
F/YR18/0568/F

Applicant: Mr G Patrick

**Agent : Mrs Alex Patrick
Alexandra Design**

Land East Of The Haven, Seadyke Bank, Murrow, Cambridgeshire

Erection of 5no industrial buildings (B1) and offices and 1.8 metre high fencing

Reason for Committee: Number of representations received contrary to officer recommendation, and called in by Councillor Booth due to benefits to local economy.

1 EXECUTIVE SUMMARY

The application site is located in the open countryside where development is restricted to that demonstrably essential for “agriculture”. No justification has been provided for the development on grounds of essential need. The site is located in an unsustainable location outside the four market towns where employment uses are directed. Development of the site would represent a visual intrusion which would adversely affect the character and appearance of this part of the open countryside. As such the proposal would be contrary to relevant national and local policies. For these reasons it is recommended that the application is refused.

2 SITE DESCRIPTION

- 2.1 The application site forms part of an area of open agricultural land measuring some 140m wide by 40 m deep and located to the north of Seadyke Bank Road (C class road), some 640m to the east of its junction with Silver’s Lane.
- 2.2 The application site is open, and level with the road which adjoins its southern boundary. Little Seadyke Drain runs 3m past the northern site boundary. Along its western and eastern boundaries the site is adjoined by traveller sites, these boundaries are respectively screened by 2.5m high mature hedging and a large earth bank. Directly opposite and to the south lies a builder’s yard and associated dwellings. To the east lies open land and ponds connected with Willow Croft Fisheries.
- 2.2 Seadyke Bank Road is unlit and without any footways on either side. A telegraph line runs through the site.

2.3 The site is located in Flood Zone 3.

3 PROPOSAL

3.1 The application seeks full planning permission for 5 industrial buildings (B1) with total gross internal floor area of 575m² on a site covering 5746m².

3.2 The units are set in line about 10.5m from the rear boundary, the strip of land between the rear of the proposed units and the Little Seadyke Drain represents the Internal Drainage Board's buffer zone required for maintenance purposes. Each unit is about 12m wide by 8m deep, and height to eaves of 3m and with a domed roof. The walls and roof will be of profiled steel, a Sedum covering will provide a green finish to the roof. A 3.7m wide shuttered opening in front of each unit provides the main entrance.

3.3 A detached small building measuring about 4.7m wide and 4.3m deep with timber clad walls, and a pantile pitched roof will provide office facilities and will be sited alongside each unit. Each unit will have a separate access to Seadyke Bank with parking and turning facilities to its front. 1.8m high Triton mesh fencing on the boundary will secure every plot.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=document&keyVal=P7U4QEHE01U00>

4 SITE PLANNING HISTORY

F/91/0259/F-Continued use of land for the stationing of a mobile home - Granted 14.08.1991.

F/0772/89/F - Change of use from orchard land to gypsy caravan site (part retrospective) to provide 8 transit caravan sites and 6 permanent caravan pitches - Granted 28.03.1990.

F/1261/87/F - Stationing of a mobile home on land adj Conifer Place, Seadyke Bank - 17.03.1988.

5 CONSULTATIONS

5.1 **Anglian Water:** Recommends conditions regarding the submission and approval of foul and surface water drainage strategies before the commencement of any development.

5.2 **Cambridgeshire Constabulary:** Supports the application.

5.3 **Environment Agency:** No objections but recommends that the mitigation measures detailed in the FRA are implemented.

5.4 **Environmental Health Officer:** No objections but recommends that the applicant demonstrates that the impact of noise on residential amenity will not be an issue.

5.5 **Highway Authority:** Recommends deferral to rationalise access to a single point instead of individual accesses, provision of visibility splay and provision of footway/cycleway to link the site with the adjacent village.

5.6 **North Level IDB:** No objections in principle but consent under the Board's byelaws will be required.

- 5.7 **Parson Drove Parish Council:** Supports the application and recommends approval as it considers that the proposed development will contribute to the sustainability of the village.
- 5.8 **Ward Councillor:** Councillor Booth supports the application and has requested referral to Committee in the event officers are minded to refuse.
- 5.9 **Representations:** Letters of support from 7 separate sources have been received, the comments are summarised as follows:
- The site lies outside the residential area, the proposed development will help encourage small business.
 - Attract employment opportunities for local residents, and allow expansion of small business.
 - Would like to take up a unit.
 - Visually improve the area.

6 STATUTORY DUTY

- 6.1 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) (2018)

Para 2- Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 10 - Presumption in favour of sustainable development.

Para 81 - Create conditions in which businesses can invest, expand and adapt.

Para 83 - Supporting a prosperous rural economy.

Para 84 - Local business and community needs met on sites adjacent or beyond existing settlements.

Para 103 - Manage growth to achieve sustainable transport.

Para 149 - Mitigating and adapting to climate change.

Para 155 - Planning and flood risk – Directing development away from areas at highest risk of flooding.

Para 170 - Decisions should contribute to and enhance the natural and local environment.

Para 212 - The Framework is a material consideration which should be taken into account in dealing with applications.

Fenland Local Plan 2014: LP1, LP3, LP6, LP12, LP15, LP16

Cambridgeshire Flood and Water Supplementary Planning Document SPD (2016): Section 4 –Flood Risk.

Delivering and Protecting High Quality Environments in Fenland SPD (2014): Policy DM3 – making a Positive Contribution to Local Distinctiveness and Character of the Area.

