
F/YR23/0573/F

Applicant: Mr James Edgley

**Agent : Mr Allen Norman
Ely Design Group**

Nightlayer Leek Company Limited, Dean Drove, Chatteris, Cambridgeshire PE16 6UZ

Change of use of 6 x agricultural units to B2 and/or B8 use (Storage and Distribution)

Officer recommendation: GRANT

Reason for Committee: This application is defined as a major application with a statutory consultee objection contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks permission for a change of use of 6no existing agricultural buildings to B2 and/or B8 use (storage & distribution), equating to 3886 sq m floor area.
- 1.2 The site lies outside of but adjacent to the southern edge of the market town of Chatteris with an established footpath link between the site and the town.
- 1.3 The County Council Highways Transport Assessment Unit have raised an objection to the proposed development due to the failure to provide a safe and suitable access for pedestrians to the proposed development. Whilst it cannot be contested that the existing footpath width falls short of the requirement within the Cambridgeshire Highways General Principles of Development (Jan 2023), this is long established with the application seeking a change of use of existing buildings for which its current use is no longer viable. Weight has to be attached to the retention and reuse of existing, well-constructed buildings; employment retention and the requirement within the NPPF of supporting rural diversification.
- 1.4 The application is therefore recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is located on the south-western side of the A142 on the approach to Chatteris from the south. It comprises approximately 1.95ha which includes 6no units within three detached buildings and concrete hardstanding for parking, turning etc. The site has been developed over a period of 30 years (see site history) with the existing buildings on site having been used for working, packing, storage and distribution of leeks. It has been confirmed within the supporting information that the business has become unviable and this operation is beginning to shut down.
- 2.2 The site is flat throughout and is entirely in Flood Zone 1, which is an area with a low probability of flooding

3 PROPOSAL

- 3.1 The application proposes the change of use of the existing buildings referred to as Units 1, Units 2-5 and Unit 6 as shown on the site plan submitted. The proposed use of the buildings will be for General Industrial (B2) and/or storage and distribution (use Class B8)

with operational hours to be as per the existing use, therefore 24 hrs per day, 7 days per week.

- 3.2 The plans show there will be no physical external changes to facilitate the use with the current access to be retained and used for the new operations with the table below providing a breakdown in respect of each individual unit:

Unit 1	1,354.14	Ground Floor
Unit 2	459.03	Ground Floor
Unit 3	463.70	Ground Floor
Unit 4	429.90	Ground Floor
Unit 5	615.13	Ground Floor
Unit 6	564.15	Ground Floor
	3,886.05m ²	

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=RWAQGBHE0D800&activeTab=summary>

4 SITE PLANNING HISTORY

F/93/0074/F: Erection of agricultural building for the storage and packing of leeks. Withdrawn.

F/93/0337/AG: Erection of an agricultural building. Prior Approval not required.

F/95/0902/AG: Erection of an agricultural building. Prior Approval not required.

F/97/0414/F: Erection of an agricultural farm building. Granted.

F/YR02/0099/F: Erection of an agricultural cold store. Granted.

F/YR08/0178/F: Erection of a building for storage of farm machinery. Granted.

F/YR13/0565/F: Erection of an agricultural storage building. Granted.

F/YR17/0463/F: Erection of a storage building. Status: Granted

F/YR18/0110/F: Installation of 2x gas engines (inclusive of containers with exhaust stacks), sub-station, electrical transformer, 2 x oil tanks, the siting of 2x containers and a kiosk, and the erection of a 2.4m high (max height), wire mesh fencing and 3 x 7.0m high (max height) lighting columns. Granted.

5 CONSULTATIONS

5.1 Anglian Water (2/3/24)

There is no connection to the Anglian Water sewers, we therefore have no comments

5.2 Cambridgeshire Constabulary (20/7/24)

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 the vulnerability to crime based on the figures (included within the consultee response online)

There doesn't appear to be any security or crime prevention section within the Planning Statement / DAS. 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.

External lighting – Can you confirm your currently lighting arrangement please – including lux levels and calculations. All footpaths, service yards and parking areas should be lit by columns, designed to either BS 5489- 1:2020 or BS EN 12464-2:2014. 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. There should be dusk to dawn LED bulkhead lights over entrance / exit doors.

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.

Cycle Parking (Staff) - Please ensure these are in a secure location, well-lit, covered by CCTV and in view of windows to ensure good surveillance. Sheffield stands should be root fixed 300mm into the concrete flooring and able to secure both wheels and the frame. Cycle store doors should be fitted with closers and have a push to exit button to ensure that no-one can get locked in. Access control – Any doors providing access to the main building and stair cores including lifts should be access controlled to prevent any unauthorised persons gaining entry

Cambridgeshire Constabulary (16/8/23)

Additional information was submitted by the agent addressing the points raised. Further comments received stated:

Thanks for providing the updates in relation to my previous comments. I have no further comment at this time.

Cambridgeshire Constabulary (4/3/24)

I have no objection to the revised site access plan.

5.3 Chatteris Town Council

Support the application

5.4 CCC PROW officer (31/7/23)

Whilst the Definitive Map Team has no objection to this proposal, the Byway must remain open and unobstructed at all times. Informatives Should you be minded to grant planning permission we would be grateful that the following informatives are included:

Public Byway 24, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not

be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). The Public Byway must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Byway without lawful authority) No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Byway is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Byway standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way. Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-licences-and-permits/>

CCC PROW (10/4/24)

Public Byway, Number 24, Chatteris, is currently used to access the site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

This response is in relation to paragraph 4.2 Response of the Technical Note dated 31st January 2024 which details changes to the access of the proposed site and refers to Public Byway, No. 24, Chatteris being 'retained and enhanced'. The Definitive Map Team lodge a holding objection until further information is provided detailing what is planned by this enhancement so that we can respond appropriately.

Please also note that there is no legal width recorded for Public Byway, Number 24, Chatteris. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk.

Informatives: Should you be minded to grant planning permission we would be grateful that the following informatives are included: Public Byway, Number 24, Chatteris, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the

County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-andpermits/>

5.5 CCC Transport Assessment Team (3/8/23)

The document reviewed is the Transport Statement dated 4 th July 2023 prepared by Ely Design Group. The proposals comprise the change of use of the existing buildings to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris.

Transport Statement Review

The Transport Statement as submitted is not acceptable to determine the impact of the proposals on the surrounding highway. The Transport Statement should in the first instance consider the following in its content:

- The planning and transport policy context of the development.*
- Description of surrounding highway network inclusive of speed limits. Consideration should be given to any deficiencies in the local highway network.*
- Reference to the potential for use of sustainable transport modes to the development site, including bus, cycle, and walking. To include a description of the nearest bus stops accessible to the site including the current infrastructure available at these bus stops, services operating at these stops, and any existing constraints in terms of walking to these stops. The TS should also outline the quality of the surrounding pedestrian and cycle links on the key desire lines into the site inclusive of widths and crossing points and any areas for improvement identified.*
- Previous 60 months accident records as obtained from the Cambridgeshire County Council 'Cambridgeshire Insight' Website: Cambridgeshire Insight – Roads, Transport and Active Travel – Road Traffic Collision Data for within 500m of the site.*
- The net trip generation for the proposals for the weekday AM and PM peaks. This should be determined by subtracting the number of vehicle trips generated by the existing site (determined based on evidence) from the proposed trip generation (determined using the TRICS database). This should also consider the difference in HGV trips generated between the existing site and the proposed development. Multi-modal trip generation for the proposed B2/B8 use should also be provided. This should be obtained using the TRICS 'total person' trip rates in conjunction with 2011 Census mode share data for the Fenland 011 MSOA.*
- Trip distribution onto the A142 according to a clear methodology.*
- Detail the proposed on-site parking provision for cycles, cars, and HGVs.*
- Assessment of any mitigation for vehicle impacts, and difficulties of access by walking, cycling and public transport to the site if shown to be needed.*

Conclusion The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

CCC Transport Assessment Unit (5/12/23)

The document reviewed is the Transport Statement dated 10th October 2023 prepared by SLR Consulting Limited. The proposals comprise the change of use of the existing buildings to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris.

Transport Statement Review Development

The proposals comprise the change of use of the existing buildings (Units 1-6) on-site to B2 and/or B8 use (storage and distribution). Parking Provision Existing parking provision at the site comprises 42 car parking spaces. It is noted post-development on-site parking provision will comprise 89 car parking spaces (inclusive of 2 disabled spaces) and 10 sheltered cycle parking spaces. It is ultimately up to the Local Planning Authority as the parking authority to agree on-site parking provision. Proposed Site Access Provision It is

noted the existing site access off the A142 Ireton's Way will remain unchanged as part of the proposals. Such access is shared by Public Byway 45/24. Site access and internal layout details should be agreed with Highways Development Management who have provided separate comments dated 26th October 2023. It is noted Highways Development Management currently object to the site access proposals. To enhance pedestrian access to the site, the developer proposes to install dropped kerbs and tactile paving at the existing site access. The developer should provide a plan of the works for review. The works should also tie into the existing network. As further mentioned below, the developer should demonstrate how they will provide suitable access for pedestrians and cyclists to the site.

Existing Traffic Flows Use of DfT traffic count data to obtain baseline traffic counts for the A142 is not acceptable. As the DfT traffic counter is situated north of both the A142/New Road junction and A142/Wenny Road junction, it will not provide an accurate representation of traffic counts within the vicinity of the site as both New Road and Wenny Road will add and intercept numerous trips to/from the A142. Therefore, new traffic count data is required for the A142 within the site access vicinity.

Accident Data The latest 5-year accident data obtained from Cambridgeshire Insight has been used to inform the accident analysis. This is agreed. No accident cluster sites have been identified.

Sustainable Transport Accessibility The site is located within walking distance to the residential areas situated in southern Chatteris. The whole of Chatteris is situated within cycling distance of the site. It is not agreed that existing access to the site is suitable for pedestrians and cyclists. The existing path along the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width. Such path also does not extend fully into the site meaning that Change of Use, Nightlayer Leek Co Ltd, Chatteris F/YR23/0573/F - FDC 2550 TRANSPORTATION COMMENTS PREPARED BY: Transport Assessment Team AUTHOR: Hannah Seymour-Shove DATE: 5 th December 2023 2 pedestrians and cyclists would need to share the access carriageway with vehicle traffic entering and egressing the site, inclusive of HGVs. Furthermore, there is no dedicated cycle infrastructure provision for cyclists between the site and Chatteris meaning that cyclists accessing the site would likely either cycle on-carriageway along the one-way off-slip into Chatteris, cycle on-carriageway along the A142 which is subject to 60mph, or share the narrow footway provision. All of which are not acceptable. The developer should demonstrate how they will provide suitable access for pedestrians and cyclists to the site. This should also consider how the site will be accessible via active travel modes from the committed development to the south (F/YR10/0804/O). Given the location of the nearest bus stops from the site (c750m and 900m from the site respectively) and frequency of buses at these stops, it is not anticipated that users of the site will travel by bus. The closest rail station to the site is Manea, which is situated 7.5 miles from the site. As such, users of the site are not expected to travel via rail.

Multi-Modal Trip Generation Whilst use of existing site movement data from the current occupier is agreed, existing trip generation for the site should be determined for the AM and PM peaks. Use of TRICS software in conjunction with Census mode share data to determine the proposed trip generation is agreed. The proposed development as a worst-case of total B2 use is anticipated to generate 11 vehicle trips in the AM peak, and 15 vehicle trips in the PM peak. The Transport Statement should also set out the proposed HGV trip generation in the AM and PM peak. Net trip generation should be calculated for the AM and PM peaks. As such, the net trip generation cannot be determined until such a time as existing trip generation for the site has been set out for the AM and PM peaks and the net trip generation calculated for the peak periods. The net trip generation of HGV trips in the peak periods should also be calculated.

Trip Distribution and Assignment Post-development, 81% of trips are anticipated to arrive/depart via the north whilst 19% of trips are anticipated to arrive/depart via the south. This is agreed.

Traffic Impact Assessment The impact of the development on the surrounding network cannot be determined until such a time as the above information requested has been submitted and reviewed. Comments made by Highways Development Management concerning the site access proposals in their response dated 26th October 2023 must be considered.

Conclusion The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

CCC Transport Assessment Unit (19/4/24)

The document reviewed is the Transport Technical Note 'Response to CCCTAT Consultee comments' dated 21 st March 2024 prepared by SLR Consulting Limited. The proposals comprise the change of use of the existing buildings (Units 1-6) to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris. Transport Statement Review Proposed Site Access and Internal Layout Site access and internal layout details should be agreed with Highways Development Management who will provide separate comments. Sustainable Transport Accessibility The existing path along the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width to provide safe and suitable access to the site for pedestrians. To enhance access to the site from Chatteris by sustainable modes, the developer suggests a condition is secured for "a suitable cycle link, the details of which to be agreed prior to commencement, to identify a suitably proportionate provision to accommodate the level of use anticipated". This is not agreed. Just suggesting that "a suitable cycle link" is conditioned is not acceptable as such description is vague and does not set out exactly what the works comprise or demonstrate that what is proposed is deliverable. This in turn could lead to difficulties further down the line at the S278 stage. Upon review of the multi-modal trip generation data, whilst there is no dedicated cycle infrastructure provision for cyclists between the site and Chatteris, it is considered that given the forecast minimal number of cycle trips generated by the development, it would not meet the planning tests to secure a new cycle link of c330m in length between the site and the 30mph speed limit change in Chatteris. 2m wide footway provision, however, is required between the site and where the footway naturally widens into Chatteris immediately north of the Chatteris Cricket Club access to provide safe and suitable access to the site for pedestrians and to facilitate sustainable methods of travel to and from the site instead of the car. The Highway Authority cannot support any planning application which pedestrians cannot safely walk to. Conclusion The Highway Authority recommend that this application be refused for the following reason: 1. The application as submitted does not provide safe and suitable access for pedestrians to the proposed development. This is contrary to the aims and objectives of national and local policy. Were the applicant to deliver a 2m footway between the site access and where the existing footway widens north of the Chatteris Cricket Club access, the Highway Authority would reconsider the application. A plan of the works inclusive of widths and the highway boundary would need to be submitted for review to set out the works and demonstrate that such works are deliverable within the highway boundary. The developer should procure highway boundary information from CCC Searches Team via: <https://www.cambridgeshire.gov.uk/business/highway-searches>

CCC Transport Assessment Unit (24/5/24)

The documents reviewed are the Response Letter dated 9th May 2024 to CCC TA Team objection, photographs of the existing footway provision pre and post maintenance works, and the existing footway widths diagram, all prepared by Ely Design Group.

