### F/YR17/0060/F

Applicant: Mr P Purse Agent: Mr G Edwards

Phil Purse Groundworks Swann Edwards Architecture Limited

Land North Of Meadowcroft, Silt Road, March, Cambridgeshire

Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)

Reason for Committee: Called in by Councillor Count who supports the proposal.

#### 1 EXECUTIVE SUMMARY

This application is for, a Groundworks business to be located in the open countryside approximately 700metres from the suburban edge of March.

Permission was previously refused for a similar proposal but additional planting is proposed.

The site lies in the open countryside and is considered as 'Elsewhere' development as identified under Fenland Local Plan Policy LP3. The Applicant's groundworks business does not constitute an 'agricultural' operation or any of those identified within LP3. 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 availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. It is considered that the proposed development would conflict with the thrust of the NPPF and Policies LP1, LP3, LP6.

The development is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed light industrial unit and associated use will result in an urbanising impact considered to be out of character with the tranquil character of the open countryside contrary to adopted policy LP16.

The proposed development would likely result in harm to the amenity of neighbour by reason of disturbance from large vehicles and visits from employees accessing the site. It is therefore considered contrary to policy LP16(e) in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.

#### 2 SITE DESCRIPTION

2.1 This site is a 0.19 hectare site to the east of Silt Road alongside the embankment of the railway line. It was formerly a lawned area with sheds which appear to have had a small scale agricultural type of activity (as visible on Google Maps). The applicant refers to the site being connected to the occupancy of the adjacent

property to the south (Meadowcroft) although the bungalow is not included in the red line or within a blue line of the documents submitted.

- 2.2 The site is accessed off Silt Road which currently has a gated railway crossing to the north, although Network Rail has possible intention to close the crossing. Access to the south is from Upwell Road (0.4 miles). The country lane is less than 3 metres wide with wide grass verges. It does not include passing places, apart from the access to the two bungalows near the application site. There is insufficient space for two cars to pass on the existing country lane.
- 2.3 The applicant has laid down loose hard aggregate on the site and moved topsoil and has installed a mobile home to the north of the site entry without planning permission.

### 3 PROPOSAL

- 3.1 This application follows an almost identical scheme (Ref F/YR16/0863/F) which was refused for the following reasons:
  - Policy LP1 promotes a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages, small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's Groundworks business does not constitute an 'agricultural' operation or any of those identified within LP3.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 availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. It is therefore considered that the proposed development would conflict with the thrust of the NPPF and Policies LP1, LP3, LP6 of the Fenland Local Plan 2014. It would cause material harm to the interests of sustainable development and therefore the development is not acceptable.
  - The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed light industrial unit and associated use will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to adopted policy LP16 in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area.
  - The proposed development would likely result in harm to the amenity of neighbours by reason of disturbance from large vehicles and visits from employees accessing the site. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate for vehicles to serve an industrial unit of

this size. It is therefore considered contrary to policy LP16(e) in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.

- 3.2 This proposal is again to retain the mobile home referring to the need to site the mobile home for a temporary period whilst improvement works take place on the adjacent bungalow. It includes the surfacing of an area of land as gravel or hardstanding and locates the light industrial building orientated in parallel to the railway track. The site access is close to the point of access of the neighbouring bungalow (Medway Cottage) to the west. The hard surfacing area gives a length of approximately 30 metres in front of the building. This could accommodate the movement of large vehicles and a substantial area for the parking of a large number of vehicles if required.
- 3.3 The industrial building is externally 9.1 by 18.2 metres to an eaves height of 4.3metres with a ridge height of 5.6 metres. It comprises concrete walls (1.6 metres high) with green cladding and cement fibre roof sheeting with roof-lights. It includes metal shutter doors 4.2 metres wide.
- Regarding the nature of the use the applicant states the following: The applicant runs a ground working business and operates generally direct from the site he is working on, and that is generally where the machinery is located as it makes economic sense to move them from site to site. The machinery he has is a JCB, 7 ½ ton lorry, 2 no.dumper trucks, mini digger, Rollers both driven and hand, a trailer and various hand tools. He has operated his business for nearly 30 years working on building sites for both national and local developers. All materials are delivered direct to site not to his premises, again this is for economic reasons and speed, the only materials he will have on site will be for the construction of his extension to the dwelling which we hope to have an application in early next year and items which are left over from the sites and would be sent to landfill, this is usually small drainage items. The building will house these materials for re-use elsewhere and the building is to be solely used the applicant, who generally does not have any visitors to him as there is no reason for anyone to visit, any reps would go direct to site or the applicant would go to them. The applicants lorry which he uses for work most days will be kept in the shed for added security. There is no other uses proposed for the building as all maintenance is carried out on the site he is working on, the building is purely for secured storage of his machinery when they are not on site. The applicant already owns the dwelling and he could bring his machinery to his dwelling at any time using the road and storing the machines outside, the site was previously used as a small holding which could have used tractors and trailers among other machinery.
- 3.5 The proposed use is personal to the applicant and he is prepared to accept any condition tying this to him.
- 3.6 The applicant also communicated regarding the flood risk assessment stating that in his view the proposal passes the sequential test because the council uses the Environment Agency maps which in his view are out of date.
- 3.7 Full plans and associated documents for this application are available at:

