

**Application Number: FR11/0976/EXTIME**

**Major**

**Date Received: 14 December 2011**

**Applicant: Mr J Vanner**

**Agent: Peter Humphrey Associates Ltd**

**Proposal: Erection of 83 houses comprising; 19 x 4-bed houses, 35 x 3-bed houses 18 x 2-bed houses, 6 x 2-bed apartments and 5 x 1-bed apartments including Public Open Space involving demolition of existing football stands and buildings (Renewal of planning permission F/YR07/0322/F)**

**Location: Fenland Park Lerowe Road Wisbech Cambridgeshire PE13 3QL**

**This proposal is before the Planning Committee as the recommendation is contrary to the views of Wisbech Town Council.**

**This application is a major**

### **1. SITE DESCRIPTION**

The site is located within the development area boundary for Wisbech and is accessed off Lerowe Road, a C classified road. The site was formerly Wisbech Football Club and is located in a predominantly residential area. Clarkson Primary School is situated to the south west of the site. There is an electricity sub station to the north west of the site, adjacent to 26B Lerowe Road. Mature trees are on the north western and south eastern boundaries of the site and are protected by a Tree Preservation Order.

### **2. HISTORY**

Of relevance to this proposal is:

- F/YR07/0322/F - Erection of 83 houses – Granted 20/01/2009
- F/YR11/0666/F - Erection of 83 houses – Refused 22/11/2011

### **3. CONSULTATIONS**

***Parish/Town Council:***

Wisbech Town Council do require a re-assessment of traffic management on Lerowe Road, and insist on a re-submission taking that into account. Members are also asking for a briefing on the impact that this development will have on schools.

<b>Local Highway Authority (CCC):</b>	I note that it shows the provision of 2.4m x 43.0m splays. Unfortunately one of the splays is measured 1.0m from the channel line which we do not usually accept with the use of MfS splays. However, given the history I would not raise this as a problem. I would suggest the internal arrangement can be 'tweaked' to suit adoption criteria during any future Section 38 process. For example the carriageway need only be 5.0m wide.
<b>Environment Agency</b>	No objections
<b>FDC Leisure Services</b>	The football club has relocated, so this application has no impact on sports space in the area.
<b>Arboricultural Officer</b>	No response but previous response asked for updated information regarding the retention of trees.
<b>Cambridgeshire Fire and Rescue Service:</b>	No response but response to previous application was no objection subject to the provision of fire hydrants through a Section 106 agreement.
<b>Safer Fenland Manager</b>	No apparent crime and disorder issues.
<b>Police Architectural Liaison Officer:</b>	No objection.
<b>Environmental Health</b>	No objections
<b>Section 106 Officer</b>	A supplemental Section 106 Agreement will be required.
<b>Local residents/interested parties:</b>	One letter of objection has been received from an adjoining resident concerned with the health and safety issues. Another objector wishes his previous contribution dated 15/04/2007 and 02/12/2007 to the last application to be taken into account relating to windows overlooking the rear of the property, insufficiently high security fencing, increase in traffic volume leading to traffic hazard, general traffic safety and the need for traffic calming measures, the creation of 'rat runs', the need for a better mix of properties, enforcement of health and safety and right of way and tree preservation order issues.

A petition has been received from 4 adjoining residents stating that they have no objections to the development but feel there are far too many houses for the site, the old buildings should be properly cleared and that there are problems on the site at present concerning unauthorised access, rat infestation and low water pressure.