The proposals comprise the change of use of the existing buildings (Units 1-6) to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris. Transport Statement Review Proposed Site Access and Internal Layout Site access and internal layout details should be agreed with Highways Development Management who will provide separate comments. Sustainable Transport Accessibility Upon review of the additional information submitted, the Highway Authority maintains its refusal recommendation. It is not agreed that widening the existing provision between the site and Chatteris is not required.

The existing 1.52-1.77m wide footway provision along the 60mph stretch of the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width to provide safe and suitable access to the site for pedestrians. Such footway provision, even with the maintenance clearance, falls short of the 2m wide standard for footway provision

set out within the Cambridgeshire Highways General Principles of Development (Jan 2023).

Whilst it is noted that the existing footway within the built up area of Chatteris falls short of the 2m wide standard, such provision is situated within the 30mph area and on this basis, this stretch of footway here is considered adequate to accommodate pedestrian trips generated by the development. The stretch of footway adjacent to the 60mph road between the site and the Chatteris Cricket Club access is not acceptable to accommodate the pedestrian trips generated by the change of use proposals and requires widening.

Given the change of use proposals from agricultural use to B2/B8 storage and distribution use will result in an increase in pedestrian trips to the site, 2m wide footway provision is required between the site and the Chatteris Cricket Club access to provide safe and suitable access to the site for pedestrians along the 60mph road. The Highway Authority cannot support any planning application which pedestrians cannot safely walk to. It is considered that such works are deliverable within the highway boundary however, the applicant will need to submit a plan of the works with the highway boundary included to demonstrate this or alternatively demonstrate what widening works are achievable within the highway boundary should 2m wide provision be proven to not be deliverable. Normally, if constructing a new footway alongside a 60mph road there would be a 1 metre grass verge separation. As this is an existing footway it is felt reasonable to just widen the existing footway and not provide the additional separation. The Highway Authority previously concluded that a new cycle link between the site and the 30mph speed limit change in Chatteris, whilst the preferred option to the Highway Authority, was not necessary. It would not be required in consideration of the forecast minimal number of cycle trips generated by the development. That said, the Highway Authority consider that the 34 daily pedestrian trips generated by the change of use proposals is significant enough to require a safe and suitable footway provision.

Conclusion

The Highway Authority recommend that this application be refused for the following reason:

1. The application as submitted does not provide safe and suitable access for pedestrians to the proposed development. This is contrary to the aims and objectives of national and local policy. Were the applicant to deliver a 2m footway between the site access and where the existing footway widens north of the Chatteris Cricket Club access, the Highway Authority would reconsider the application. A plan of the works inclusive of widths and the highway boundary would need to be submitted for review to set out the works and demonstrate that such works are deliverable within the highway boundary.

The developer should procure highway boundary information from CCC Searches Team via: <https://www.cambridgeshire.gov.uk/business/highway-searches>.

5.6 CCC LLFA

We have reviewed the following documents:

- Site Plan Existing, Brown & Co, Ref: S0001 Rev A, Dated: 5th May 2023*
- Site Plan Proposed, Brown & Co, Ref: K0001 Rev A, Dated: 5th May 2023*
- Drainage Strategy, Ely Design Group, Dated: 3rd July 2023*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The documents provided show that the change of use of the existing site will not alter the impermeable surface area of the site. There will be no increase in surface water discharge and therefore the existing drainage arrangements will suffice. Informatives Surface Water Discharge Betterment The LLFA will always encourage a further reduction in surface water runoff from the site. It is important to reduce discharge where possible by improving existing drainage systems and implementing new sustainable drainage systems to the site.

Sustainable Drainage All surface water strategies should strive to utilise sustainable drainage techniques (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles.

CCC LLFA (14/3/24)

Thank you for your re-consultation which we received on the 29th February 2024. Having reviewed the uploaded documentation we can confirm that the LLFA has no further comments beyond those set down in our response of Date (3rd August 2023). Our position therefore remains supportive of the development.

5.7 CCC Highways Development Management (25/8/23)

In order to make an informed decision in respect of the submitted application, the following information is required: The site benefits from an existing access onto the public highway (A142 Ireton's Way) but this access is not necessarily suited for the proposed change of use, which is likely to result in intensification of use, noting the outstanding comments from the County's Transport Assessment team. The access needs to be of suitable design and sufficient width to accommodate two-way simultaneous HGV (16.5m artic and 12m rigid vehicle) use.

Based on the submitted information this does not appear possible, but the applicant should clarify with supporting vehicle tracking. Within the site, it is unclear if HGVs can turn around. While some vehicle tracking is shown on the drawing 23-039-K0001 A, this tracking is incomplete as it needs to show the full routing from the point the vehicle accesses the site. The tracking movements provided are not accepted as it's unclear how the design vehicle can enter or exit the turning areas / service yards. Furthermore, the tracking for units 2-5 will result in trailer jackknifing; can the applicant confirm the speed under which the tracking manoeuvre was undertaken.

CCC Highways Development Management (26/10/23)

Upon review of the supplementary information provided by the applicant, I object to the proposed development which is likely to have a material adverse highway safety impact. I therefore consider the application to be contrary to NPPF paragraph 111.

While the applicant has demonstrated the current site access is suitable for one-way HGV use, they have not demonstrated that the access is capable of accommodating simultaneous two-way traffic i.e., the design vehicle cannot enter and exit the site at the same time. In light of the material proposed intensification outlined in the Transport Statement, it is likely that this will result in temporary obstruction of the site access and / or the A142 which could lead to rear end shunt or clipping type collisions. In extreme cases, this arrangement could result in HGVs with limited rear visibility, reversing onto a high-speed A classified road.

To mitigate this objection, the access must be enhanced, in accordance with the DMRB document CD 123, to allow simultaneous HGV (16.5m articulated and 12m rigid) entry and exit from the site, in other words a vehicle at the give-way line shall not prohibit a second vehicle from safely turning into the site from either direction.

CCC Highways Development Management (30/1/24)

After a review of the amended site access plan / vehicle tracking diagram / parking plan and further to the LHA previous comments dated the 25th August 2023 and 26th October 2023, I have the following comments:

- 1. The amended and widened access as proposed on drawing "SLR Project No. 406.64975.00001 / Figure Number 010 Rev 0 is now acceptable to the LHA. The design and tracking drawing demonstrates that the appropriate vehicle sizes and numbers can use the proposed new access to enter and leave the highway simultaneously. However, it has not been demonstrated that there is sufficient room within the site for these HGV's vehicles to complete the necessary turning manoeuvres (as per LHA comments 26th Oct23) so as to enter the highway in a forward gear. It would need to be shown that this is possible inline with the other LPA / parking authority and associated transport link requirements for this site can be met e.g. HGV parking space number and locations / staff & visitor parking space locations and locations, internal road layout etc.... . Therefore, unless or until this information has been submitted for review and it has been demonstrated to the LPA and LHA that there is sufficient room for the turning parking and area/s. The LHA`s objection to this application remains.*
- 2. I would recommend that the CCC Rights of Way team is consulted on the amended access. As the proposal shows that Byway 45 and Footpath 24 would be altered and / or improved with this new access layout.*
- 3. I would recommend that CCC Transport Assessment Team is re-consulted on the amended new layout as this may require an amendment to the Transport Statement.*
- 4. The Redline Boundary needs to be updated to include the new location of the access so it maybe conditioned.*
- 5. As the new access location crosses a ditch/watercourse the CCC LLFA team should be consulted on the amended plans.*
- 6. I would like to see a separate scaled drawing of the new access with the associated dimensions, inter-vehicle visibility splays, redline boundary, internal footway arrangement etc... so that it can be conditioned accordingly.*
- 7. The LPA as the parking authority should satisfy them-selves that any alterations to the parking bay locations and numbers, due to this new access arrangement, satisfies their relevant parking policies, standards and planning requirements.*
- 8. There is a discrepancy between the length of the footway leading into the site shown on the Tracking and Parking Drawings submitted.*

Please amend and resubmit as appropriate for review. I would recommend to the LPA that the length of footway on the parking drawing is used in the interest of pedestrian safety. . Please note: if the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendation and comments

CCC Highways Development Management (23/4/24)

After a review of the amended plans showing the internal turning and parking arrangement the highways authority objects to the proposal and recommends refusal for the following reasons:

- HDMR 1 - The proposal does not incorporate adequate facilities to enable HGV vehicles to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*
- HDMR 3 - The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities for HGV`s to the standard required by the Local Planning Authority.*
- HDMR 5 - The proposal does not incorporate adequate facilities for the loading / unloading of vehicles servicing the premises and would therefore likely result in the parking and/or manoeuvring of vehicles on the adjoining public highway to the detriment of highway safety.*

Additional Comments

It is my professional opinion that the proposed combined parking and loading/unloading bay arrangements for the HGV's (in both locations) will not work, as there is no practical way for these vehicles to enter or leave the spaces or for staff to gain access to the lorries to load and unload them. These spaces are next to one another and the tight up to the site boundary as such I do not believe them to be suitable for their intended use. Furthermore, it has not been demonstrated by way of a sufficiently detailed tracking drawing how these will function.

CCC Highways Development Management (8/7/24)

After a review of the amended plans regarding the previous concerns raised by the LHA on the internal parking and turning areas for all vehicle types, I have no further objections.

Conditions

Access Details and off-site highways works: *Prior to the first use of the junction and any works within the highway hereby approved, shall be installed as per the plans and constructed to the Cambridgeshire County Councils current standards.*

Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

Turning and Parking: *Prior to first use the parking and turning areas as shown on the approved plans, must be constructed and thereafter kept clear for this use only in perpetuity.*

5.8 FDC Environmental Health (28/8/23) & (29/3/24 following updated information)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

FDC Environmental Health (24/5/24)

As part of the consultation process I had acknowledged current site type/usage and permitted operating times, which from a consistency standpoint formed the reasoning for no objections or recommendation of restrictions going forward.

5.9 Local Residents/Interested Parties

Four letters of support from residents of Ely & Stretham outside of the settlement of Chatteris and five letters of support from residents within Chatteris. The comments are summarised as follows:

- Provide employment within the locality
- Ensure that this area remains occupied
- High demand for industrial units within the area
- Positive impact on new business growth

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)

National Planning Practice Guidance (NPPG)

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
- LP10 – Chatteris
- LP12 – Rural Areas Development Policy
- LP13 – Supporting and Managing the Impact of a Growing District
- 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
- LP17 – Community Safety
- LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP3: Spatial Strategy for Employment Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP15: Employment
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP24: Natural Environment
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination

Delivering and Protecting High Quality Environments in Fenland SPD 2014

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity**
- **Residential amenity**
- **Ecology**
- **Flooding/drainage**
- **Highways**
- **Other matters**

9 BACKGROUND

- 9.1 The application site relates to a well-established business operational for working, packing, storage and distribution of leeks. There are significant viability issues for which the business cannot operate as such moving forward.
- 9.2 There proposes a change of use of the existing buildings which were approved for agricultural purposes to B2 and/or B8 for storage and distribution.
- 9.3 An existing access is to be utilised and slight reconfiguration of the car park is proposed.

10 ASSESSMENT

Principle of Development

- 10.1 Section 6 of the NPPF relates to 'Supporting a prosperous rural economy'. Specifically, paragraph 88 of the NPPF states that planning policies and decisions should enable, inter alia, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings and the development and diversification of agricultural and other land-based rural businesses.
- 10.2 Furthermore, paragraph 89 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. This element will be addressed in more detail within the 'sustainability' section.
- 10.3 The site is located outside of but adjacent to the southern edge of Chatteris which is one of four market towns as set out in the settlement hierarchy under Policy LP3 of the Fenland Local Plan (2014). The site has been established for the working, packing, storage and distribution of leeks in association with an agricultural business for over 30 years.
- 10.4 Policy LP6 of the Fenland Local Plan states that employment proposals will be assessed against numerous criteria, including that the development fits with the specific and broad locations for growth identified in this Local Plan, or in other suitable locations on the edge of Market Towns where it can be demonstrated that such growth would be compatible with adjacent urban land uses; availability of and accessibility to public transport services; site suitability in terms of physical constraints (e.g. access, flood risk); impact in terms of urban/landscape character, and setting of settlements; infrastructure capacity; availability and deliverability of the site. Policy LP6 goes on to highlight that the rural economy will be supported by allowing appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.5 Despite not being located within Chatteris itself, the site is long established on the southern edge of the market town. Whilst this proposes a change of use from its original intended use, it would achieve the aim of paragraph 88 of the NPPF ensuring the sustainable growth and expansion of all types of business in rural areas, diversification of agricultural and other land-based rural businesses through conversion of the existing buildings and would maintain a level of employment on the site.
- 10.6 Policy LP12 of the Local Plan states that new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside subject to compliance with numerous criteria. The site is

long established with the proposed continued use of existing buildings albeit a different use with no alterations proposed ensuring full compliance with policy LP12.