https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OKAI3ZHE03000

#### 4 SITE PLANNING HISTORY

F/YR16/0863/F	Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)	Refused	04/02/16
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#### 5 CONSULTATIONS

**March Town Council** March Town Council does not object providing the Highway Authority are happy with the access road.

#### 5.2 Network Rail

Network Rail's main concern is safety whilst using the Rail Crossings. It does not encourage the use of crossings and observe that the applicant must be aware of the Rail user crossing which is still a part of our Network. The developer/applicant must ensure that their proposal, both during construction and after completion of works on site. does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.
- Network rail requests informatives be added regarding future maintenance.

# **5.3** Environmental Health has no objection.

5.4 CCC Highways does not object but requests details be submitted at the junction of the B1099. Highways question the suitability/sustainability of this location for the proposed change of use. Nevertheless in order to make Silt Road suitable for the type/volume of vehicles that could be generated by this development then Silt Road needs to be widened at the intersection with the B1099 so it's suitable for two way vehicle flow. A layout along with swept path plans should be provided to demonstrate improvements can be provided within the existing Highway reserve width. In addition to the above a passing bay or localised carriageway widening should be provided between the B1099 and the application site access to allow two vehicles to pass.

#### 5.5 Local Residents/Interested Parties:

- 5.6 11 letters of support received from businesses and residents in and around March
- 5.7 Councillor Rob Skoulding supports the application considering the proposal is in keeping with the area.

- 5.8 Councillor Steve Count considers this an area best suited for agricultural use buildings. It is relatively remote and adjacent to a railway line so noise can be no issue. The high tree line and screening from Silt Road means there is little visible impact of the proposal. Furthermore the recent decision of the planning committee in approving a similar scheme elsewhere in March lends weight to acceptance. This type of application enables us to support and encourage local businesses to stay local so I would be disappointed if this did not receive support from officers when our Local Plan says "Open for business". should officers not feel inclined to support this, especially in light of the recent decision then I must ask this be referred to the planning committee. With regards to the siting of a mobile home, whilst I approve for the application purpose of dealing with the renovation project I would not like to encourage permanent use. This could be dealt with by restriction such as a three year term or when the works are finished whichever is earliest.
- 5.9 **An objection** has been received from the neighbour regarding the previous application and as the application has not materially changed he reaffirms that objection referring to the following concerns:
  - The development will destroy the tranquil setting of the countryside;
  - It will result in harm to the drainage of the area due to additional run-off;
  - Silt Road is unsuitable for commercial vehicles being less than 3 metres wide and there are no passing facilities;
  - The junction is unsuitable with Upwell Road;
  - Assess from the north across the gated crossing would be unsuitable;
  - The scale of the site proposed would enable for significant Class B1(c) use in the future;
  - Groundworks contractors may require repair/servicing facilities, which are
    often worked on outside construction hours. This could lead to detriment to
    neighbouring amenity.
  - The access point is directly opposite that of Medway Cottage and will lead to unacceptable intimidating impact from commercial vehicle movements.
- 5.10 The objector added the following points:
  - Silt Road is not used by nearby farm equipment traversing the unmanned railway crossing gates. Likewise, car usage is minimal. A simple random traffic count would clarify this point.
  - The emphasis on the small number of pieces of equipment the applicant has, and the infrequency of it's return to the site, is not considered relevant to the potential use of the huge storage building proposed, and change of use of the site classification. If approved, the site could be sold or leased to a third party, for B1(c) use with a building capacity, generating traffic movements, deliveries, collections etc disproportionate to that currently stated by the applicant.
  - Questions the reliability of the applicant's biodiversity checklist.
- 5.11 **The applicant** responded to the neighbours objections as follows:
  - The proposal is adjacent the railway line which is noisy and far from tranquil:
  - The surface water from the building will be the subject of an application to Middle Level prior to the starting of drainage works.
  - Silt Road is already accessed by a number of commercial vehicles on a daily basis, these include the Fastrac and Bailer which are used on the land

