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**F/YR18/0159/O**

**Applicant: Mr Goodale**

**Agent : Mr Gareth Edwards  
Swann Edwards Architecture Limited**

**Land East Of, Stow Lane, Wisbech, Cambridgeshire**

**Erection of up to 28no dwellings (outline application with matters committed in respect of access)**

**Reason for Committee: The Officer's recommendation is contrary to the comments of Wisbech Town Council**

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## **1 EXECUTIVE SUMMARY**

The application seeks outline planning permission for the residential development of the site for up to 28 dwellings. The application is in outline with only access committed.

The site lies within the East Wisbech strategic allocation which proposes residential development on approximately 73 hectares of land providing for around 1,450 dwellings on the site together with associated infrastructure including a local centre, primary school, open space and drainage. The site proposes a vehicular and pedestrian access leading off a small formalised extension to Stow Lane and a pedestrian route out onto Stow Lane/ Quaker Lane and Meadowgate Lane.

Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN), alongside landowners and other stakeholders, have developed a Broad Concept Plan (BCP) for East Wisbech. The BCP was approved by Fenland's Planning Committee on 23rd May 2018 and by King's Lynn and West Norfolk's Cabinet on 29th May 2018.

Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure.

The proposal in itself raises no technical issues in respect of highways, ecology, drainage or ground contamination and includes pedestrian/ cycle links to enable more sustainable modes of transport to access services and facilities in the centre of Wisbech. However the site is isolated from the wider site allocation and provides no certainty that in the future, it could be served by links to the BCP area to improve permeability. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services within the BCP area in the future e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of LP7, LP8 and LP15 of the Fenland Local Plan.

## **2 SITE DESCRIPTION**

2.1 The site comprises 1.3Ha of agricultural land located at the eastern side of Wisbech. The site is overgrown and relatively unmaintained at present.

- 2.2 The site lies within the East Wisbech strategic allocation which proposes residential development on approximately 73 hectares of land providing for around 1,450 dwellings on the site (at least 550 within the King's Lynn and West Norfolk area), together with associated infrastructure including a local centre, primary school, open space and drainage.
- 2.3 The site abuts the south eastern edge of Stow Lane, a public byway (266/14) or Public Right of Way (PRoW) - public byway (266/14) which connects Stow Lane at Stow Gardens (north) to Meadowgate Lane (south). The site is separated by a dense belt of trees and hedgerow along its border with Stow Lane with no existing formal access. A drain runs along the extent of the southern and eastern boundary. The site lies in Flood Zone 1.

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for the residential development of the site for up to 28 dwellings.
- 3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout plan to indicate how the 28 dwellings could be arranged within the site.
- 3.3 The access is proposed to be located off the unmade public byway at Stow Lane at the north of the site and includes widening a 60m stretch of the byway to link it to the made highway to upgrade this to adoptable highway.
- 3.4 The indicative layout plan denotes a main route through the site leading north to south, with secondary accesses spurring off to serve some dwellings. An area of open space is proposed to the north adjacent to Stow Lane. A pedestrian access is indicated at the south of the site leading onto the intersection of Stow Lane/ Quaker Lane and Meadowgate Lane.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/0998/89/O	Residential development (1.28 ha) Land Rear Of 23 - 29 Quaker Lane Access Via Stow Lane Wis	Refused	14/12/1989
F/0426/88/O	Residential development (1.28 ha) Land to the rear Of 29 Quaker Lane Access Via Stow Lane Wi	Refused	08/11/1988
F/0260/84/O	Erection of a detached dwellinghouse North of The Old Gate House Meadowgate Lane Wisbech North Of The Old Gate House Meadowgate Lane Wisbech	Granted	17/05/1984
F/0474/82/O	Residential development Land off Stow Lane, Wisbech	Refused	08/12/1982

### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

Application is supported.

**5.2 Cambridgeshire County Council (Growth & Economy)**

Requests contributions towards pre-school facilities at Peckover School; primary schools facilities at Nene Infant and Ramnoth Junior and secondary facilities at Thomas Clarkson Academy and libraries and lifelong learning.

**5.3 Kings Lynn & West Norfolk Borough Council**

Holding Objection is raised on the grounds of prematurity until the BCP for the overall allocation is finalised, as the development in isolation could prejudice the implementation of that overall plan.

**5.4 Kings Lynn Drainage Board**

Offers standing advice relating to byelaws and Board's consents.

**5.5 Cambridgeshire County Council Highways Authority**

Raises concerns over whether the access can be delivered through the Stow Lane extension as proposed. Notes that the public right of way has an unspecified width and therefore the applicant could be reliant upon third party land to deliver the access. Provides the following recommendation based on an assumption that the red edge site curtilage is correct and the applicant has the available land to deliver the access as indicatively proposed, subject minor amendments to be agreed prior to commencement.