- 10.7 The principle of development is therefore considered acceptable with regard to the development plan, specifically under the settlement strategy (policy LP3), the economic growth aspirations (policy LP6) and the requirements within the NPPF.

Impact on the character and appearance of the area

- 10.8 Policy LP16 of the FLP aims to deliver high quality environments, seeking to ensure that development makes a positive contribution to the local distinctiveness and character of the area. LP16(d) aims to ensure that development responds to and improves the character of the local built environment and does not adversely impact either in design or scale terms on the streetscene, settlement pattern or the landscape character of the area.
- 10.9 The plans and supporting Planning Statement states that there will be no physical changes or alterations proposed to the existing external elevations to facilitate the use/s proposed. Owing to the neutral impact with the proposed use to the existing situation with regards to the character and appearance of the area, the development is acceptable with regard to policy LP16.

Residential amenity

- 10.10 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, promoting high levels of residential amenity. The policy also states that for major developments, the Council will require a Health Impact Assessment (HIA) to be submitted with a planning application. Such an HIA will enable the applicant to demonstrate how this policy has been met. The HIA should be commensurate with the size of the scheme. The application was supplemented with an HIA which concludes that the proposal will have positive effect as it will continue to provide employment for local people; will have a neutral effect on an individual's ability to improve their own health and wellbeing; is unlikely to have any effect on the demand for access to health and social care services.
- 10.11 Policy LP16(e) of the Local Plan requires development to not adversely impact on the amenity of neighbouring users through issues such as noise, light pollution, loss of privacy and loss of light.
- 10.12 The application site lies to the south-west of Ireton's Way with the access diagonally opposite both Dean House and Whicovia Cottage which are sited approximately 24m away from the access point. Given there will be no physical changes or alterations proposed to the buildings currently in situ, this will ensure no detrimental impact upon neighbours amenity in terms of loss of light; overbearing or oppressive impacts.
- 10.14 Whilst hours of operation are not acknowledged on the application form, the planning statement confirms that the working hours for the site currently operate 24 hours a day / 7 days a week and it is not proposed to change these. As part of the consultation process, the Council's EHO had acknowledged the current site type/usage and permitted operating times, which from a consistency standpoint formed the reasoning for no objections or recommendation of future restrictions. Therefore, the proposed development is considered to be in compliance with LP2 and LP16 of the Local Plan.

Flooding/Drainage

- 10.15 Policy LP14 of the Local Plan is concerned with flood risk and ensuring that sites are adequately drained by Sustainable Drainage Systems (SuDS). The site lies within Flood Zone 1 which is the area at least risk of flooding.

- 10.16 The application was supplemented with a 'Drainage Strategy' and given the application is defined as a major, the LLFA were consulted. They raise no objections to the development as the documents provided show that the change of use of the existing site will not alter the impermeable surface area of the site. There will be no increase in surface water discharge and therefore the existing drainage arrangements will suffice. The proposal is therefore in compliance with policy LP14 of the Local Plan.

Highways

- 10.17 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.18 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals.
- 10.19 The application proposes alterations to the existing site access to facilitate HGV vehicle movements and a reconfiguration of parking on site. Due to original concerns raised from the County Highways Engineer, amended plans were received updating parking provision and facilities for turning on site. There proposes the requisite number of car parking spaces for each unit with parking provision for HGV; the provision of 2no disabled parking spaces and the provision of a storage area for 10 cycles. Following further consultation, County Highways have confirmed the amendments are now acceptable and raise no objections subject to the imposition of conditions. The proposed development is therefore considered to comply with policy LP15 of the Local Plan and the requirements within the NPPF.

Sustainability

- 10.20 Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 10.21 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, and creating opportunities for employment in accessible locations.
- 10.22 As already acknowledged, the site lies outside but adjacent to the built-up settlement of Chatteris. There is an existing footpath measuring between 1.52m and 1.77m that links the application site to the town, albeit it is narrower than the standard 2m width set out within the Cambridgeshire Highways General Principles of Development (Jan 2023).
- 10.23 Further to this, the site's location offers limitations in terms of cycling provision. However, the Highway Authority previously concluded that a new cycle link between the site and the 30mph speed limit change in Chatteris, whilst the preferred option, would not be required in consideration of the forecasted minimal number of cycle trips generated by the development.
- 10.24 Whilst the proposal doesn't include any improvements to the existing footpath nor proposes a cycle link, the application form states that the number of full-time employees will drop from 50 to 40. Further to this, the existing use has been operating for 30 years

with a higher intensification of employees and is considered to be well linked to Chatteris. It is therefore considered that, as outlined, and whilst contrary to comments from the Transport Assessment Unit, the proposed development would utilise existing buildings and is a site that, in general, is physically well-related to the existing settlement which is encouraged through paragraph 89 of the NPPF.

Other matters

- 10.25 External Lighting: Information submitted during the course of the application outlined that there is currently lighting above doors and also within the car park and yard areas. No complaints have been received in respect of this and no record of damage within the car park.
- 10.26 CCTV: This is already existing on site and is complemented by the external lighting. All buildings are alarmed and these are monitored by a security company. Main site gates are locked at the beginning and end of each day and CCTV signage is on site, as per the ICO code of practice.
- 10.27 Cycle Parking: Amended site plan demonstrates the provision of cycle storage outside units 2-5 and will be conditioned accordingly.

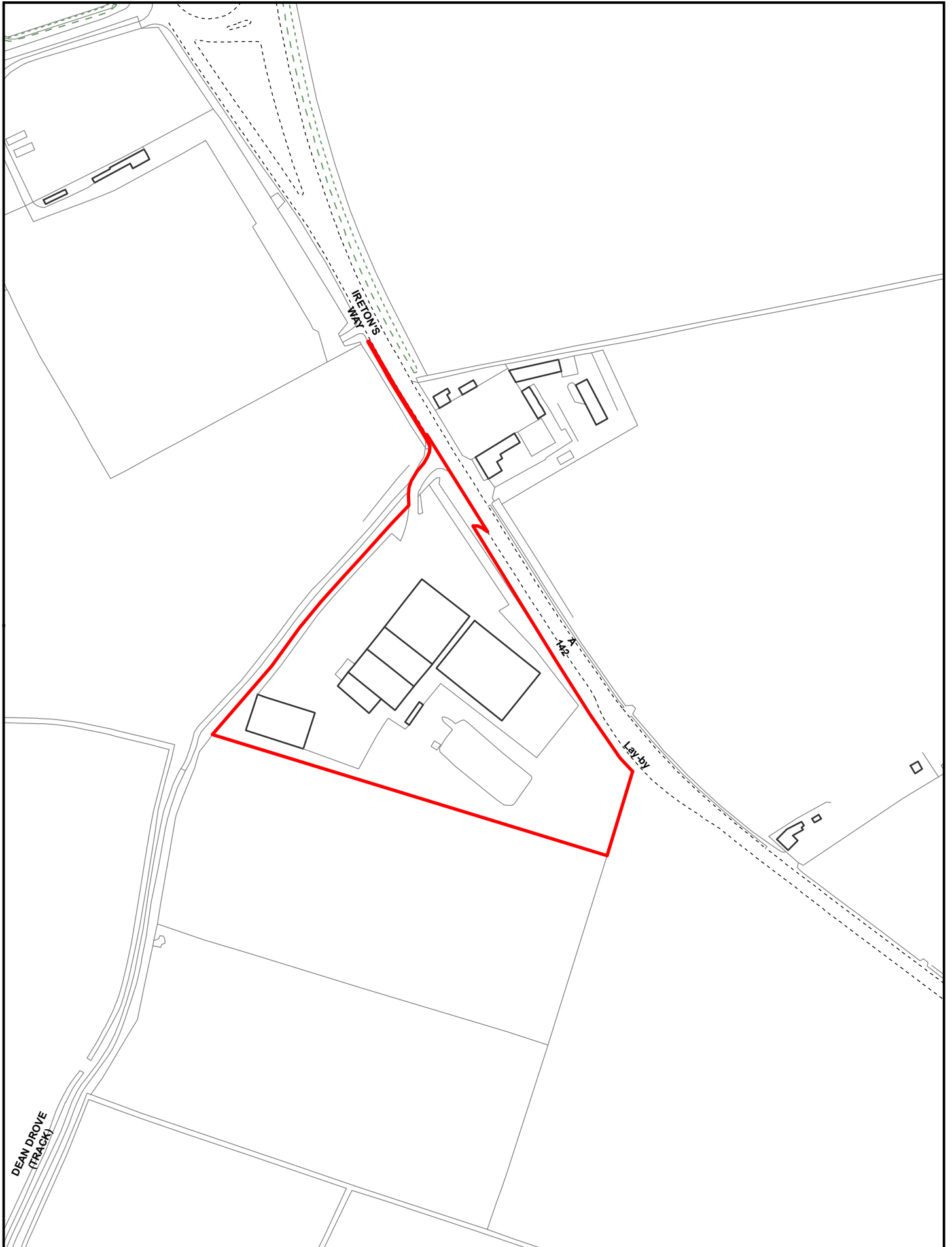
11 CONCLUSIONS

- 11.1 Even though the proposal will not have a strong functional link to agriculture for which the buildings were originally approved, and the site lies outside of the market town of Chatteris, there is an established footpath link which has been serving the existing buildings/use for a long period. The application proposes a reduction in the number of employees and nevertheless makes use of soundly constructed buildings where the scale of employment is appropriate to the accessibility of the site, and also reinforces the farm's viability. The proposal is therefore considered acceptable and broadly in compliance with both National and Local Plan requirements.

12 RECOMMENDATION:

Grant; Subject to the following conditions:

1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2	Prior to the first use of the development thereby permitted, works within the highway, including works to the footway, shall be carried out as per the approved plans. Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.
3	Prior to first use of the development hereby permitted, the parking and turning areas as shown on the approved plans must be constructed and thereafter kept clear for this use only in perpetuity. Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014
4	Approved plans compliance