- rented by the objector opposite the application site Delivery vans use Silt Road daily and the Highway Authority does not object.
- The use of the building and land is for the sole use of the applicant, and we would be happy to accept any condition for this, the vehicles using the road to the applicant's site will be no different than they are now, (he sometimes goes to work in his JCB, or in his van or lorry. As there will be no increase or the junction functions adequately at present so no improvements to the junction would be necessary.
- Access through the gates on to the railway line will not be effected, the client generally enters and exits via Silt Road to the south.
- The entrances to the applicant's land and dwelling are existing, there are no new entrances proposed and is consistent with the traffic to it and from it if was a farm yard and most likely less especially if the farm had livestock on it.
- Whilst there is no passing bays on Silt Road, there are other entrances to fields on the road, which allow vehicles to pass and as previously highlighted we will not be increasing traffic flow as the applicant already lives on the site.
- The building will allow the applicant to park his vehicles and machinery securely as well as the odd building materials he stores for his business, which he takes to site in his lorry or van.
- Very little maintenance would be carried out on the site as this is done at the site he is working on and would not make economic sense to bring it back to the building, he is a small ground works contractor and will not have a fleet of vehicles.
- The threat of intensifying the use on the objectors land would be the subject
  of a separate application and taken on its own merits. We really do not feel
  our proposal will have a detrimental impact on Medway beyond the railway
  and existing traffic using the road.

### **6 POLICY FRAMEWORK**

### 6.1 National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Identifies core principles which recognising the intrinsic character and beauty of the countryside..

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk. Paragraph 109: Minimising impacts on biodiversity

# 6.2 National Planning Policy Guidance (NPPG)

Determining a planning application Flood Risk and Coastal Change

# 6.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and Wellbeing of Fenland Residents

LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment. Tourism Community Facilities and Retail

LP12- Rural Area Development Policy

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

#### Fenland

LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District LP19 – The Natural Environment

### **7 KEY ISSUES**

- Principle of Development
- Character of the Area
- Impact on Amenity
- Highway Safety
- Flood Risk
- Temporary Mobile Home
- Economic Growth
- Biodiversity

#### 8 ASSESSMENT

### 8.1 Principle of Development

This site is considered to be in open countryside. Although it may be located close to the edge of March 'as the crow flies', it is however not considered to be easily accessible due to the constraints of Silt Road and the gated railway crossing. The appearance and narrowness of Silt Road is in keeping with the status of a countryside location and as such is considered to be an 'Elsewhere Location' in the Settlement hierarch (Policy LP3) of the adopted Fenland Local Plan.

- 8.2 For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's business does not constitute an 'agricultural' operation or any of those identified within LP3 as above.
- 8.3 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 availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. LP6 requires businesses in rural areas to also comply with the criteria as set out in Policy LP12.
- 8.4 The NPPF sets out in section 3 that planning policies should support economic growth in rural areas and should support the sustainable growth and expansion of all types of business and enterprise in rural areas. The key consideration is whether the type and scale of the use undermines the key objectives of LP3 and LP6, and whether the use is appropriate to the site and its locality and finds support within the NPPF.

#### Character of the Area

8.5 One of the 12 core planning principle contained within the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. At a local level Policy LP16 of the adopted Fenland Local Plan seeks to deliver and protect high quality environment across the district. Development should only be permitted if it meets the following criteria (amongst other things)

- (d) makes a positive contribution to local distinctiveness and the character
  of the area, enhances its local setting, responds to and improves the
  character of the local built environment. Provides resilience to climate
  change, reinforces local identity and does not adversely impact either in
  design or scale terms on the street scene, or the landscape character of
  the surrounding area.
- 8.6 It is considered that the proposal will result in an urbanising impact upon this part of the open countryside. The applicant makes many references to the previous agricultural use and makes comparisons between the proposed light industrial use and an agricultural activity. It is Officers view that generally Silt Road is a relatively tranguil country lane, even taking account of the proximity to the railway line. By way of a comparison, photographs of the site before this development indicates a very green site with what appears a tranquil location. The two houses therefore enjoyed a peaceful level of amenity. The site was previously used for purposes in keeping with the rural area. Silt Road itself being such a narrow route contributes to the retention of its tranquil status by limiting access to large vehicles. As can be seen the development has removed trees and established a vehicular access, a mobile home and a large gravel hardstanding area resulting in a harsh appearance more in keeping with an industrial character. The addition of a light industrial building with a utility style of character of concrete wall and concrete fibre roofing (albeit clad in green) will result in a harsh urban environment.
- 8.7 The applicant argues that it will attract limited industrial visitors, plant or machinery and argues this should only be for personal use. However the applicant's own reference to the vehicles used by his business, and the scale of the site concerned gives potential for an operation of some significance. Furthermore the development is permanent in nature and would appear unlikely to revert to a more countryside friendly activity, if the personal operator were to leave in the future. Therefore the implementation of a planning condition limiting the development to his personal use only, is not considered reasonable or likely to safeguard the character of the countryside. A light industrial permission is difficult to restrain in terms of the numbers or types of vehicles accessing the site, and despite the applicant's assurances numbers of visitors or staff, maintenance work on the hard standing areas or in the storage unit. Therefore if permission were to be granted, and the necessary highway improvements implemented the character of this lane is likely to be more urban in character.