Fenland District Council’s informal guidance on sequential tests for housing (adopted by Council in May 2018)

8 KEY ISSUES

- **Principle of Development**
- **Sustainable Location**
- **Character and Appearance**
- **Residential Amenity**
- **Economic Benefits**
- **Flood Risk**

9 ASSESSMENT

9.1 Section 6 of the NPPF requires that planning policies 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 accords with the objectives of LP3 and LP6, and whether the use is appropriate to the site and its locality.

9.2 The main issues therefore in the consideration of this application are:

- Whether the site is a sustainable location for the development proposed having regard to the development plan and the accessibility of the site.
- The effect of the proposed development on the character and appearance of the area.

Sustainable Location

Spatial Strategy

9.3 Policy LP1 reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP3 sets out the overall spatial strategy for the district, and seeks to focus the majority of new development in and around the four market towns of March, Wisbech, Chatteris and Whittlesey. It also sets out a hierarchy of places and establishes criteria for development within these.

9.4 Within the hierarchy Murrow is identified as a ‘small village’ where development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity.

9.5 The site is located in the open countryside some 560m to the east of Murrow which is considered to be an ‘elsewhere ‘ location for the purposes of Policy LP3. Policy LP3 requires that in such areas development will be restricted to that which is demonstrably essential to the effective operation of local agriculture,

horticulture, forestry, outdoor recreation, transport or utility services or development in connection with minerals or waste.

- 9.6 Policy LP6 seeks to encourage employment opportunities and economic growth, and sets out that to achieve this the Council will facilitate the delivery of 83ha of new employment land within the four identified market towns. It also sets out a number of criteria against which employment proposals will be assessed.
- 9.7 The proposed development specifically conflicts with criteria 1, 2, 4, 5, 7 and 8 of Policy LP6. Criteria 1 and 2 relate to the spatial strategy and locations for growth which are set out in Policy LP3. Criterion 4 relates to access by public transport, criterion 5 to the site's suitability in terms of physical constraints, criterion 7 to the effect on landscape character and criterion 8 to infrastructure capacity.
- 9.8 Policy LP15 seek to reduce the need to travel generally and to increase the options available to undertake necessary journeys. It also expects that new development should be located so as to maximise accessibility and provide well designed, safe and convenient access.
- 9.9 The application site is located outside the established settlement limits of Murrow. The Local Plan policies referred to do not set out settlement limits, or development boundaries, which would establish whether proposals are within the settlement or within the countryside. Nor is there any reference to these in the supporting text of the policies.
- 9.10 This notwithstanding, Policy LP12 does allow for some development in rural areas where it contributes to the sustainability of that settlement, does not harm the open character of the countryside, and subject to a number of other criteria being met. Criterion a) of Policy contemplates development adjacent to the existing developed area of villages, however, this does not apply where the settlement is listed in the settlement hierarchy as a 'small village' and it is set out that in these settlements only infill sites will normally be considered favourably.
- 9.11 Within this context, the application site is located 560m to the east of the easternmost edge of the settlement of Murrow and set against sparse and sporadic development consisting of residential and tourism related uses, traveller caravan sites and a builder's yard. Given that the application site is not physically part of the settlement of Murrow in that there is a great degree of separation, it is considered that the proposal does not amount to infill development in the accepted meaning and therefore conflicts with Policy LP3. For the same reasons Policy LP12 also does not support the proposal.
- 9.12 Criteria 1 and 2 of Policy LP6 require employment developments to comply with the spatial strategy set out in Policy LP3 and, consequently the development will conflict with these criteria.

Public Transport

- 9.13 Criterion 4 relates to access by public transport. There are bus stops in Murrow, some distance from the application site. The distance from these bus stops to the application site is not walkable, and there are not continuous footways. This is likely to deter public transport use, particularly in the winter months when daylight is restricted. Access by public transport is therefore not practical and would conflict with these criteria.

Landscape Character

- 9.14 The application site is located in open countryside and unscreened by any planting. Development of the site will therefore be highly visible intrusion which would materially affect the existing landscape character.

Physical Constraints

- 9.15 The access route from the village along Seadyke Bank is narrow, straight, unlit and does not have footways. The road is lightly trafficked and the likelihood of vehicle conflicts is therefore low. Within this context, the highway in the vicinity of the site would have the capacity and geometry to accommodate the number of and type of vehicle movements that would be generated by the use as currently proposed. The proposal would not conflict with criteria 5 and 8 of Policy LP6 or with the relevant requirements of Policy LP15.
- 9.16 The above notwithstanding, whilst the proposal meets with some of the criteria set out in Policy LP6, the proposal conflicts with criteria 1 and 2 and also with Policy LP3 which seeks to direct new commercial development to larger settlements. Compliance with some of the other criteria does not override this fundamental conflict.
- 9.17 The Council's spatial strategy seeks to direct new developments to locations that offer the best access to services and facilities, reduce the need to travel, and make best use of existing infrastructure. The application site is low on the settlement hierarchy and does not meet the criteria for suitable development in this position in the settlement hierarchy. Whilst some limited weight can be given to employment development in a rural area, this does not overcome the weight that has to be given to an up to date development plan.
- 9.18 It is considered that the application site is not a suitable location for the development proposed having regard to the development plan and the accessibility of the site. It would not comply with the relevant requirements of Policies LP3 and LP6 of the Local Plan.