#### 4. POLICY FRAMEWORK

##### FDWLP Policy

- |      |   |
|------|---|
| H3   | - To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other policies of the Plan.  |
| E8   | - Proposals for new development should: <ul style="list-style-type: none"> <li>-allow for protection of site features;</li> <li>-be of a design compatible with their surroundings;</li> <li>-have regard to amenities of adjoining properties;</li> <li>-provide adequate access.</li> </ul> |
| R4   | - To require developers to provide and maintain public open space on developments of 10 or more dwellings or 0.4ha (one acre) in accordance with the set standards.   |
| R5   | - To prevent the development of any existing areas of public open space unless an equivalent replacement site is provided and laid out.   |
| R6   | - To restrict changes of use of private or educational outdoor sports facilities unless adequate replacement facilities are provided or the site provides the only expansion opportunity for a neighbouring development of District Wide significance.  |
| PU1  | To require new developments to make satisfactory arrangements for water supply, sewerage and sewage disposal, land drainage and flood protection matters.   |
| IMP1 | There will not be an automatic presumption in favour of renewal of planning permissions.  |

H13 To seek to secure a supply of affordable housing for sale or rent on appropriate allocated or windfall sites over 1.0 ha.

East of England Plan

ENV7 - Quality in the Built Environment

Planning Policy Statements

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG17 - Planning for Open Space, Sport and Recreation

## 5. ASSESSMENT

### ***Nature of Application***

This application seeks full planning permission for an extension of time for application F/YR07/0322/F in respect of the erection of 83 dwellings at the former football ground of Lerowe Road in accordance with the arrangements introduced in October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). In essence the new arrangements provide for an extension of time for the implementation of a planning permission by the grant of a new permission for the development authorised by the original permission. It should be noted that only one 'extension of application of time' can be allowed under the new arrangements. The site is within the Development Area Boundary for Wisbech. The application is considered to raise the following key issues.

- Principle of development
- Density, layout and design
- Community benefits
- Parking , turning and highway safety
- Changing guidance

### ***Principle of development***

The principle of the development has already been established under F/YR07/0322/F. The officer's report to the Planning Committee on 12 December 2007 assessed the key issues relating to the principle of development, density, layout, design, community benefits, parking, turning, highway safety and Section 106 agreement. Generally, the issues remain the same and the application provides an acceptable housing development in accordance with the above policies.

### ***Density, layout and design***

The site area 1.6ha proposing 83 dwellings – a density of 52 dwellings per hectare. The layout has not changed since the previous application at which time officers were satisfied that there would be minimal impact on the adjoining occupiers.

There have however, been changes in policy terms relating to the Environment Agency and CCC Highways since the last approval. The Environment Agency initially advised that there have been changing circumstances in the intervening period and that the FRA submitted with the application does not comply with the requirements set out in Annex E, Paragraph E3, of Planning Policy Statement 25 (PPS25). However, following discussion and assessment of further details, Anglian Water has now withdrawn their objection and the Environment Agency has therefore withdrawn their objection.

There have been no other changing circumstances since that time and the layout is acceptable.

### ***Community benefits***

This proposal, by virtue of the number of dwellings proposed will result in a contribution towards primary education provision. 35% of total units will also be affordable housing - which equates to 29 units.

In addition to informal adult open space provision, children's play space has been provided on site comprising 750 square metres. The requirement under the adopted SPG on Open Space provision requires 20 square metres per dwelling for children's play space plus an equipped play area. The required area therefore should be 1560 square metres; as such there is a deficiency of approximately 810 square metres which would equate to 40 dwellings not contributing to the provision. A contribution of £400 per dwelling for children's play space is therefore considered appropriate in addition to the open space on the site including an equipped play area.

Adult provision is 40 square metres per dwelling to be provided on site - or adjacent to the site. However, there is no scope to produce an informal adult area adjacent to the site and as such a contribution of £800 per dwelling is required to be used within the locality.

The above will be achieved by way of a supplemental legal agreement/Section 106 obligation.

Wisbech Town Council also asked for a briefing on the impact that this development will have on schools. However, no changing circumstances have been raised since the original application was approved.