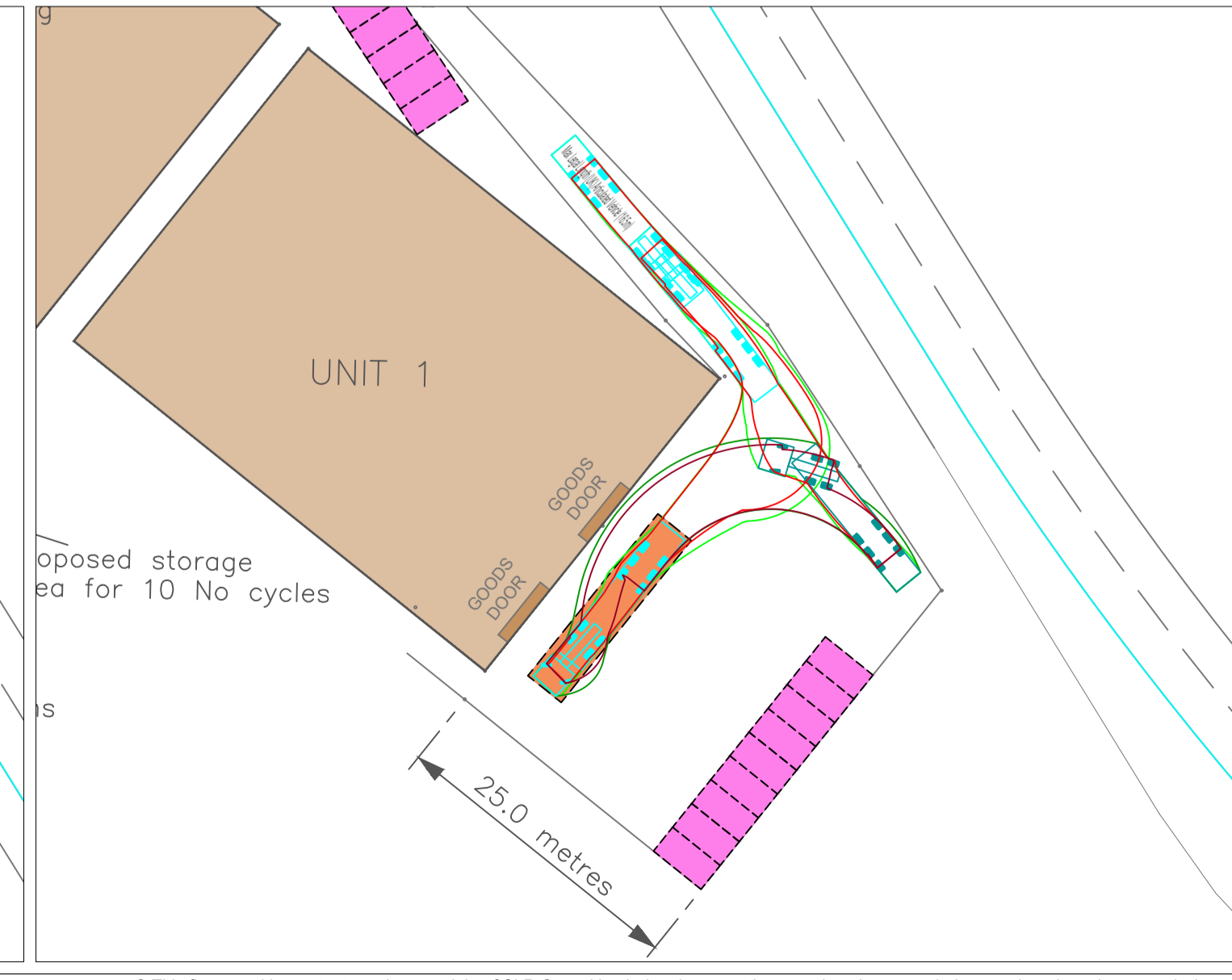
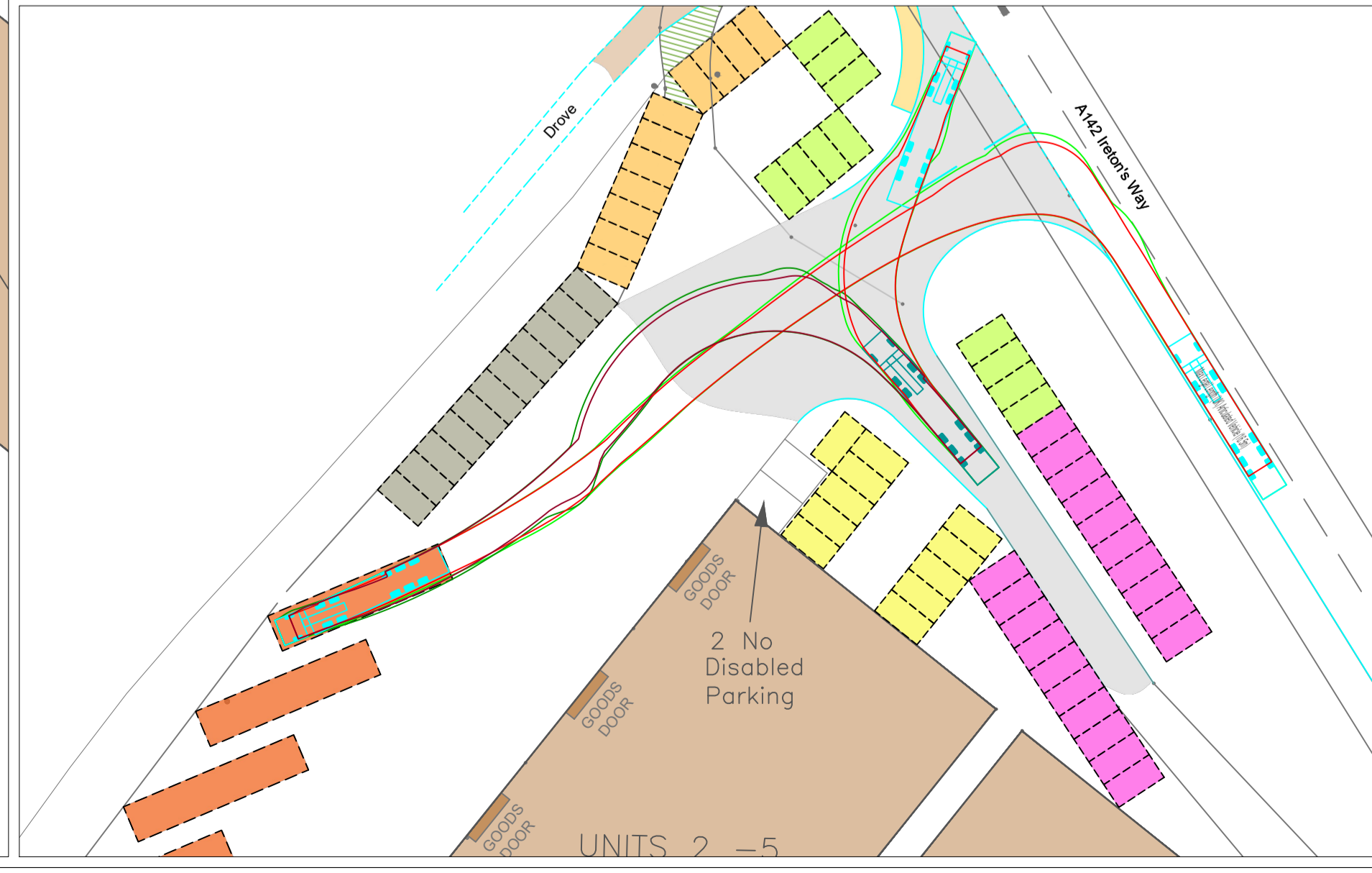
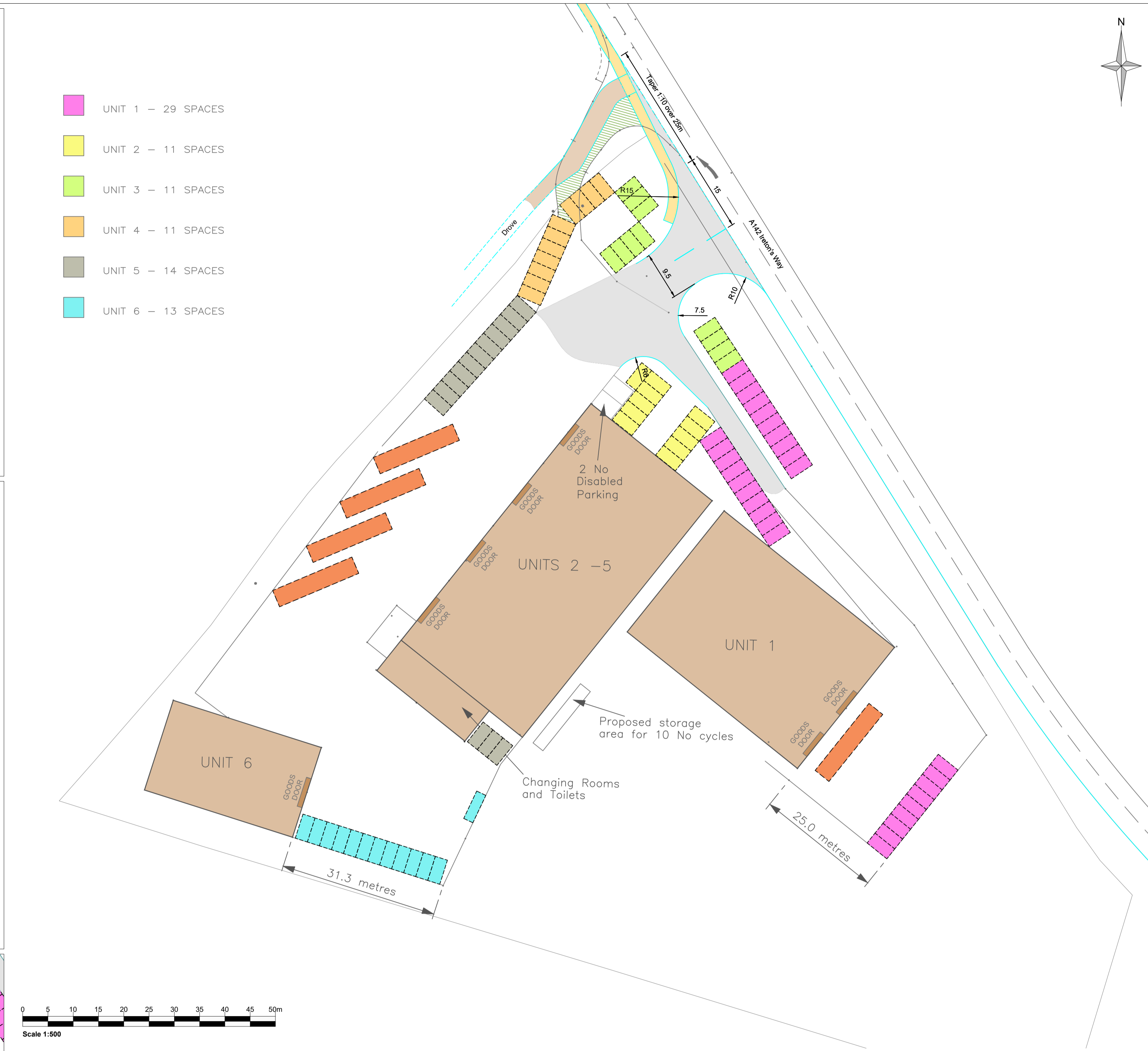
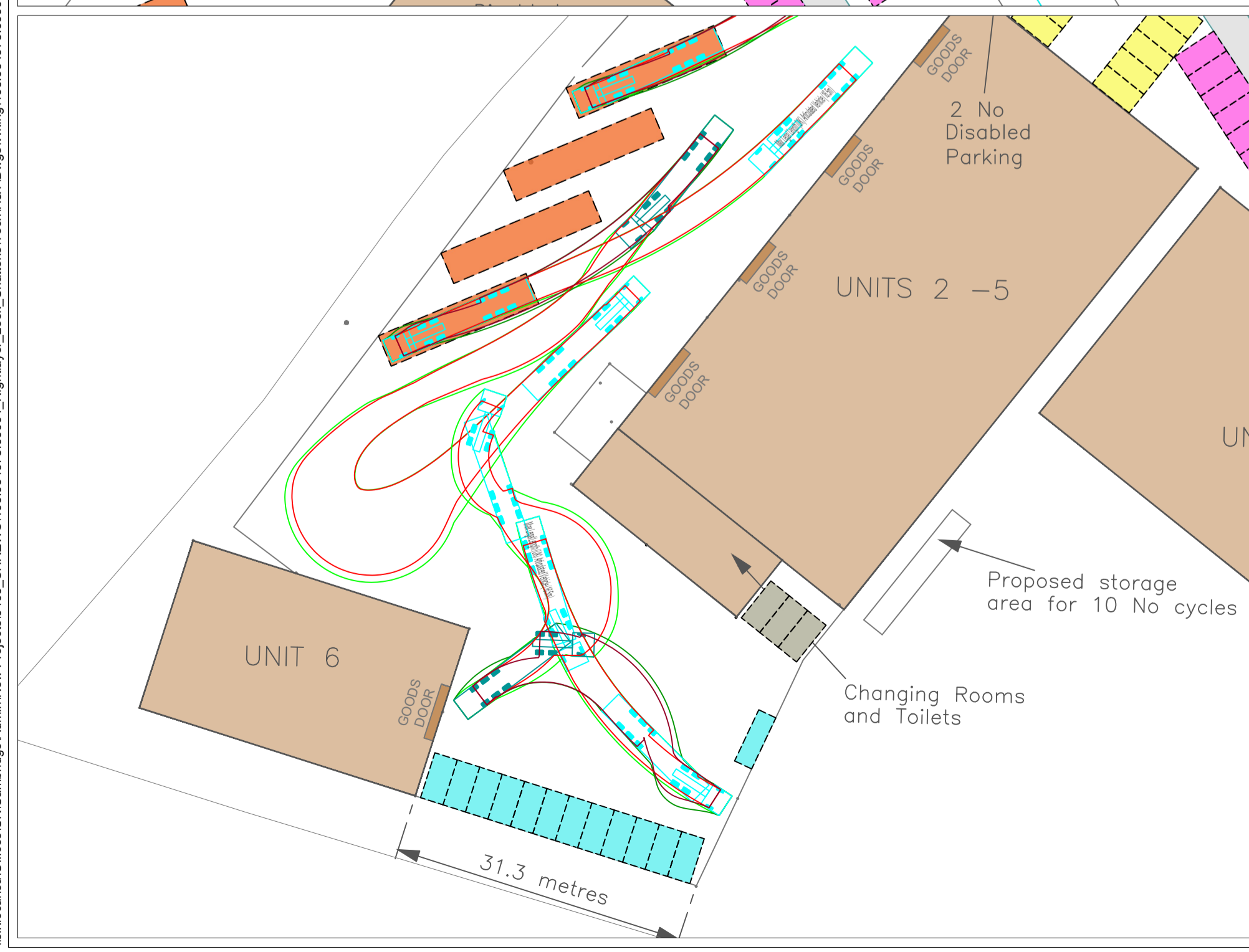
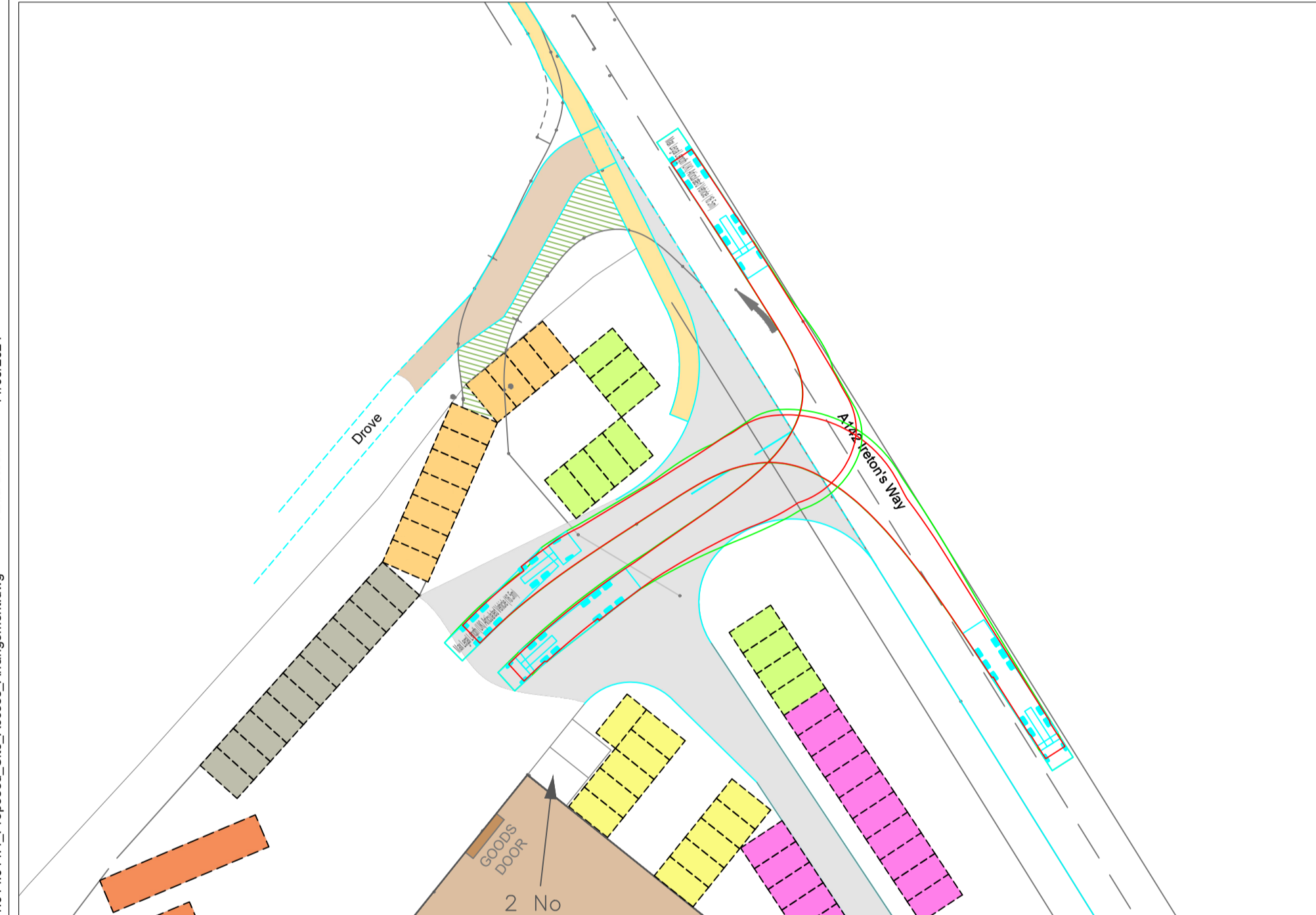
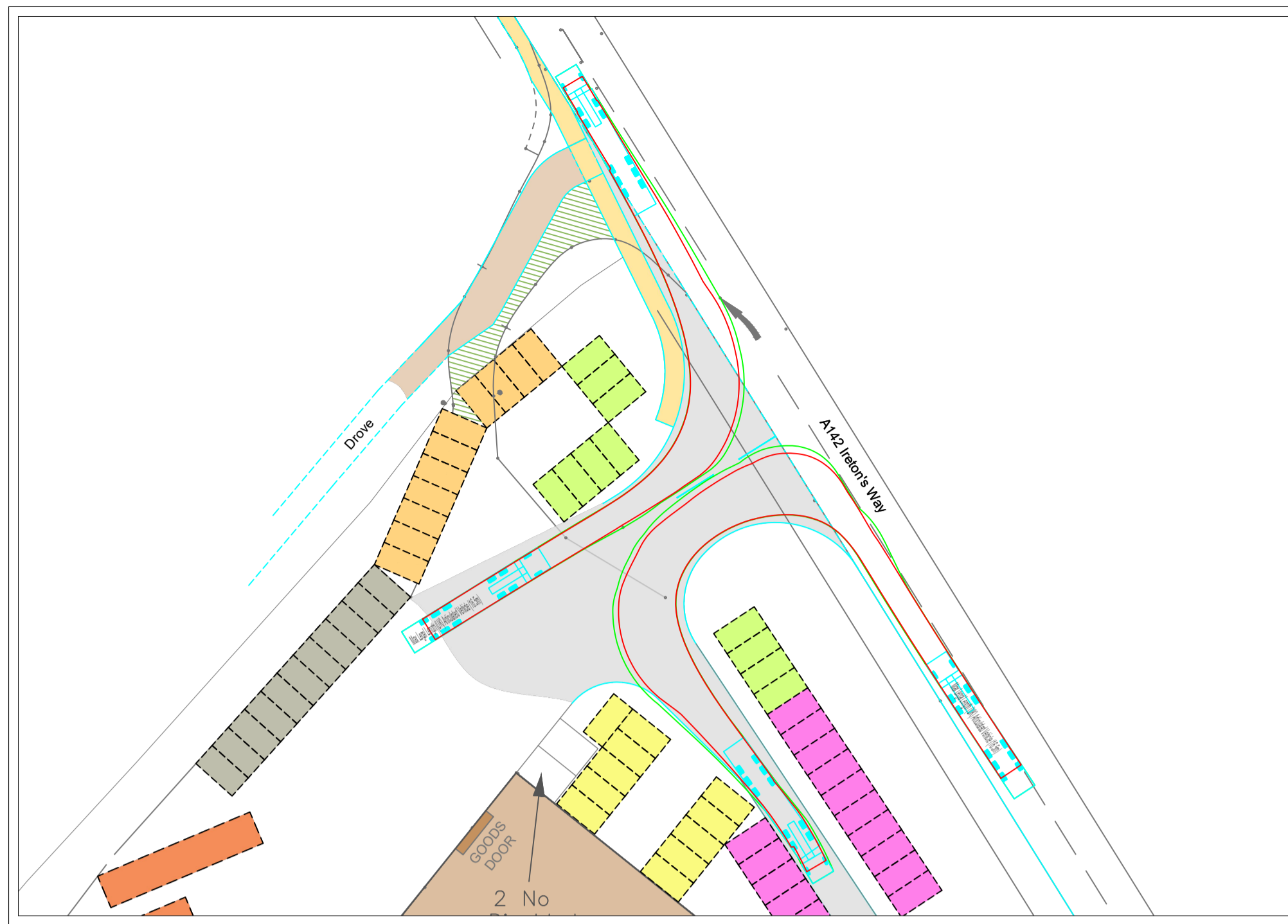
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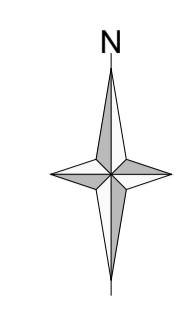
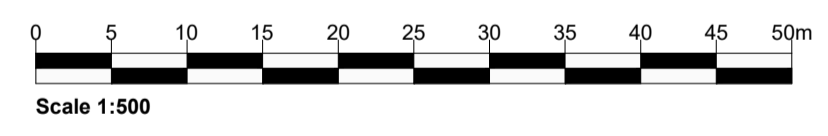
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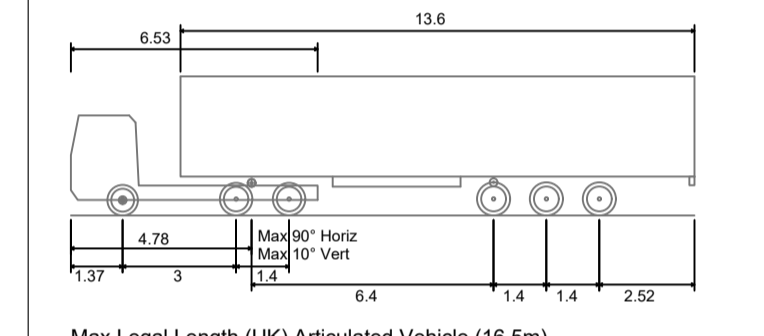