# **Impact upon Amenity**

- 8.8 The proposed development and activity is therefore considered contrary to policy LP2, LP6, and LP16(e) in that it is out of keeping with the tranquil rural and open character of the countryside on the sit and the surrounding area.
- 8.9 PolicyLP2 of the adopted Fenland Local Plan seeks, amongst other things, to avoid adverse impacts from development. The unsuitable and impassable nature of this quiet country lane for larger vehicles to access the site and together with possible disturbance from activities within the site of such large scale will lead to a detrimental impact on the amenity of the occupiers of Medway Cottage. The cumulative impact of these adverse factors is considered to be contrary to Policy LP2 and LP16(e).

### Other issues

- 8.10 The Councillor has raised Planning permission granted by Planning Committee (ref F/YR16/0945/F). It was for an agricultural storage building including the formation of hardstanding and the widening of existing access at Land South Of Prospect House, Burrowmoor Road, March. However there are some material differences between the two proposals, in particular the following:
  - Policy LP3 refers to development in elsewhere locations and identifies
    that it will be restricted to that which is demonstrably essential to the
    effective operation of local agriculture, horticulture etc. That application
    falls into either agriculture or more appropriately horticulture as a use. The
    proposed use as light industrial for the 'Groundworks business' is clearly
    not a use appropriate to the open countryside and contrary to LP3.
  - The Burrowmoor Road site was located just off (approx. 90 metres) the A141 having therefore good transport access. Silt Road is a very narrow 'Country Lane' far less appropriate in character and poor in sustainability terms. Access to the nearest major road in March is approximately 1500 metres through residential areas.
  - It is also noted that no objections were received from nearby residents and the nearest house is around 35 metres from the proposed building and approximately 25 metres from the site access, whereas the objectors property is 32 metres to the proposed building but only 9 metres to the site access and gravel hardstanding area, i.e. potential noise generation. The impact on neighbouring amenity is therefore more of a concern.

The above consideration therefore suggests there are significant differences to the Planning Permission granted and the current proposal. This suggests that the proposals are not comparable and therefore the applications should be considered on their own merits.

# 8.11 **Highway Safety**

It is unknown as to whether there is capacity at the junction with Upwell Road for larger vehicles to access safely although it is considered likely that the carriageway could be widened in practice. However the Local Planning Authority does not wish to endorse widening or the implementation of a number of passing places due to the appropriate restrained country lane character of Silt Road, which if implemented is likely to result in increased urban pressures to this tranquil area. Therefore although no evidence of harm to highway safety has been identified, nevertheless the impact of the development on the use of the highway and the resulting harm on the character of the countryside is considered elsewhere in this report.

### 8.12 Flood Risk

The application is for a business use which is minor in nature and of a less vulnerable activity. Whilst it is not accepted that the sequential test is passed, in this instance it is not considered a reason on which to refuse the application.

# 8.13 **Temporary Mobile Home**

The placing of a mobile home for a temporary period whilst the main property is refurbished is likely to be acceptable although this should be time limited. But as this application is connected to a larger application, a separate permission would be required for its retention. When visiting the site there was no evidence of refurbishment works taking place at the bungalow itself.

### 8.14 Health & Well Being

Policy LP2 promotes development that positively contributes to creating a healthy safe and equitable environment and seeks amongst other things:

- Promoting high levels of residential amenity;
- Creating opportunities in accessible locations
- Avoiding adverse impacts.

It is considered that the proposal does not accord with these three aspirations.

# 8.15 **Economic growth**

The development would be likely to provide a degree of local employment during construction which would support the continued sustainability and economic growth of March. Whilst economic development is of utmost importance to Fenland, it should not result in inappropriate development being located on the open countryside in isolated unsustainable positions.

