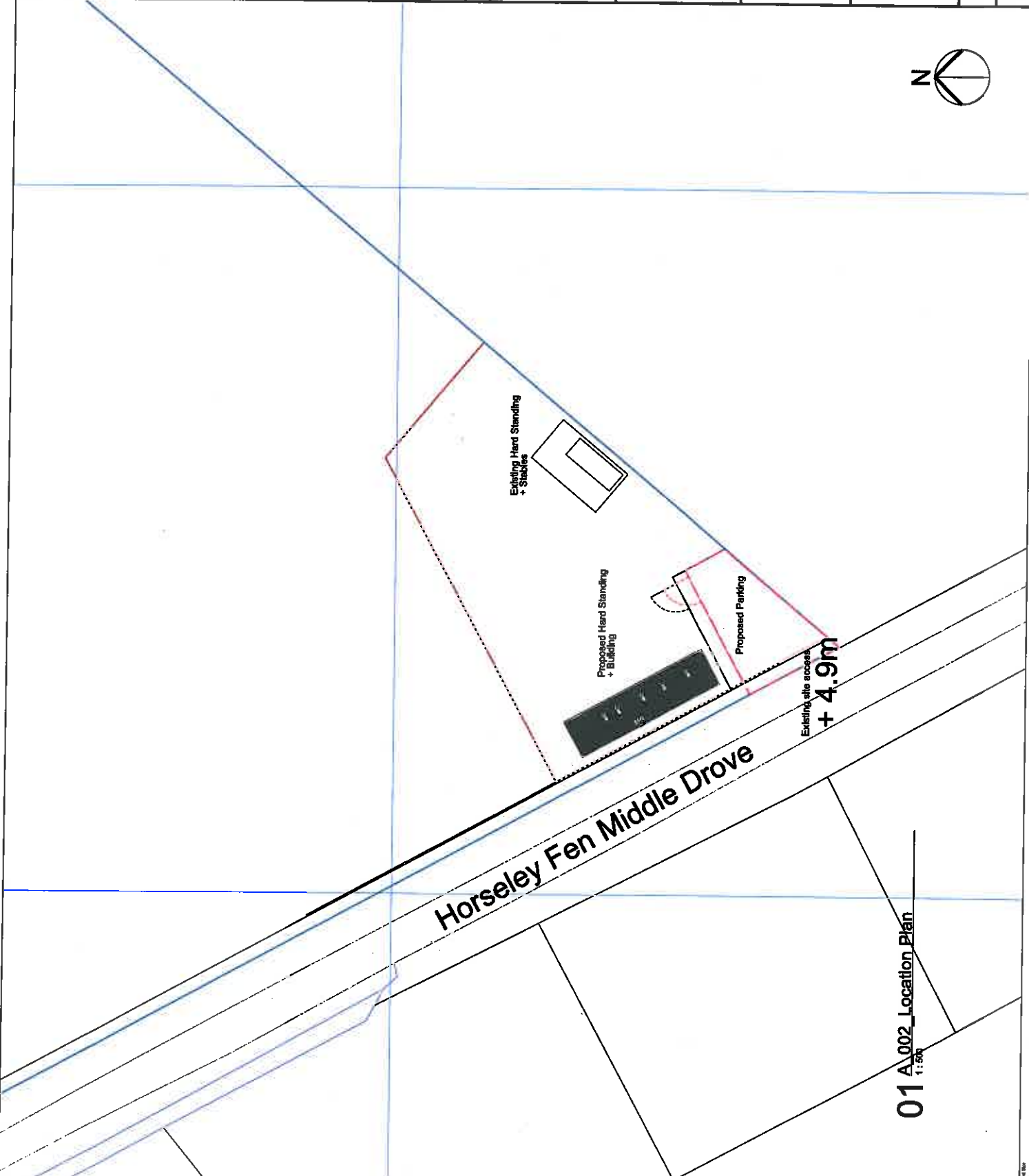
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Project  
**The Crooked Bam**  
 V. Leisure Physical Therapy Referral Practice

Sheet Title  
**Location Plan**

Project No. P-1004	Scale @ A3 1:500	Date 02/06/2016	Drawn By RJA
Number 0915_SH_002	Revision		



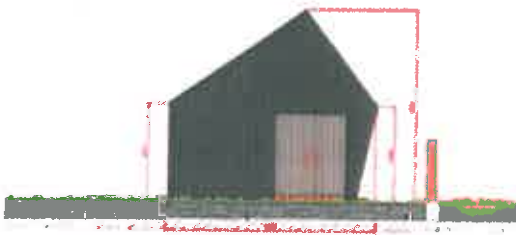
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 1:500



01 A.201 Elevation 01  
1:100



02 A.202 Elevation 02  
1:100



03 A.203 Elevation 03  
1:100



04 A.204 Elevation 04  
1:100