Character and Appearance

- 9.19 Policy LP16 expects a high standard of design that makes a positive contribution to the local distinctiveness and character of the area, responds to the character of the local built environment and does not adversely impact on the landscape character of the area.
- 9.20 The proposed development would introduce buildings of a utilitarian design onto the site, and expanses of hardstanding for accesses and parking/turning areas. The site is in a highly prominent and visible location in the open countryside. The effect of the development on the character and appearance of the area and the landscape character would be to cause significant harm. The proposal would therefore not accord with the requirements of policy LP 16.
- 9.21 Paragraph 84 of the NPPF recommends that local business and community needs may have to be found adjacent or beyond existing settlements, in locations not well served by public transport. In these instances the NPPF states that development should be sensitive to its surroundings and opportunities to make the location more sustainable should be exploited. In this context the NPPF

encourages the use of previously developed land well related to existing settlements.

- 9.22 As already described, the application site is located in the open countryside and its development would not be sensitive to the surrounding area, nor is there opportunity to improve sustainability. The site does not comprise previously developed land; it is distanced from the nearest settlements. For these reasons it is considered that the proposal would not meet the overarching ambitions of the NPPF to achieve sustainability whilst providing for local needs.

Residential Amenity

- 9.23 There are residential uses in the vicinity of the application site. The Environmental Health Officer has recommended that the applicant demonstrates that noise will not be an issue. The proposed development is for B1 (Light Industrial) use which by definition can be carried out without detriment to residential amenity. For this reason it is considered that a noise survey will not be necessary.

Economic Benefits

- 9.24 It is accepted that there will be some economic benefit arising from the proposed development, in terms of the creation of local employment, and local spend during and after the implementation of the development. Having said this, any benefits are not considered to outweigh the harm of allowing development of an unsustainable location in the open countryside as discussed above.

Flood Risk

- 9.25 The site is within Flood Zone 3. A Flood Risk Assessment (FRA) has been submitted. The FRA simply acknowledges the location of the site in Flood Zone 3, and states that as the building will be open fronted in the event of a flood water will be allowed to run through the building and that soakaways will be used for rain water drainage.
- 9.26 The Environment Agency (EA) has stressed that it is for the local planning authority to apply the Sequential Test, subject to this the EA has no objections but recommends that the mitigation measures detailed in the revised FRA are implemented.
- 9.27 The site is located within Flood Zone 3. However, given the nature of the development, there will be no issue with regards to flood risk, as the use is classified as 'less vulnerable' and is therefore acceptable within these flood zone areas.

The proposal can be considered to accord with Policy LP14 in this regard.

10 CONCLUSIONS

- 10.1 It is considered that the proposed development does not accord with the relevant policies in the development plan with regard to the location of new development and the settlement hierarchy and as such the proposal is contrary to the development plan. There are no material considerations to indicate that the decision should be made other than in line with the policies of the development plan. For these reasons it is concluded that the application should be refused.

11 RECOMMENDATION

11.1 Refuse for the following reasons.

1) Policy LP1 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.

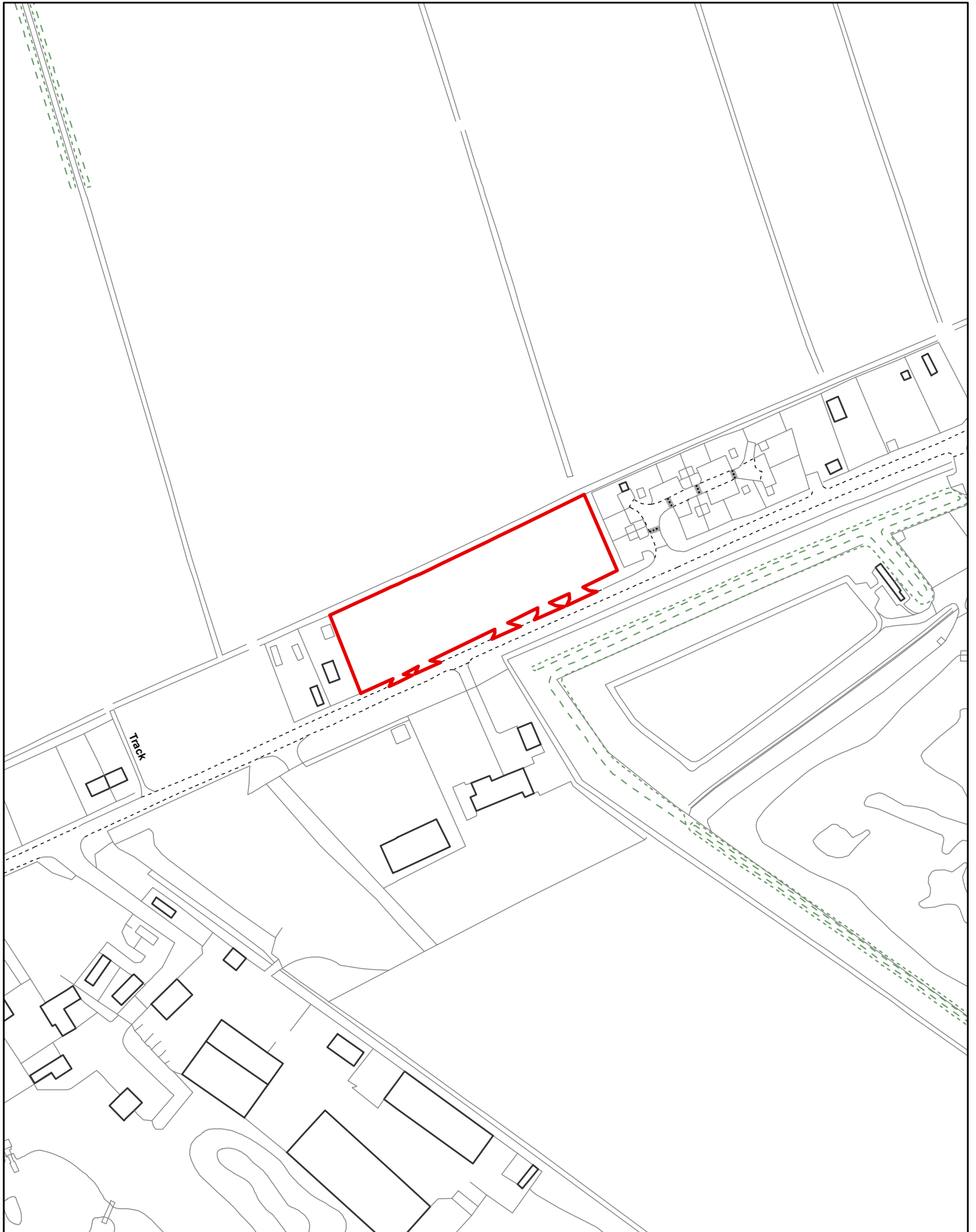
The site lies in the open countryside and is considered as 'Elsewhere' development as identified under Policy LP3. For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.