- UNIT 1 – 29 SPACES
- UNIT 2 – 11 SPACES
- UNIT 3 – 11 SPACES
- UNIT 4 – 11 SPACES
- UNIT 5 – 14 SPACES
- UNIT 6 – 13 SPACES



- Notes:**
1. Drawing is based on Ely Design Group, Site Layout / Parking Provision, ref: EDG23/060/11B.
 2. Details of the footway / cycleway link and the byway accommodation works are to be agreed and implemented prior to any occupation of the site as proposed as part of the access work.
 3. The existing byway of Dean Drive is to be retained on its current line and width, and is to be remodelled to provide a minimum vehicular running width of 4.0m for at least 15.0m from the existing carriageway edge of the A142 to maintain field assess.
 4. The remaining areas within the existing byway width are to be replaced with grass verge or as otherwise specified.
 5. No part of the existing highway of Dean Drive is to be obstructed as part of the access works.
 6. All works within the highway are to be fully in accordance with a scheme to be submitted to and approved by the Local Highway Authority as part of a highway works agreement.
 7. Existing footway link to Chatteris along the A142 to be retained as existing.

- Legend:**
- Modified Drove
 - Site Access
 - Footway
 - Existing Access Removed
 - HGV Parking
 - Additional Parking



Max Legal Length (UK) Articulated Vehicle (16.5m)

Overall Length	16.500m
Overall Width	2.550m
Overall Body Height	3.681m
Min Body Ground Clearance	0.411m
Max Track Width	2.500m
Lock to lock time	6.00s
Kerb to Kerb Turning Radius	6.530m

Vehicle tracking undertaken with
 Forward Design Speed: 5mph
 Reverse Design Speed: 2.5mph

4	Parking amended	06/24	TS	PL	
3	Parking amended	05/24	TS	PL	
2	HGV parking added and cycleway extended	03/24	TS	PL	
1	Additional parking and tracking shown	03/24	TS	PL	
Rev	Amendments	Date	By	Chk	Auth



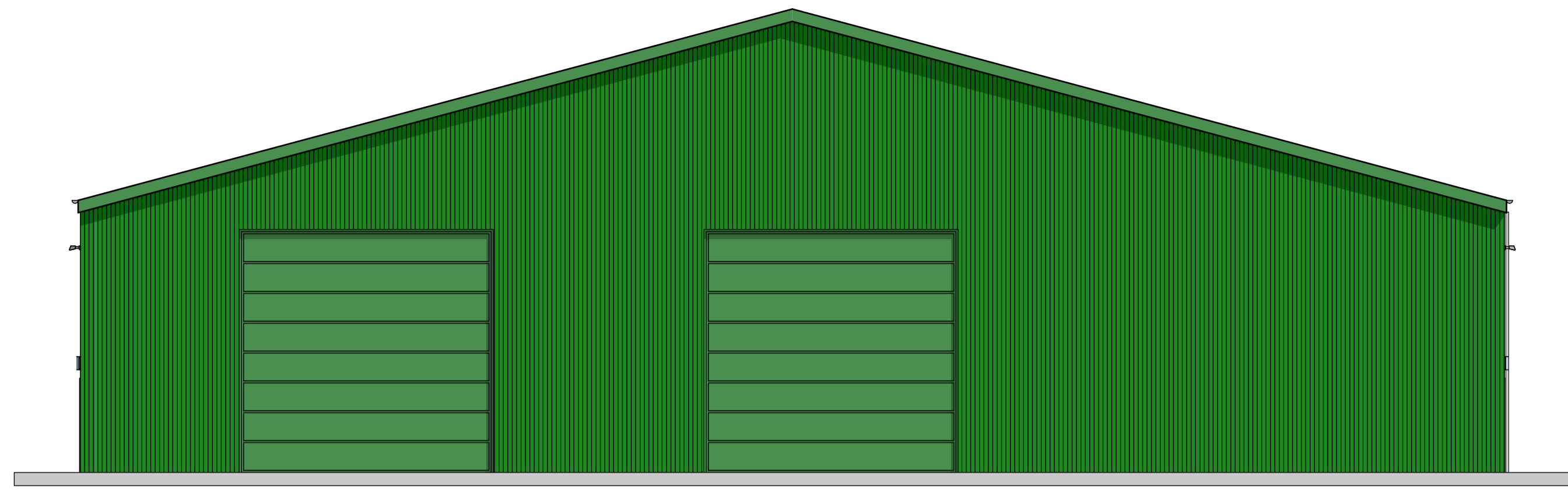
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Project: Nightlayer Leek Chatteris Access Appraisal