### ***Parking , turning and highway safety***

120 parking spaces have been provided within the development which equates to 1.5 parking spaces per unit, which is acceptable in this urban location. The CCC Highways sought clarification on the proposed visibility splays and internal layout for the development. A supplementary plan has been received for clarification which, together with minor adjustments to the internal layout, will be the basis for an application to be made for roads adoption by CCC Highways. Wisbech Town Council has asked for a re-assessment of traffic management on Lerowe Road, and insist on a re-submission taking that into account. However, there have been no material differences since the original application was granted planning permission and the overall development is acceptable in highway terms.

### ***Changing guidance***

The guidance issued in respect of the new arrangements notes that:

“LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.”

It should also be noted that the same conditions do not necessarily need to be applied to any new consent as the primary legislation giving LPAs the power to impose such conditions as they see fit (s.70 of the TCPA 1990) is unchanged.

Therefore, if appropriate, different conditions could be imposed or some conditions could be removed – for example in order to make the scheme acceptable in the light of new policies, or if some pre commencement conditions have already been discharged. The opportunity has therefore been taken to update conditions – all of which relate to those on the previous consent.

### ***Conclusion***

The issues raised in this application to renew permission are similar to those on the consented application apart from a physical deterioration of the site and buildings and in relation to changing Environment Agency and CCC Highways requirements which have now been resolved. Early development will be beneficial in improving the current physical situation on site and there are no new issues raised which would merit requesting a redesign of the layout. All other matters can be dealt with by way of planning conditions and a supplemental Section 106 Agreement in which case an extension of time is acceptable.

## **6. RECOMMENDATION**

**Grant subject to the following conditions and a supplemental Section 106 agreement.**

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

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

- 2 Prior to the commencement of the development hereby approved full details of the external finishes shall be submitted to and approved in writing by the Local Planning Authority and the development shall be executed in accordance with the approved scheme and retained in perpetuity thereafter.**

**Reason - To safeguard the visual amenities of the area.**

**3 Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:**

- 1. enter, turn and leave the site in forward gear;**
- 2. park clear of the public highway;**
- 3. load and unload;**

**shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.**

**Reason - In the interests of satisfactory development and highway safety.**

**4 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-**

- a) proposed finished levels [earthworks to be carried out]**
- b) means of enclosure**
- c) car parking layout**
- d) vehicle and pedestrian access and circulation areas**
- e) hard surfacing, other hard landscape features and materials**
- f) existing trees, hedges or other soft features to be retained**
- g) planting plans, including specifications of species, sizes, planting centres number and percentage mix**
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife**
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features**
- j) location of service runs**
- k) management and maintenance details**

**Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.**

**5 Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.**

**Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site.**

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

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

**7 Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.**

**Reason - To ensure that retained trees are adequately protected.**

**8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

**Reason - In the interest of visual amenity.**

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

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

**10 Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.**

**The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:**

**a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.**

**IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:**

**b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:**

**(i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.**

**(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and**

**(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.**

**Following written LPA approval of the Site Investigation the LPA will require:**

**c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.**

**d) The provision of two full copies of a completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring proposals shall be submitted to and approved in writing by the Local Planning Authority. This should also include any contingency arrangements.**

**Reason - To control pollution of land or water in the interests of the environment and public safety.**

**11 Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5.5 metres with 1.8 metre footways either side unless otherwise agreed in writing with the Local Planning Authority and shall be provided before the development hereby approved is first brought into use and thereafter maintained as such in perpetuity.**

**Reason - In the interests of highway safety.**

**12 Prior to commencement of the use or first occupation of the development hereby approved the junction of the proposed access road with the highway carriageway shall be laid out with 7.5 metre radius kerbs unless otherwise agreed in writing with the Local Planning Authority and maintained thereafter.**

**Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.**

**13 Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on each side of the vehicular access and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Minimum dimensions to secure the required splays shall be 2.4 metres measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 43 metres measured along the channel line of the highway carriageway (or closely thereabouts to be agreed in writing with the Local Planning Authority in consultation with the Highways Authority) and the centre line of the proposed access as shown on drawing 3541/(P)\_11\_F/1 date stamped 20 January 2012**