Considers that the development forms part of the East Wisbech BCP area and therefore this site should be considered as part of the wider BCP. This is to ensure the proposed development is integrated with the BCP and does not preclude any access opportunities for the BCP area. This is matter for FDC to consider from a policy compliance viewpoint rather than a matter of highway safety.

Advises that the site access infrastructure in geometry terms is very tight and is not conducive to CCC road adoption requirements. Recommends the access layout is resubmitted to achieve a more generous kerb radii, noting that 7.5m radius kerbs do not exist and therefore 8m kerb radii should be applied. Satisfied acceptable details can be submitted at a later stage and that this can be controlled by condition.

The crossing point will need to be moved to the tangent point which will mean that the footway will need extending slightly. Tactile paving should be detailed as being installed across Stow Road.

Advises that the location of the access influences the alignment of the estate road into the site. The first bend on the development access road is also too tight and is not conducive to CCC road adoption requirements, by virtue of it not being suitable to support two way traffic. A more generous kerb swept with localised widening should be applied to this bend.

Whilst the LHA accepts this is a matter relating to layout that could be addressed at reserve matters stage, the access and layout in this particular case are intrinsically linked. It is for this reason it's deemed appropriate to impose a pre-commencement condition that requires resubmission of the access details should permission be granted.

From a policy point of view, the LHA recommends the application is refused due to the unknown implications this development could have on the deliverability of the East Wibeck BCP.

If FDC are minded to grant, the following conditions are required;

1. Prior to commencement of development full details of;
  - a) The layout of the site, including roads, footways, cycleways, buildings, visibility splays, parking provision and surface water drainage.
  - b) The siting of the building(s) and means of access thereto.
  - c) Visibility splays
  - d) Parking provision
  - e) Turning Area(s)

Prior to commencement of development full details of;

-The widening to 5.5m and extension of Stow Lane (as indicatively detailed on submitted [access] plan. Details submitted shall include road widths (including alignment geometry and kerbing), footways, visibility splays, street lighting, surface water drainage and construction details.

-Details of the layout of the proposed means of vehicular access (including alignment geometry and kerbing), footways, visibility splays, street lighting, surface water drainage and construction details.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or behalf of the Local planning authority.

#### **5.6 CCC Public Rights of way (PRoW)**

Stow Lane is recorded on the Definitive Map and Statement as Byway Open to All Traffic No. 14 Wisbech. As a Public Byway, the public have the right to pass and repass long the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles. The developer should be made aware that the County Council does not own the byway. The highway rights are simply vested in the County Council as Highway Authority. The County Council does not know who the owner of the subsoil is and the developer will need to satisfy themselves as to this.

The byway is only maintained to the standard of a unsealed surface suitable for the majority of users.

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

It may be necessary to undertake minor works just to improve the surface of the track of the byway, but it would remain a byway. The applicant would need to discuss this further with the Highway Authority (HDM) if they wish to proceed.

Requests a pre-commencement condition requiring an access scheme for the design of the PRoW improvement/ alteration to accommodate the development.

#### **5.7 FDC Scientific Officer (Land Contamination)**

Raises no objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Contaminated land is not considered an issue.

#### 5.8 **Cambs Police**

Raises no objections at this stage.

Has reviewed Police incidents over the last six months. Considers the area around Stow Lane is low to medium in regards to vulnerability to crime.

Advises they would be happy to work with the developer regarding layout and design and lighting for the site.

#### 5.9 **Anglian Water Services Ltd**

AW has assets within or close to the development and requests an informative.

Foul drainage has capacity in the West Walton Water Recycling Centre.

Surface water disposal does not affect AW assets and therefore unable to comment. The EA should be consulted if the drainage system discharges into a watercourse.

#### 5.10 **Housing Strategy (FDC)**

25% affordable housing requirements on sites over 11 dwellings.

An off-site contribution could be agreed calculated in accordance with the mechanism provided in the Local Plan policy.

#### 5.11 **CCC Lead Local Flood Authority (LLFA)**

Confirm that they have no objection in principle - the applicant has demonstrated that sufficient attenuation can be accommodated within the site layout to attenuate flows to 1.9l/s. However attenuation basin could be better located to the south of the site.

Requests conditions requiring drainage scheme prior to commencement.

#### 5.12 **Environmental Services - waste**

No objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:-

A swept path plan should be provided to demonstrate an 11.5m refuse vehicle can access and turn on the public highway (as per section 5.2 in Transport Report).

Provides RECAP guidance on layout regarding wheeled bin collection

#### 5.13 **Senior Archaeologist (CCC)**

Records indicate that this site lies in an area of archaeological potential, on the eastern perimeter zone of the higher ground forming the Fen island.