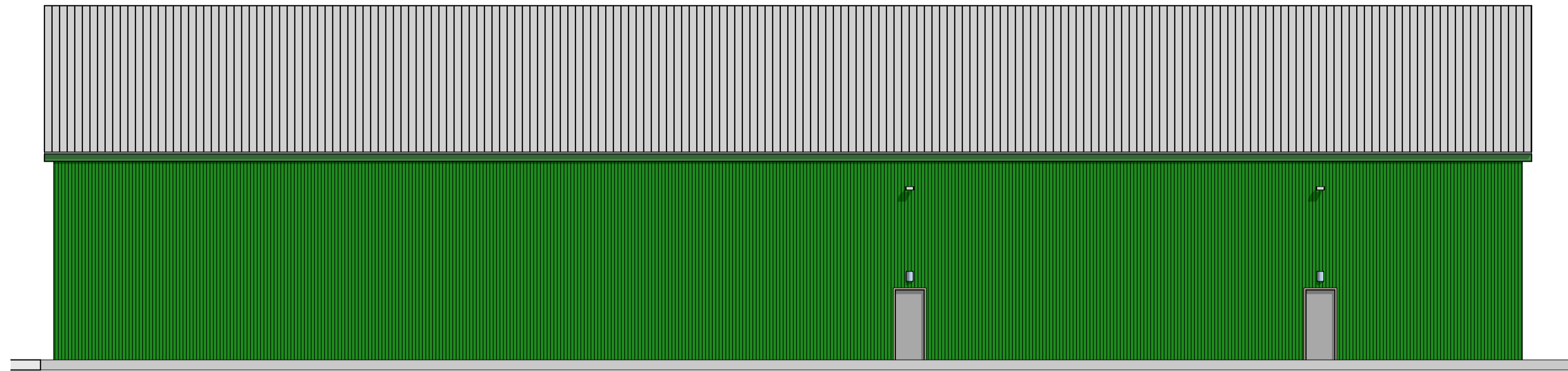
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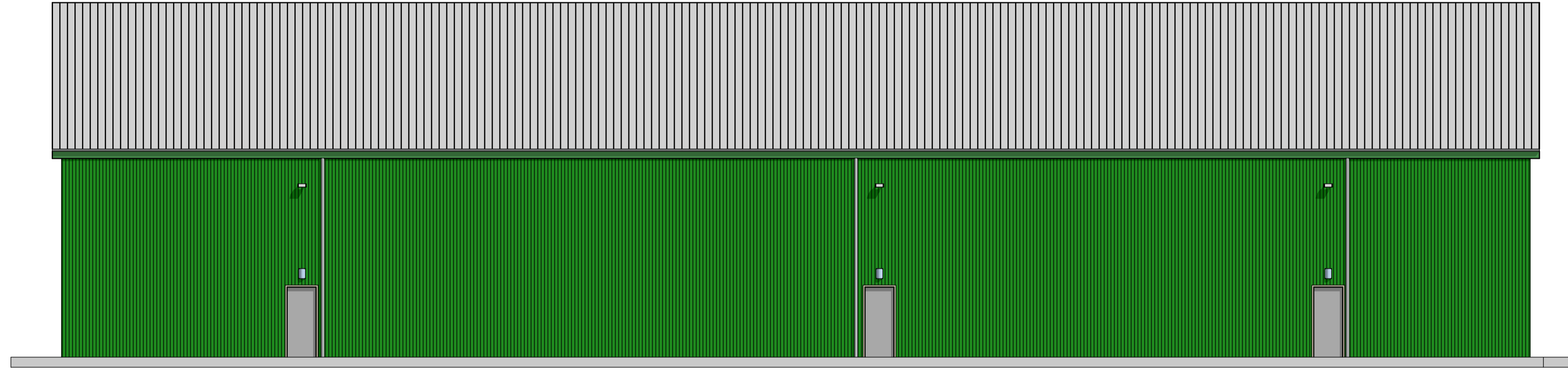
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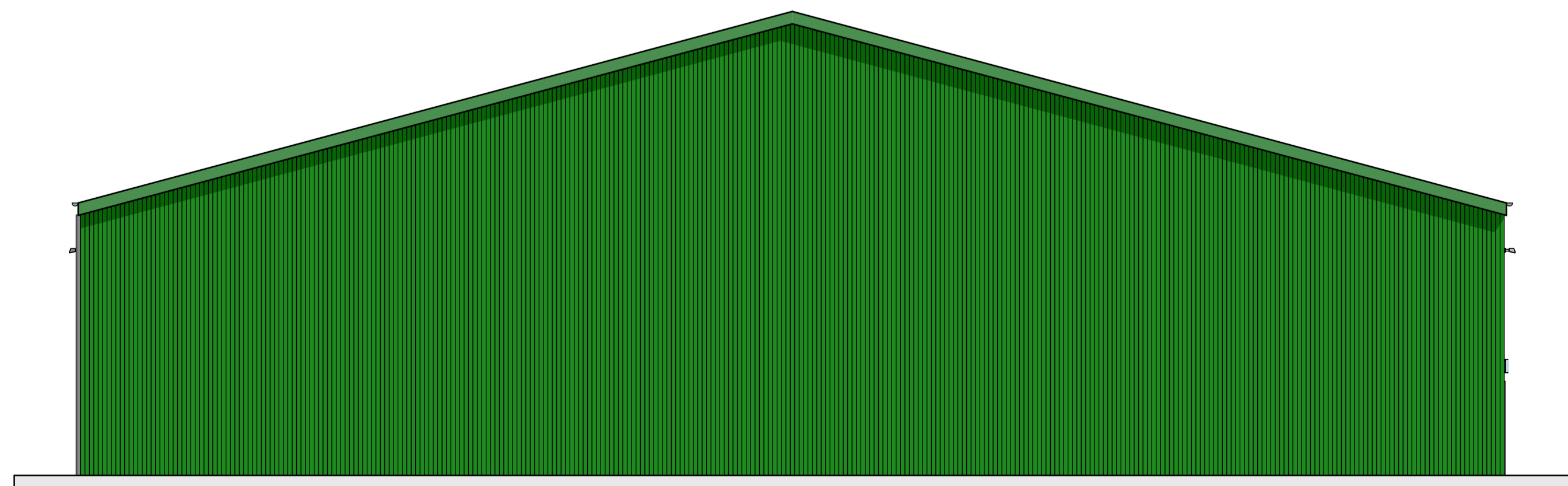
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Elevation E-06



Elevation E-07



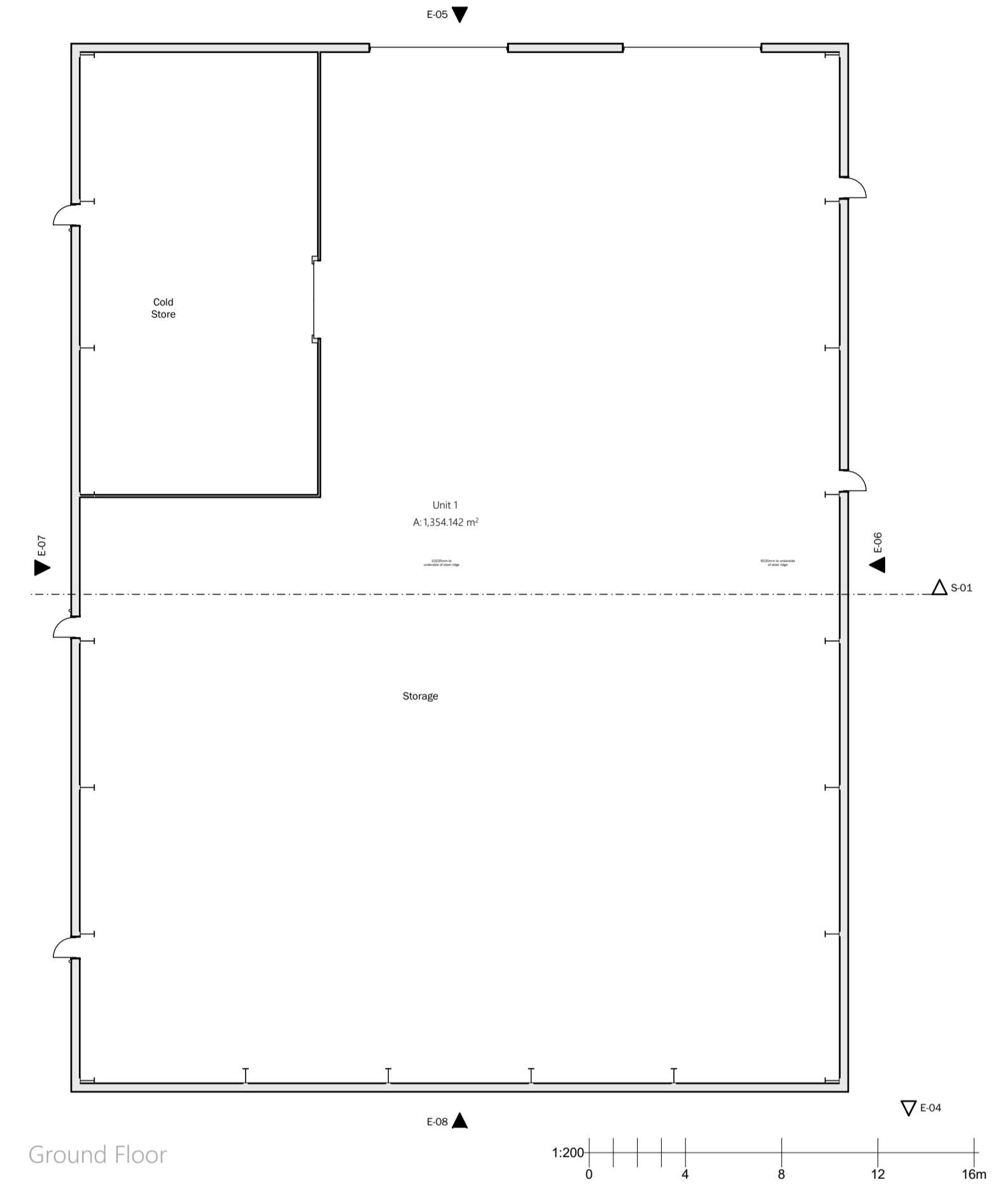
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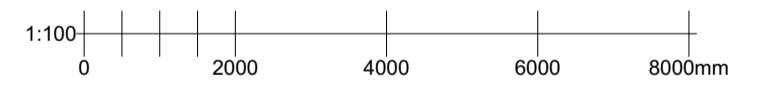
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Ground Floor

Section

E-08



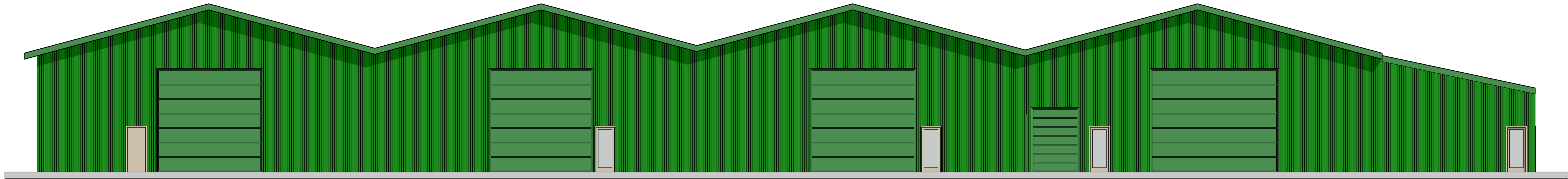
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drawing		Floorplan & Elevations As Existing Unit 1	
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WF		AD	

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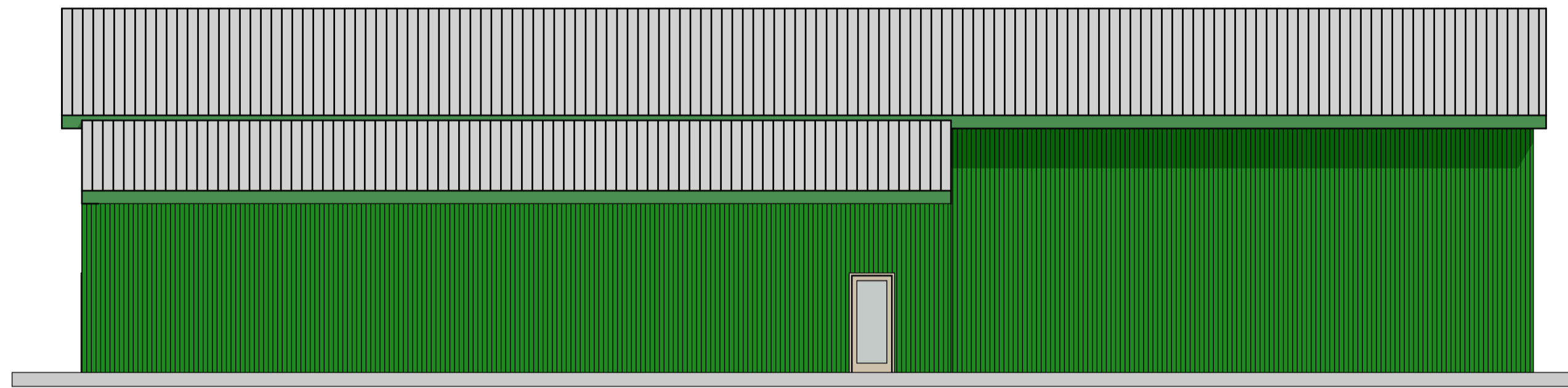
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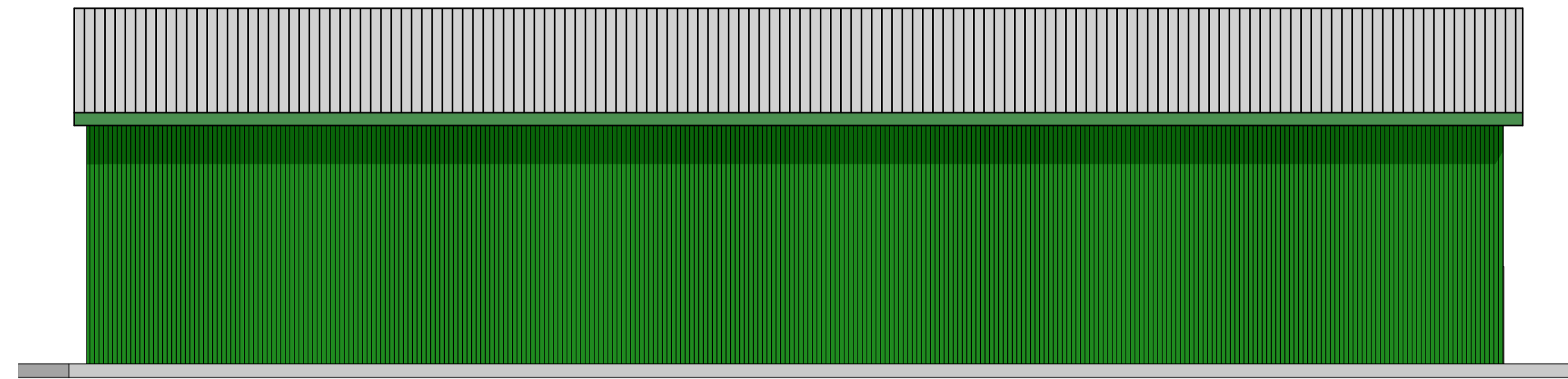
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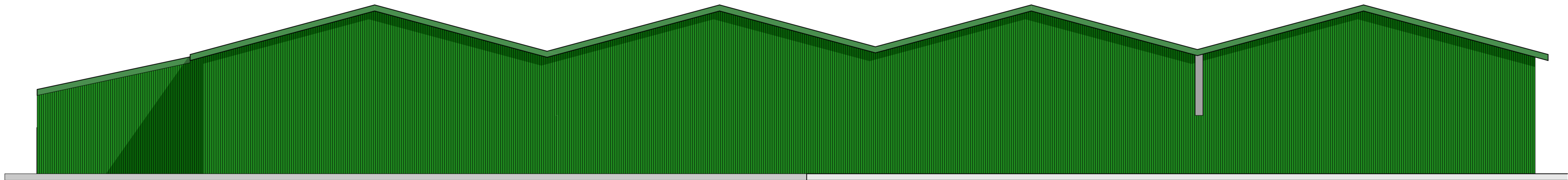
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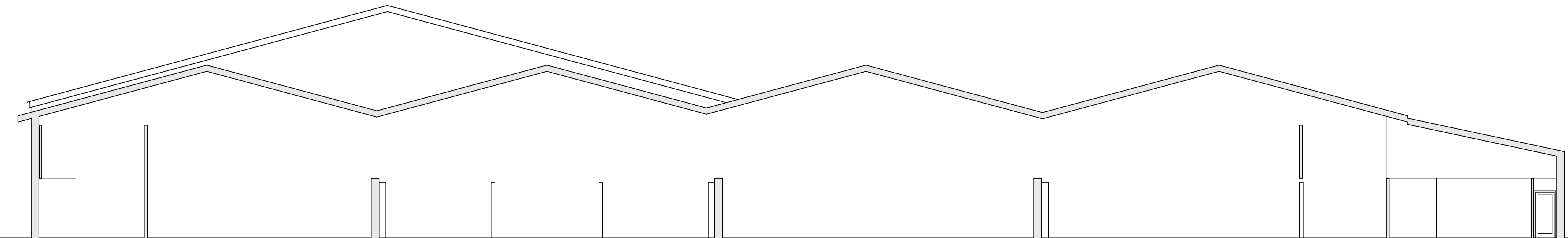
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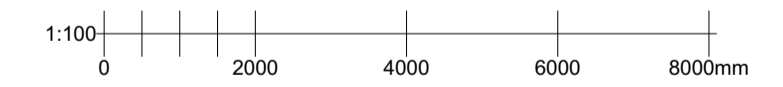