**Reason - In the interests of highway safety.**

**14 Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.**

**Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.**

**15 Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.**

**Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding.**

**16 Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the Local Planning Authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.**

**Reason - To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.**

**17 The existing buildings on the site shall be demolished in their entirety and removed from the site within six months of the commencement of the development hereby permitted.**

**Reason - In the interests of amenity and to ensure a safe environment in the locality**

**18 Prior to the commencement of the development hereby approved, details of lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include lighting to a minimum standard of BS13201 Class S6. Lighting should be by column mounted SONS downlighters in order to reduce unnecessary light pollution whilst maintaining lighting that will assist in recognition of persons in the parking facility. The development shall be carried out in accordance with the agreed details prior to commencement of use/occupation of any dwellings and shall thereafter be so maintained in perpetuity.**

**Reason - To ensure that adequate lighting of the development is provided during the hours of darkness for security purposes, and to ensure the development does not.**

**19 Prior to commencement of development and notwithstanding the submitted plans details of the location, height, design and materials of all screen walls and security fences shall be submitted to and approved in writing by the Local Planning Authority, and all such works shall be erected concurrently with the development and retained thereafter in perpetuity.**

**Reason - To ensure that the appearance of the development is satisfactory and the boundary screening does not affect highway visibility.**

***Update to 1<sup>st</sup> May Committee***

Members will recall that they considered this proposal in XXXX where they were advised that Wisbech Town Council had confirmed that the original comments had been an objection and that:

"Members feel the changes in traffic management on Lynn Road since the original application are significant enough to object to the application and call for refusal of the application and a re-application or re-assessment be made".

Members also received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that this application is just a renewal or extension of time application, with a previous approval existing for the site. He advised that there was a problem with the Environment Agency, which resulted in a previous refusal, which has now been addressed. He expressed his disappointment at the objection of the Town Council on highway grounds, when the Local Highway Authority is happy with the proposal and he feels that this proposal should have been a delegated decision.

Having discussed the scheme Members resolved to grant the proposal in accordance with the officer recommendation

Following on from this the Applicants agents submitted an independent viability assessment for consideration which has been duly evaluated by the Council's Viability specialists. They note that their appraisal shows that the scheme could not viably afford to deliver the policy compliant 35% [earlier obligation] affordable housing provision, S106 contribution of £77,900 and POS works of £83,525. However they note that the appraisals have been carried out without allowing for any cross-subsidy from a Registered Provider (RP).

No information having been put forward by the applicant as to the value offered by an RP therefore this information should be sought before the matter has been concluded.

Following up these recommendations the Council's Senior Housing Strategy and Enabling Officer has explored this option and rerun the DAT appraisals. The outcome of these further calculations was that it was not possible to bring the scheme out of deficit when any S106 or affordable housing contributions were applied.

In light of the above Officers recommend that the scheme should go forward without encumbrance to ensure that the development is enabled. This stance is in line with guidance contained within the National Planning Policy which notes that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

It will be necessary however to gain the County Councils endorsement in respect of the waiving of the Education contribution as this lies outside the District Council control. Officers have approached CCC in this regard and the outcome of this will be reported to the committee.

### **Recommendation**

**Grant subject to the conditions listed in Item 6 above and a supplemental Section 106 agreement.**



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**Developments Service**

**Reference: F/YR07/0322/F**



FYR07/03221



External Works and Fencing Arrangement

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 ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
**Residential Redevelopment**  
**Wisbech Town FC Ground**  
 Lerowe Road, Wisbech  
 Cambridgeshire

CLIENT  
**Purple Properties**

REV.	DETAILS	DATE	SCALE	JOB NO.	3541 (P) 24 B
A	Amended to suit revised planning arrangement	Aug 2007			
B	Revised Bin Stores and Childrens Play Area	Nov 2007			

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