Policy LP6 seeks to encourage employment opportunities and economic growth and lists 9 criteria for business proposals to be assessed against. The assessment criteria include: the Council's spatial strategy (Policy LP3); availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character.

The development is located outside the established settlement limits of Murrow and in open countryside with poor integrated and sustainable public transport links where essential 'agricultural' use has not been demonstrated. It is therefore considered that the proposed use would conflict with the principles of the NPPF and Policies LP1, LP3, LP6 and LP15 of the Fenland Local Plan 2014.

2) Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The development represents an intrusion into the open countryside and without any supporting justification such as why the business must be sited in the open countryside to weigh against the detrimental impact of this intrusion, the proposal is considered to be contrary to LP16 of the Fenland Local Plan 2014.

Case Officer Date:	Team Leader Date:
-----------------------	----------------------



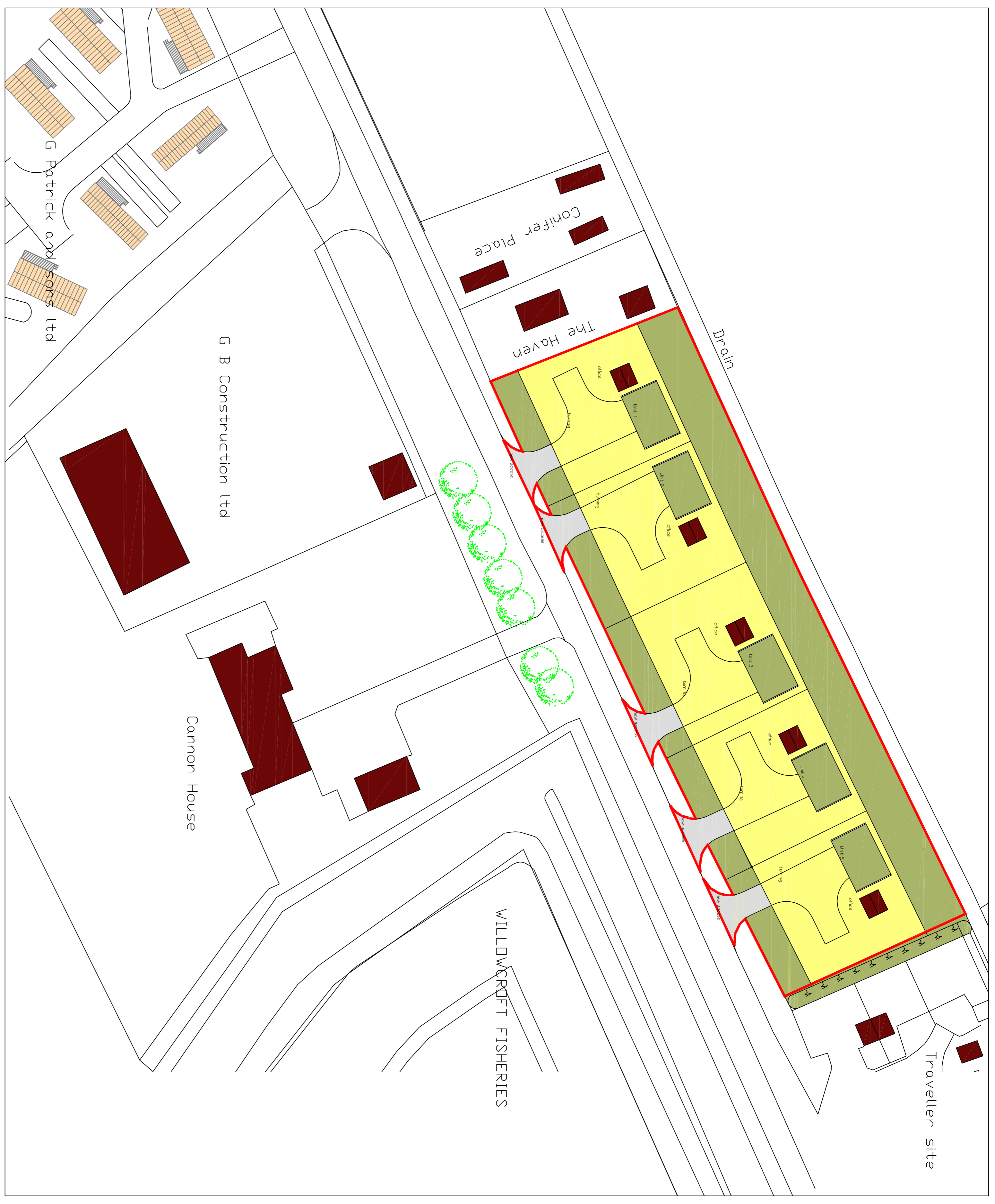
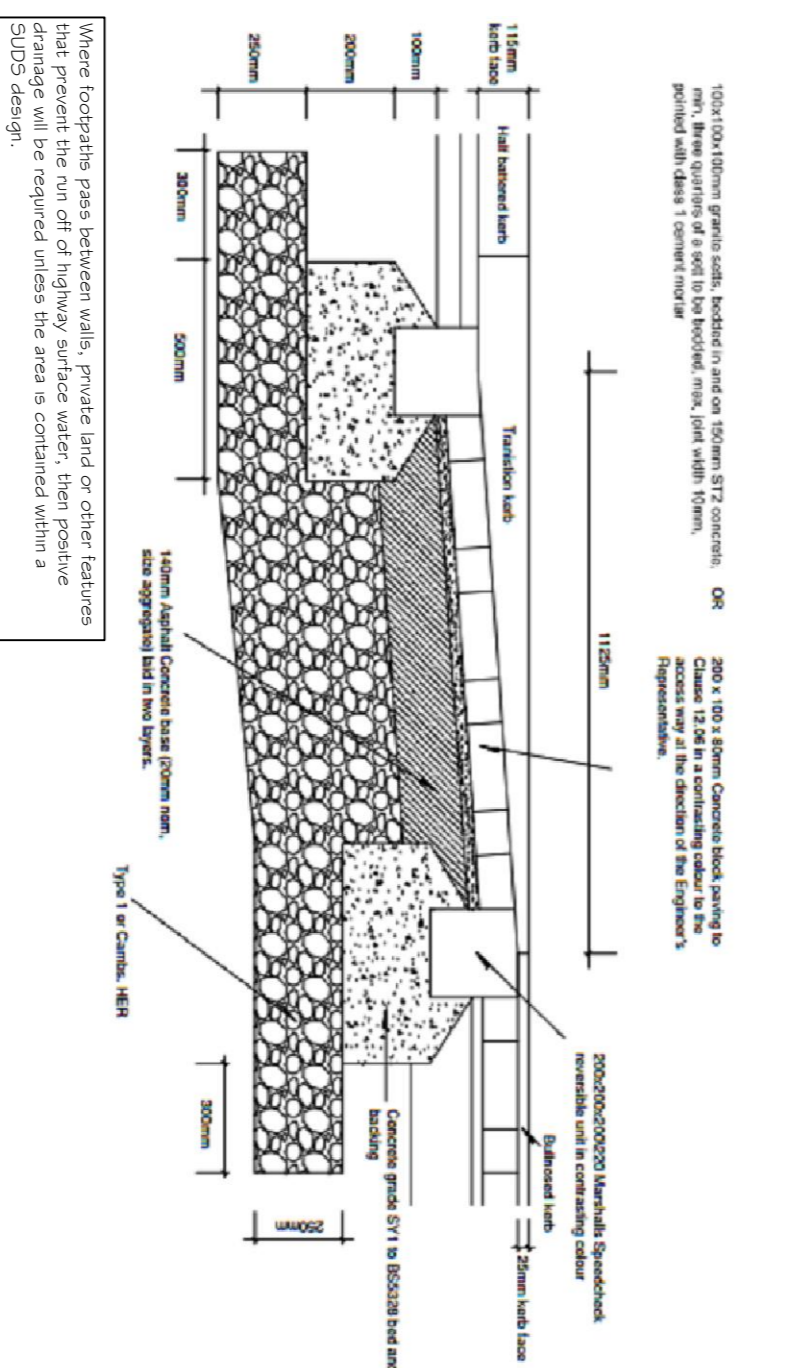
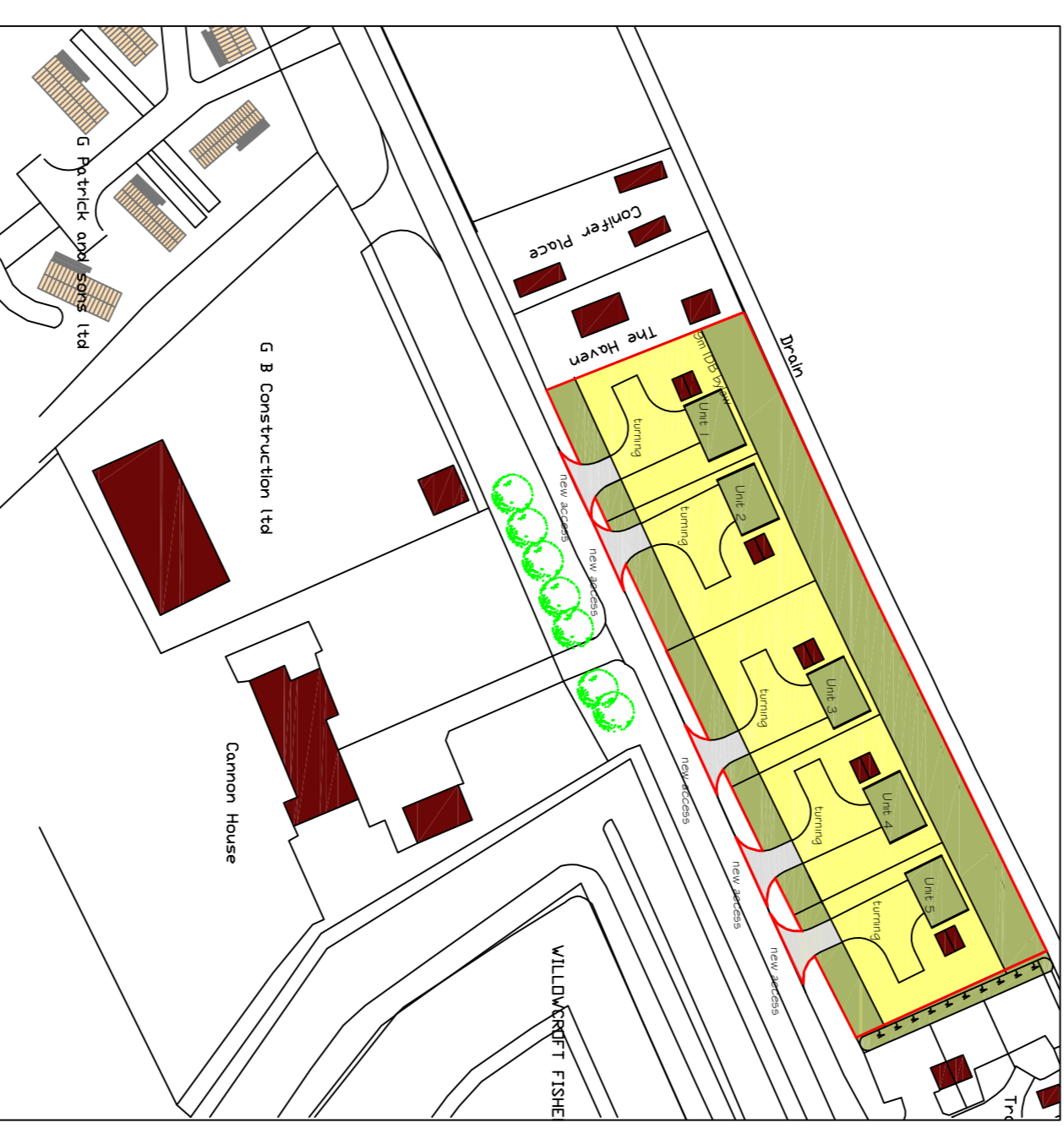
Created on: 26/06/2018