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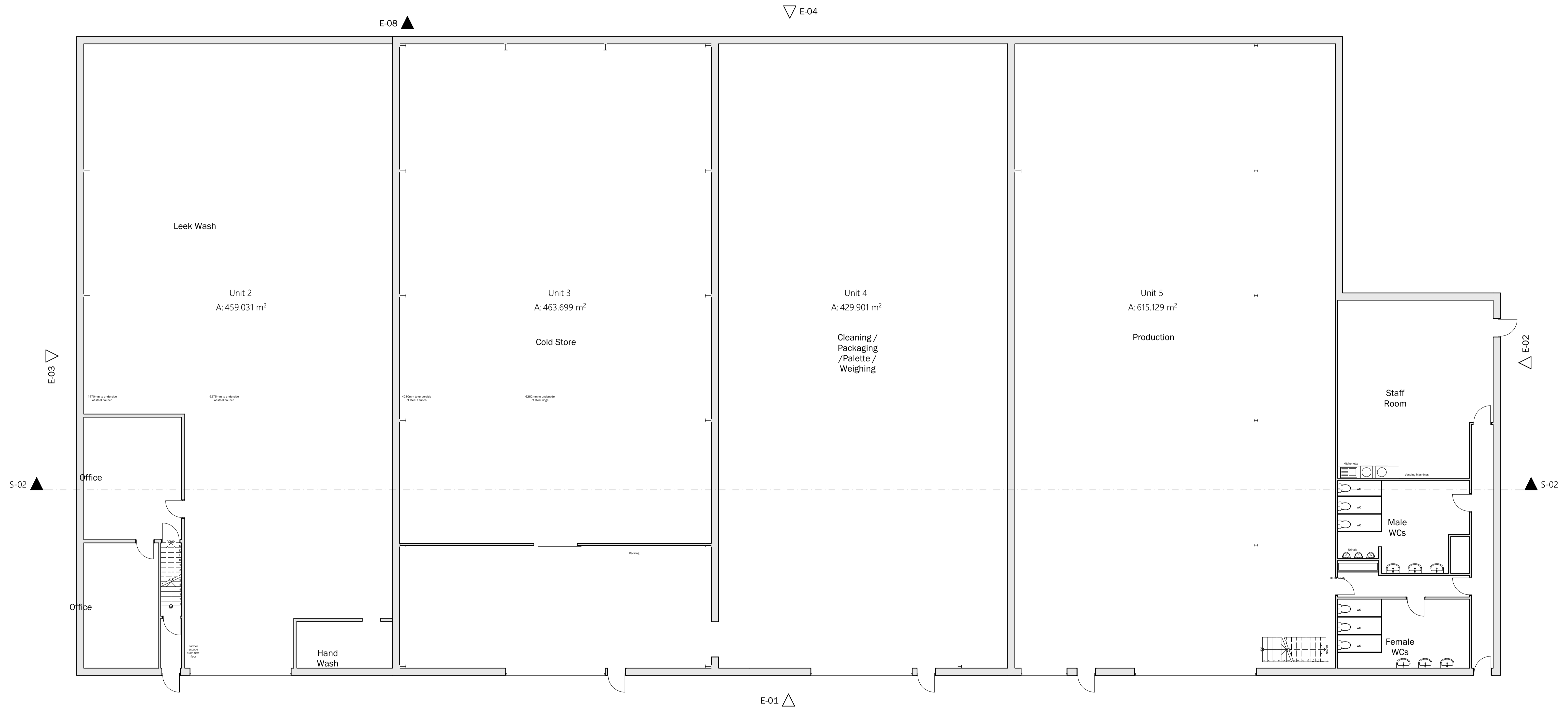
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project		
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drawing		
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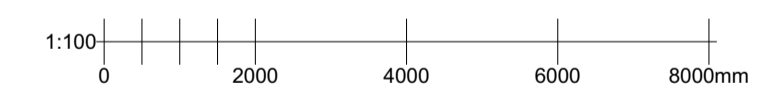
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Ground Floor



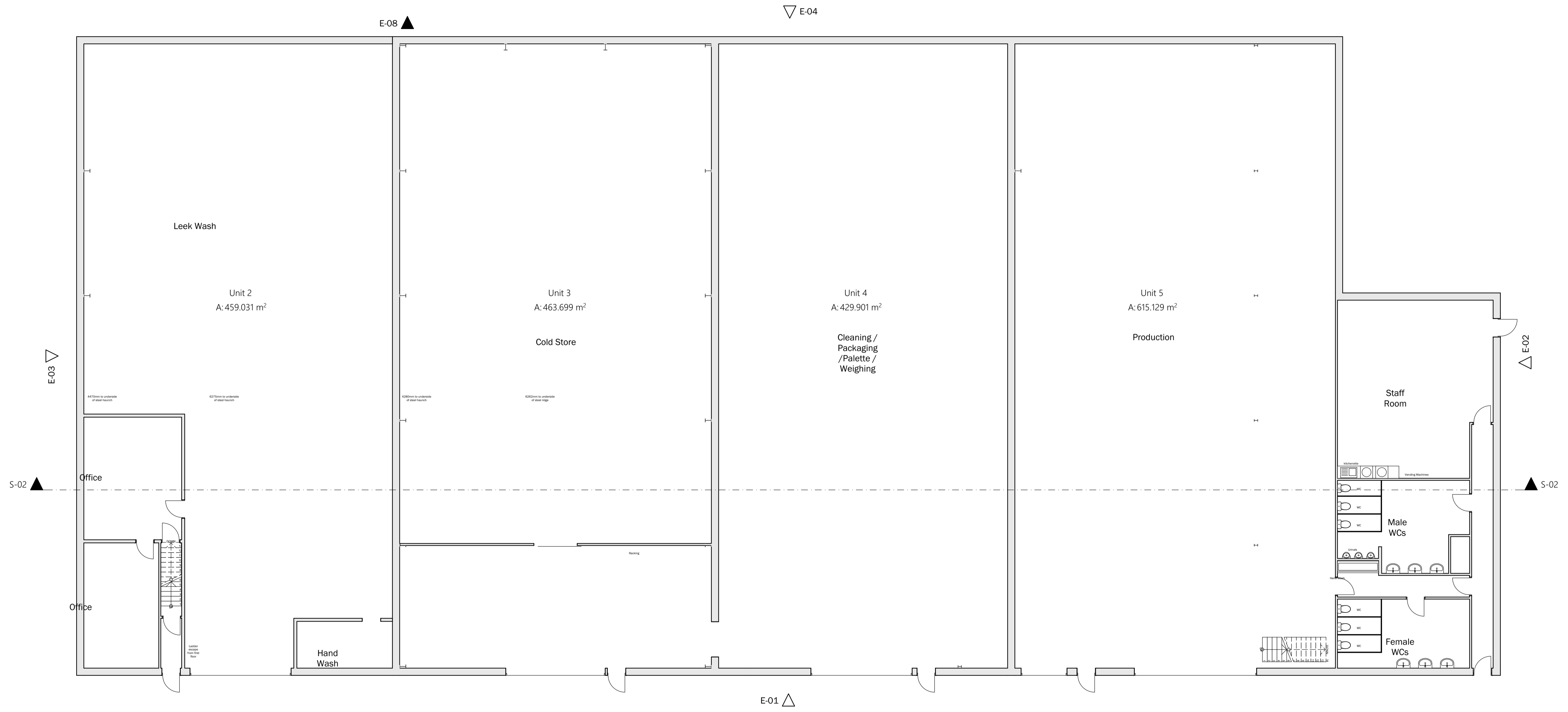
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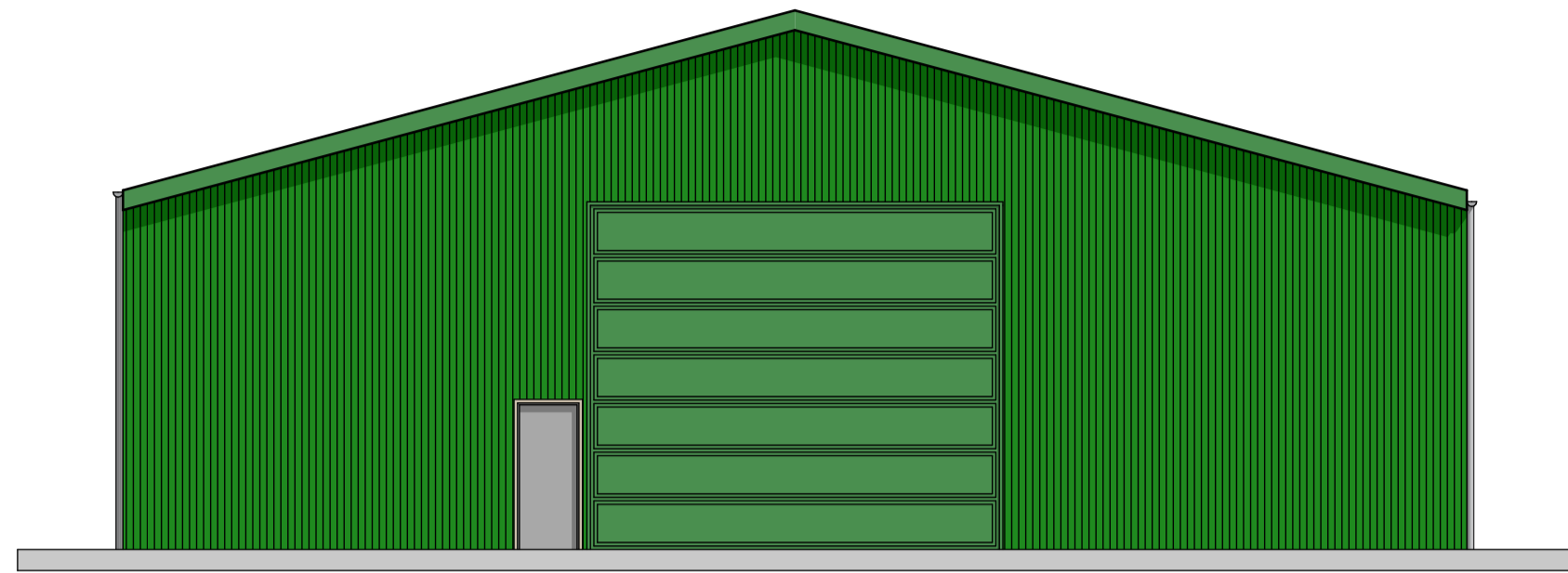
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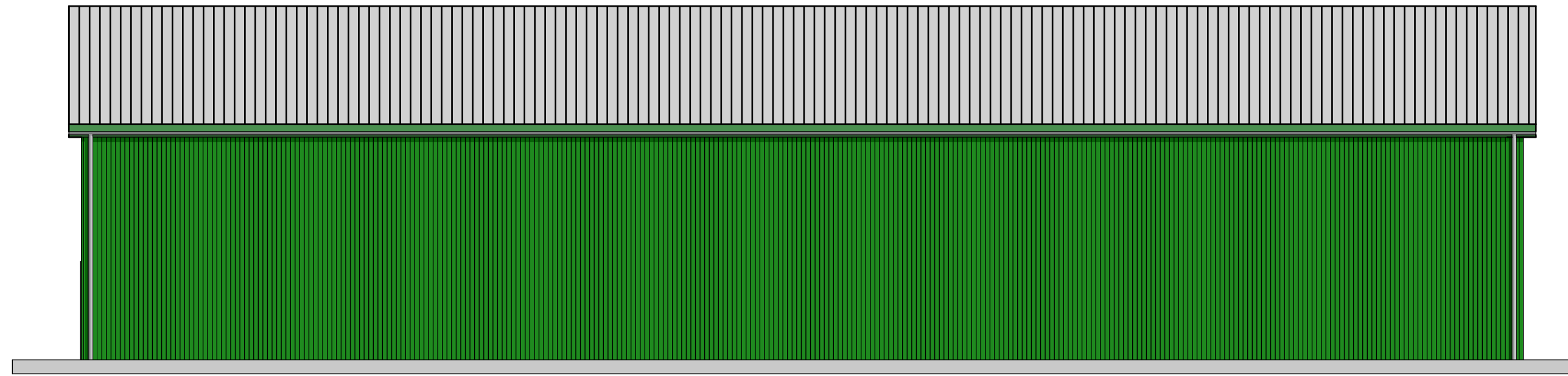
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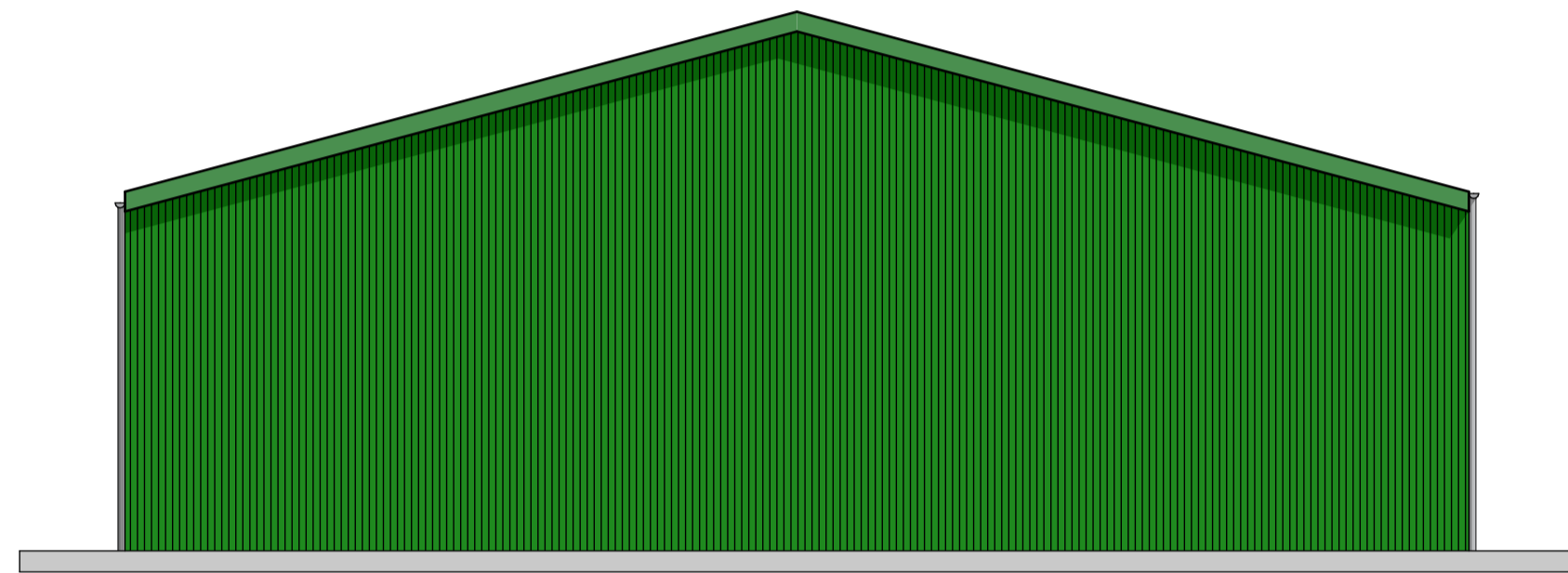
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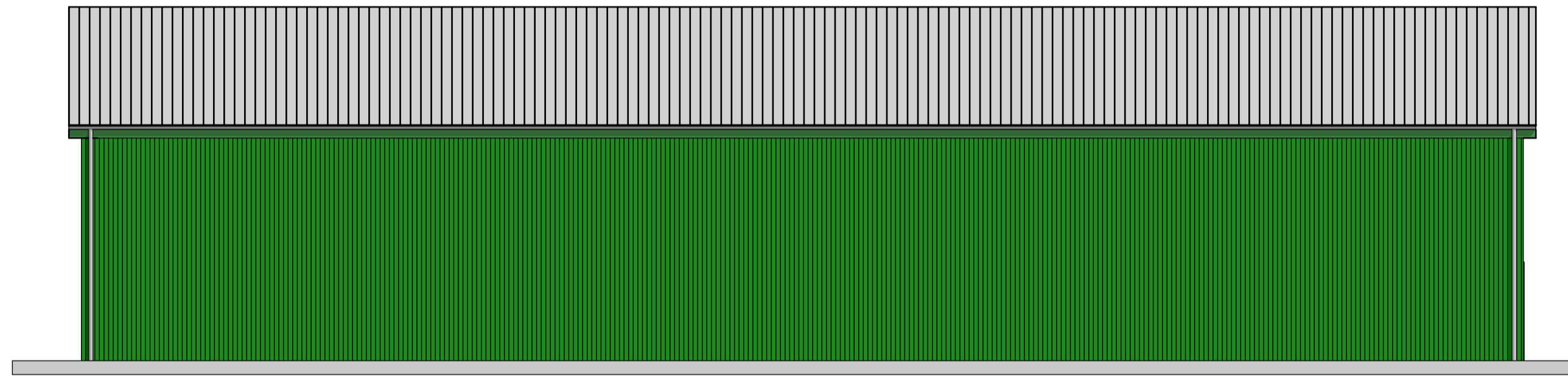
Elevation