Requires a pre-commencement condition to agree a written scheme of investigation for the site.

#### 5.14 **PCC Wildlife Officer**

Following submission of reptile survey raise no objection subject to the provision of a range of bat and bird boxes and/or bat tiles and exterior lighting control measures. Requests a minimum of 5m undeveloped habitat buffer to be retained both during and post construction.

#### 5.15 **Local Residents/Interested Parties**

##### **Objectors**

7 objections received raising the following concerns/ matters;

- precedent leading to piecemeal applications on adjoining land
- Increase in traffic – highway safety
- Inappropriate access location
- construction vehicles/plant routes damaging property
- Devaluing property
- The development should be made to provide an improved access for properties at Four seasons
- Outlook and views compromised
- Loss of privacy
- Noise/ disturbance
- loss of wildlife habitat
- Increase in crime/ ASB
- removal of trees on 3rd party land

### **Representations**

2 representations received raising the following matters;

- contrary to LP7, - 'cherry picking profitable elements' while not adding to the overall scheme.
- could have an effect on the density, connectivity, open space, SuDs etc. of the whole BCP
- May prejudice the delivery of the East Wisbech BCP
- Concerned over location of access serving the development

## **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**

### **7.1 National Planning Policy Framework (NPPF)**

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraphs 34, 54-57: Planning conditions and obligations.

### **7.2 Fenland Local Plan 2014 (FLP);**

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  
LP4: Housing  
LP5: Meeting Housing Need  
LP6: Employment, tourism, community facilities & retail  
LP7: Urban extensions  
LP8: Wisbech (east Wisbech strategic allocation)  
LP13: Supporting and Mitigating the Impact of a Growing District  
LP14: Climate Change and Flood Risk  
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

### 7.3 **Supplementary Planning Documents/ Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## 8 **KEY ISSUES**

- Principle of Development
- Access & Highways
- Biodiversity & Ecology
- Impact on the character and appearance of the area
- Flood Risk & Drainage
- Planning Obligations
- Resident Comments

## 9 **BACKGROUND**

- 9.1 Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN), alongside landowners and other stakeholders, have developed a Broad Concept Plan (BCP) for the East Wisbech strategic allocation.
- 9.2 The BCP was approved by Fenland's Planning Committee on 23rd May 2018 and by King's Lynn and West Norfolk's Cabinet on 29th May 2018.
- 9.3 The BCP sets out the aims and visions for the site taking into account opportunities and constraints for delivering housing and supporting infrastructure along with access routes into and around the BCP area and was informed by various studies including transport, ecology, drainage and landscape assessments.
- 9.4 The BCP therefore forms the basis for which the east Wisbech urban extension will develop. Work is currently underway by an applicant to undertake an Environmental Impact Assessment (EIA) for the BCP area prior to submitting a planning application(s) for more detailed matters. Future applications should accord with the principles and aims detailed within the approved BCP.

- 9.5 Full details of the East Wisbech BCP can be found via the following link;  
<http://fenland.gov.uk/eastwisbechBCP>

## 10 ASSESSMENT

### **Principle of Development**

- 10.1 Policy LP3 identifies Wisbech as being a focus for growth given its sustainable links to services and facilities. LP7 sets out the LPA's aims in achieving a majority of the growth in the main market towns through strategic allocations and broad areas for growth. Policy LP8 identifies East Wisbech (in which the application site lies) as being a strategic allocation accommodating around 900 dwellings in the Fenland area and 550 dwellings in the KLWNBC area.
- 10.2 LP7 identifies the importance of planning and implementing these locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure. LP7 goes on to state that, with the exception of inconsequential very minor development, proposals for development within the growth locations which come forward prior to an agreed BCP will be refused.
- 10.3 Whilst the application was originally submitted prior to the adoption of the East Wisbech BCP, since submission a BCP for the area has now been adopted and as such, in principle the proposal is considered to comply with the requirements of LP7 and the aims of LP3 insofar as proposing housing in a designated area for growth.
- 10.4 However, LP7 continues that where a BCP is approved in principle by the Planning Committee, subsequent planning applications are expected to adhere to the BCP. As such, the principle of development within the East Wisbech strategic allocation LP7 is subject to compliance with the principles of the approved BCP.