© Crown Copyright and database
rights 2018 Ordnance Survey 10023778

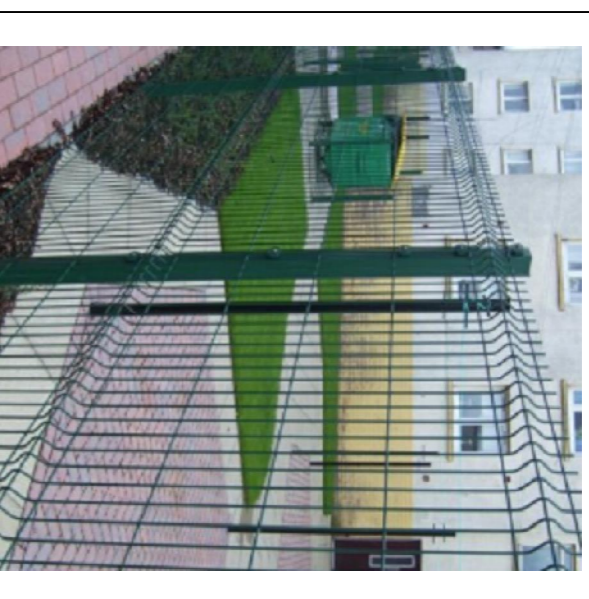
F/YR18/0568/F

Scale = 1:2,500

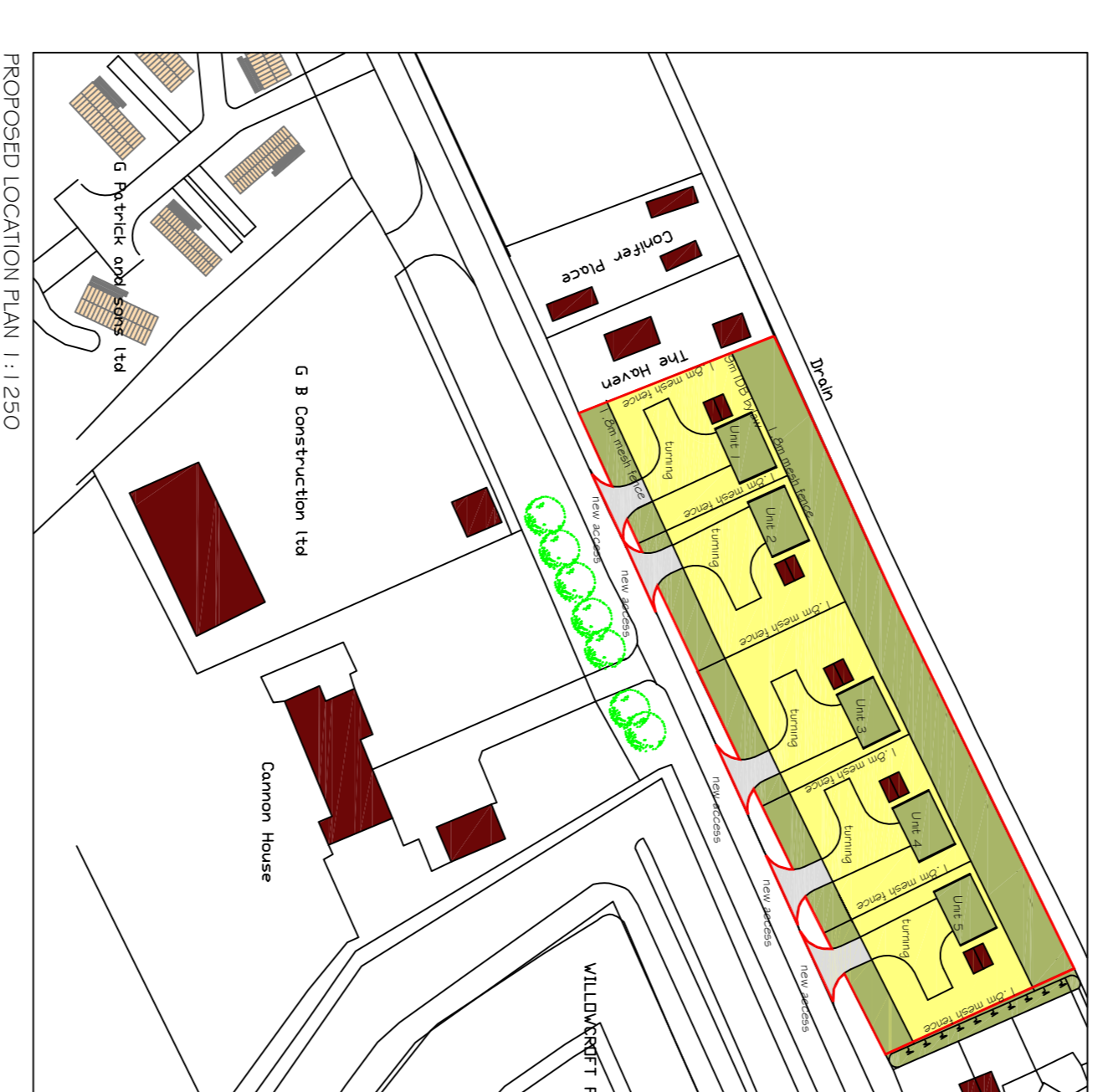