E-11



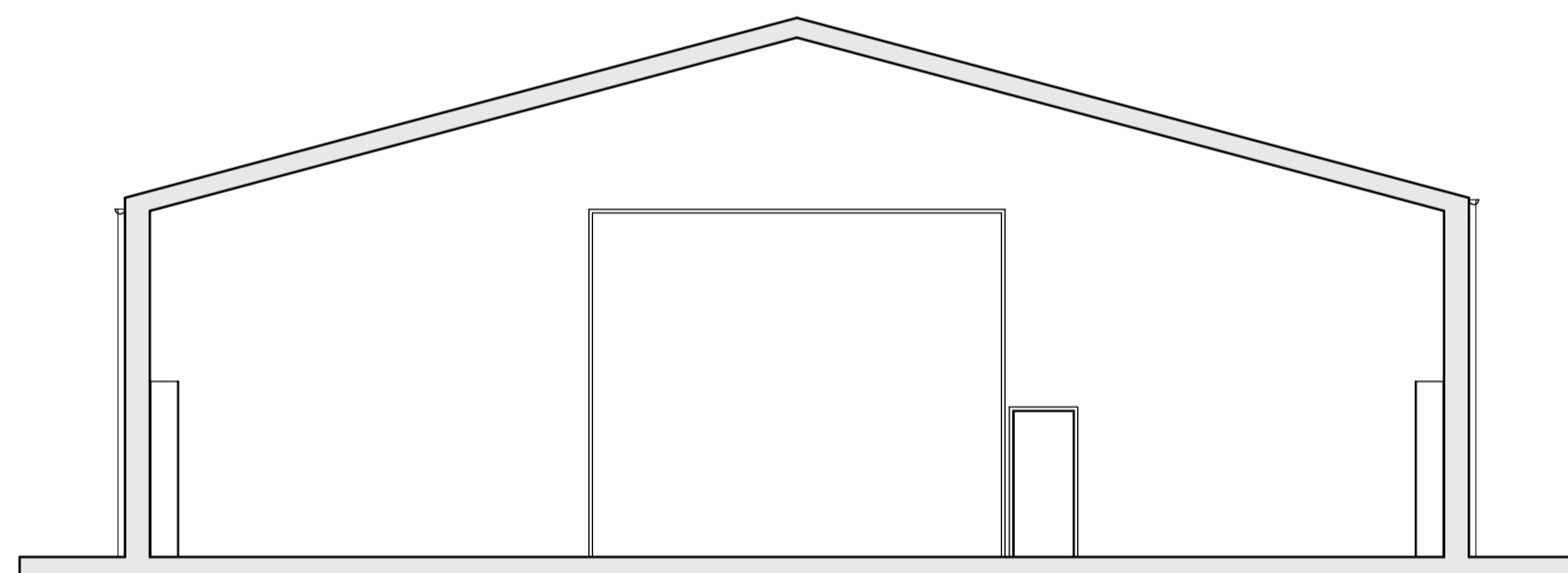
Elevation

E-12



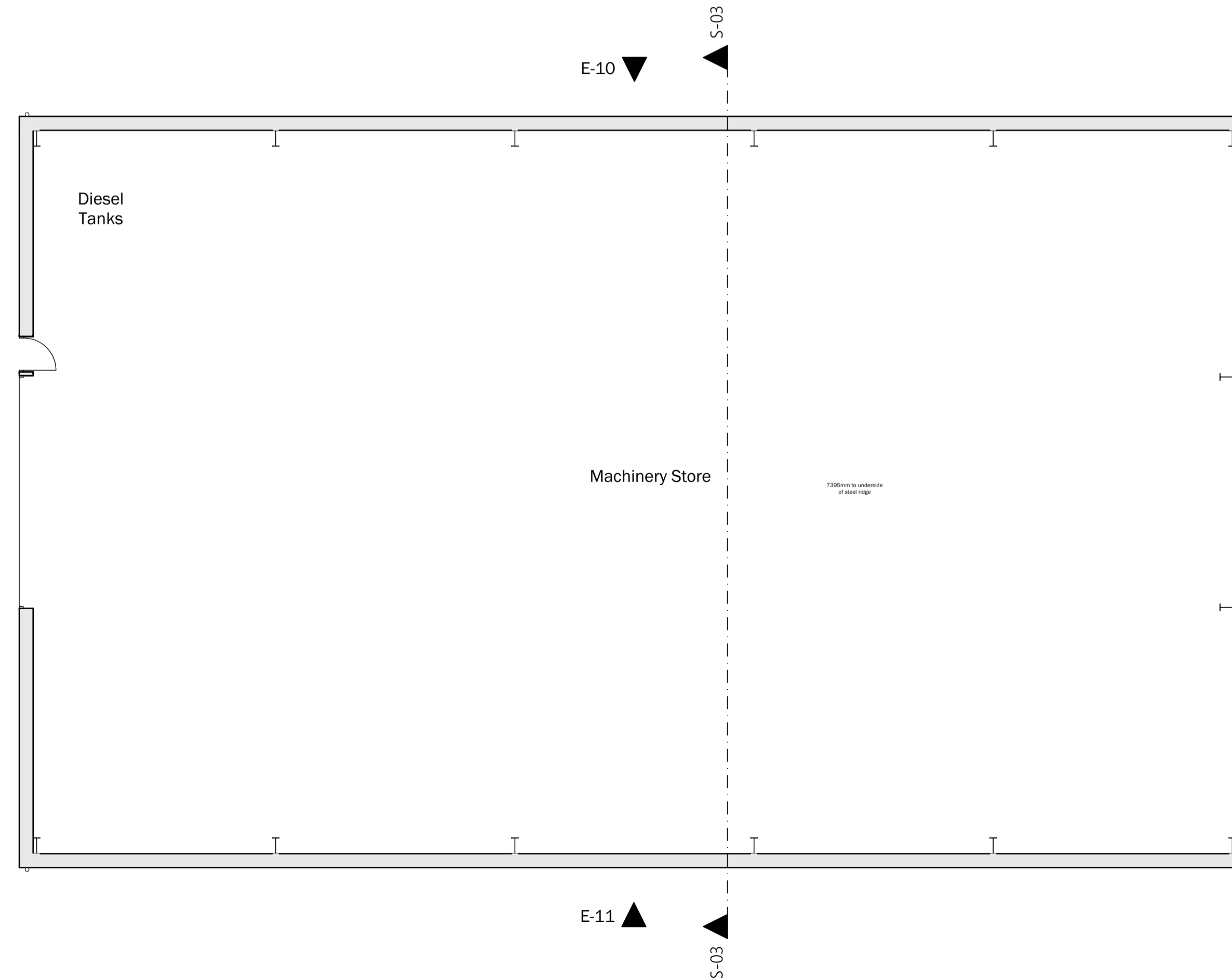
Elevation

E-10

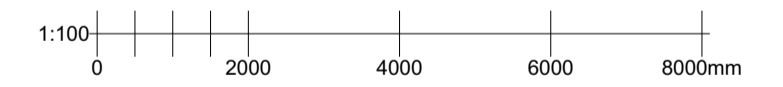


Section

S-03



Ground Floor



client		
Nightlayer Leeks Co Ltd		
project		
Dean Drove, Ireton's Way, Chatteris Change Of Use		
drawing		
Floorplan & Elevations As Existing Unit 6		
date	scale	@ A1
05.05.23	1:100	
drawn	check	
WF	AD	

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