### 9 Other Considerations

# 9.1 **Biodiversity**

A survey was undertaken identifying bats, small numbers of reptiles and other wildlife/fauna on the site. The County Ecologist has accepted the survey and request proposed mitigation measures be conditionally safeguarded. The proposal can therefore be considered to comply with Local Plan Policy LP19.

#### 10 CONCLUSIONS

10.1 The proposed development is considered an alien urban feature in a tranquil rural setting. Also if planning permission were to be granted the operation of a light industrial site of this scale has potential to result in significant disturbance to the amenity of the occupier of the nearby Medway Cottage and of the use of this quiet county lane.

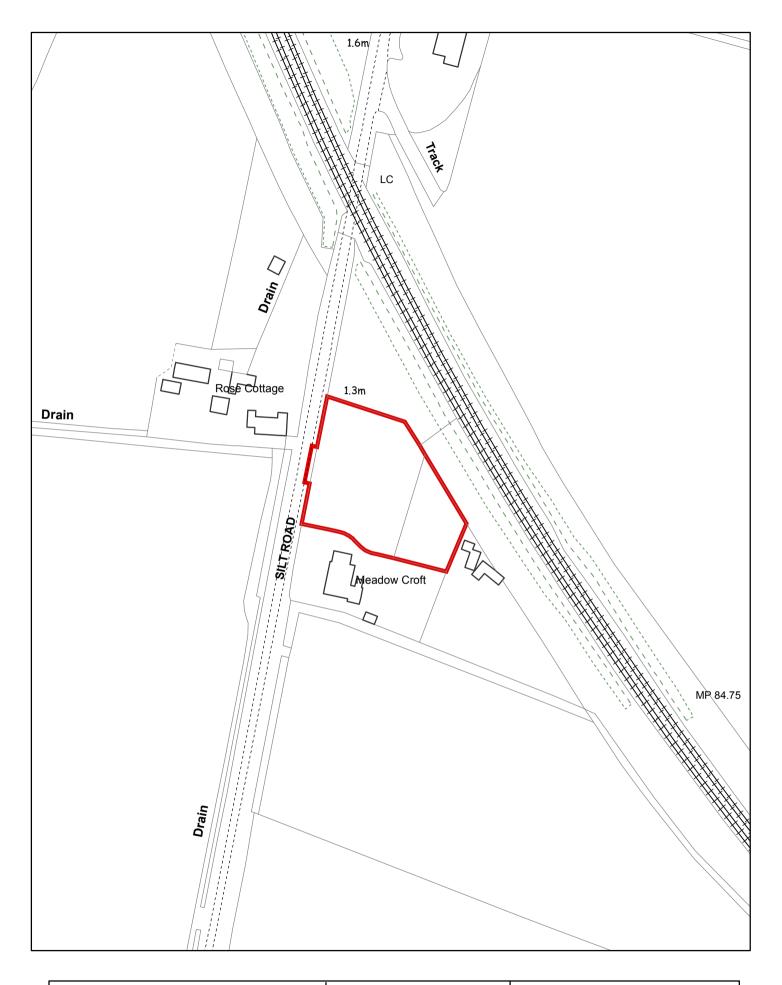
# 11 RECOMMENDATION

# **REFUSE** for the following reasons:

1 Policy LP1 of the Fenland Local Plan promotes a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP3 of the Fenland Local Plan 2014 outlines a settlement hierarchy and aims to steer development in the first instance to the most sustainable locations which consist of Fenland's 4 market towns, growth villages, limited growth villages. small villages and other villages. The site lies in the open countryside and is considered as 'Elsewhere' development as identified under policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's groundworks business does not constitute an 'agricultural' operation or any of those identified within LP3. Policy LP2 seeks to create opportunities for employment in accessible locations, however the site is not considered to be easily accessible located off a narrow country lane in the open countryside. 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 availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. It is therefore considered that the proposed development would conflict with the thrust of the NPPF and Policies LP1, LP2,LP3, LP6 of the Fenland Local Plan 2014. It would cause material harm to the interests of sustainable development and therefore the development is not acceptable.

- The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed light industrial unit and associated use will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to adopted policy LP2 and LP16(d) in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area.
- The proposed development would likely result in harm to the amenity of neighbours by reason of disturbance from large vehicles and visits from employees accessing the site. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate for vehicles to serve an industrial unit of this size. It is therefore considered contrary to policy LP2 and LP16(e) in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.



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