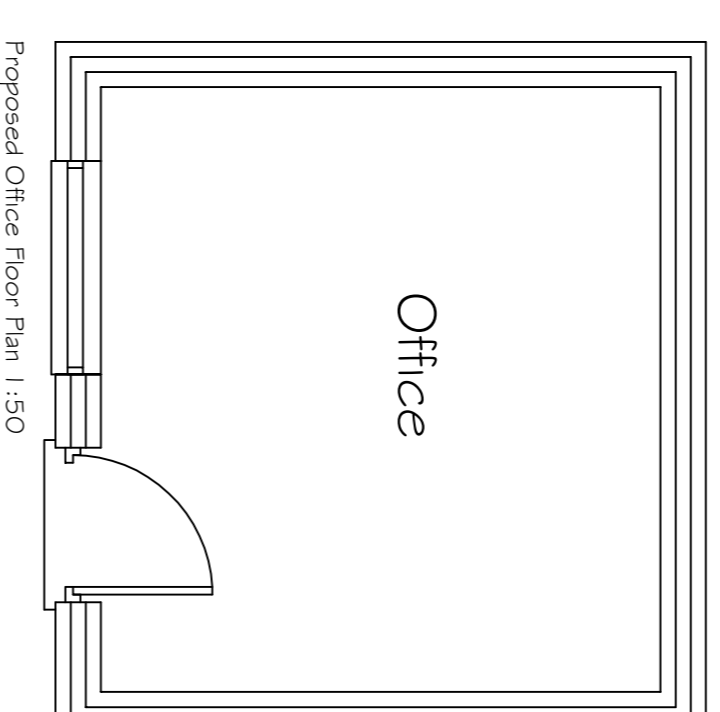
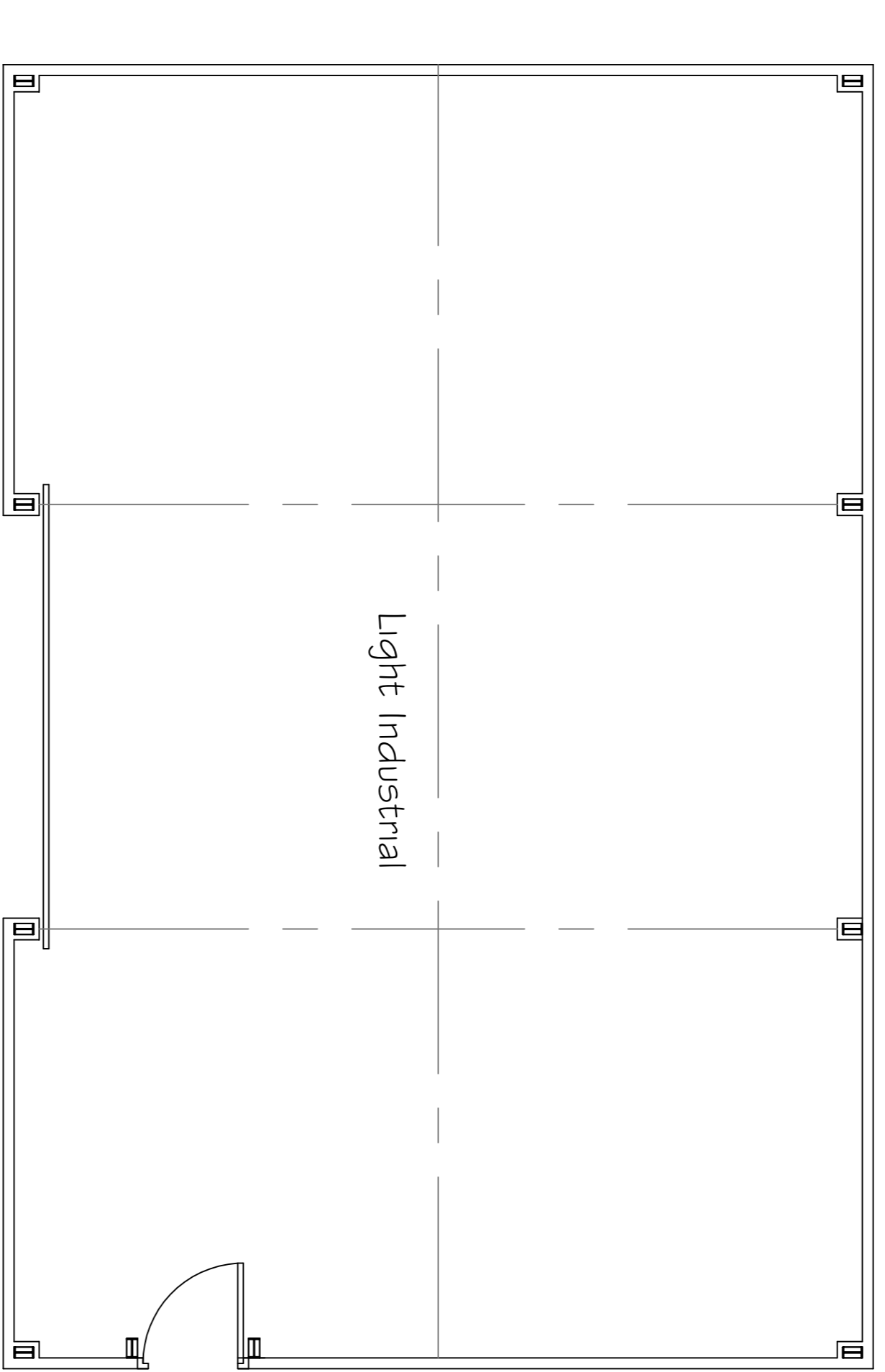
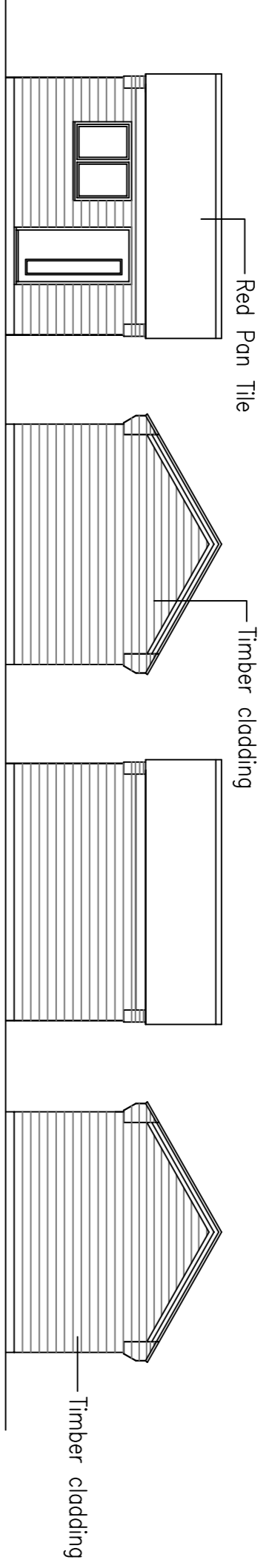
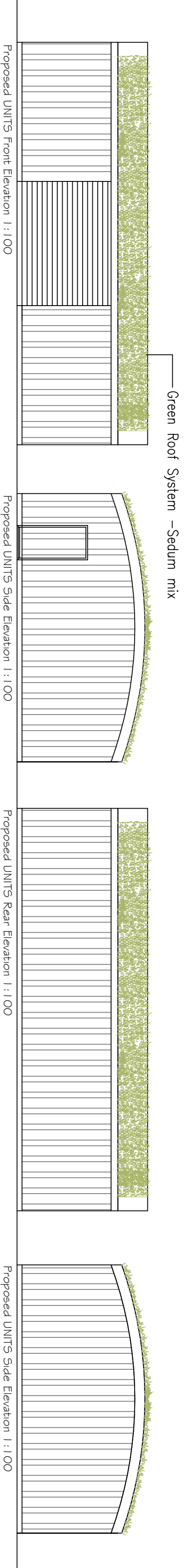




Additional Notes:
DO NOT SCALE FROM THIS DRAWING
The drawing and design remains the
copyright property of Alexandra Design

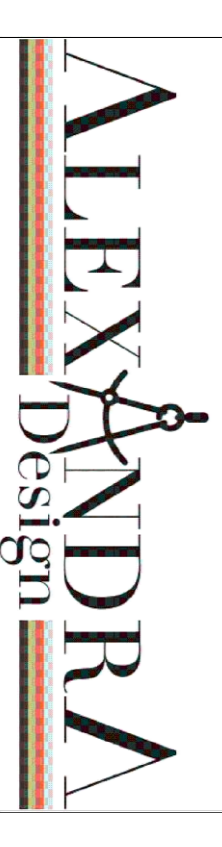


Triton Mesh fencing to be used
for all boundary treatments

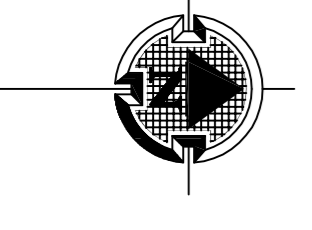


Site Address:
Land North East of GB Construction
Seddyke Bank
Murrow
Wisbech

Client:
G Patrick and Sons
Seddyke Bank
Murrow
Wisbech



Southfork Farm
Seddyke Bank
Murrow
Cambridgeshire
PE13 4SD



T: 07891175649
E: info.alexandradesign@gmail.com
W: www.alexandradesign.co.uk