### **Compliance with the BCP**

- 10.5 This application was submitted prior to the approval of the BCP scheme. The applicant in their Design and Access Statement acknowledges that at that time the BCP was emerging but considers that the site is detached from the main BCP area due to the run of existing drains around its boundary, which as a result, it will not be able to benefit from access from the wider allocated land and instead will need to provide its own access.
- 10.6 The applicant considers that since the application site can be serviced completely independently and will not encroach in a piecemeal manner on the wider allocated land, it can be considered as inconsequential development in this instance as it will not compromise the sustainable delivery of the East Wisbech Strategic Allocation.
- 10.7 The Vision for East Wisbech sets out that a strong walking and cycling network is a key element of the BCP. This includes identifying new opportunities within the site and also maximising links to existing routes where they are available. East Wisbech is located a short distance from the town centre and the southern employment area and near to secondary and further education facilities. Walking and cycling are therefore very strong travel options and a very strong focus for the BCP. LP8 states that;



*“...all Wisbech development proposals, and especially the urban extensions ..., must have an exceptionally strong focus on the provision of deliverable measures which should result in a modal shift to sustainable transport modes for residents and workers of both the new development themselves and, where possible, for existing communities.”*

- 10.8 This supports the aims of LP15 which seeks to create a more sustainable transport network in Fenland, the main vision being;

*“...to deliver an integrated approach to transport in Fenland that is sustainable, facilitates growth, links town and country, encompasses cross boundary transport issues and improves accessibility for everyone by all modes of travel. An overarching aim of the Council is to reduce the need to travel, but, where travel is necessary, to minimise the distance needed to travel and increase the options available to undertake such journeys... All development proposals are expected, in proportion to the size and impact of the development being proposed, to contribute to the delivery of this Vision.”*

- 10.9 The ‘baseline summary’ section of the BCP report identifies the existing street network particularly to the south-west of the site comprises a number of cul-de-sacs with available cut-throughs for pedestrians and cyclists which provide good access to Quaker Lane and Meadowgate Lane and permeability to and from the site. The ‘movement and transport framework’ section of the BCP report states that;

*“Good opportunities therefore exist for walking and cycling routes to key facilities such as to the town centre, College of West Anglia (CWA) and the employment area in south Wisbech and these will need to be maintained and enhanced.”*

- 10.10 In addition the ‘movement and transport framework’ section of the BCP report notes that there are a number of existing Public Rights of Way (PRoW) around the edge and within the BCP site that are important to retain and enhance for use as main movement routes for pedestrians and cyclists and states;

*“Stow Lane in particular is already well used and should be safeguarded and enhanced where possible to ensure that pedestrians and cyclists can continue to use this route safely and conveniently for north-south movement on the west side of the BCP site. Connectivity with existing access points and to the wider walking and cycling network beyond the site, including the PRoW network to the east of the A47, should be recognised and maximised.”*

- 10.11 It is noted that the illustrative plan denotes a pedestrian walkway at the southwest corner of the site enabling pedestrian access to Meadowgate Lane. This accords with the aims of the BCP and would enable pedestrian access to the wider pedestrian network towards the centre of Wisbech.

- 10.12 The site relies on access from Stow Lane which is proposed to be widened in order to accommodate traffic flows into and out of the site. This will result in formalising a 60m stretch of Stow Lane which is currently unmade track into an adoptable highway. The baseline summary section of the BCP report identifies Stow Lane as “

*“a quiet enclosed country lane well used by pedestrians and cyclists.”*

- 10.13 The BCP seeks to safeguard Stow Lane for pedestrian and cyclists and identifies it as being rural in character. As such, the formalising of the road through widening and metalled surfacing to accept an increase in motor vehicle traffic would not result in an enhancement to the country lane appearance of Stow Lane and would not safeguard the lane for pedestrian and cyclists. Therefore the proposal in this regard is not considered to accord with the aims of the BCP and is therefore contrary to policy LP7, LP15 LP16(d) of the FLP.
- 10.14 Furthermore, the application has not come forward as part of any wider BCP scheme and therefore does not provide any details, or any guarantees of connectivity to the wider BCP site. To achieve this at a later time would be a matter of land owners' private agreement which the LPA has no control of. In the absence of a master planned approach, it is uncertain how the scheme would integrate into the BCP area thereby enabling an effective access network for future occupiers of the application site and the wider BCP to access services and facilities within the BCP area e.g. schools as well as the wider settlement of Wisbech. This uncoordinated approach would likely lead to additional access points along Stow Lane whereas were the site to connect to the wider BCP area, this could be better coordinated.
- 10.15 This emphasizes the importance of a master-planned approach to strategic sites, in order to ensure effective connectivity with existing access points and to the wider walking, cycling and general transport network beyond the site.
- 10.16 The applicant considers that as the drains are a necessary infrastructure, this prevents connectivity of the site to the wider BCP as it is unlikely that infilling the existing drains would be acceptable. However, given the existing location and network of drains across the BCP area, it is inevitable that some engineering over drains will be required in order to achieve the cross-site connectivity and sustainable transport links through the site. As such this point raised can be given little weight.
- 10.17 It is considered therefore that the application fails to take opportunities to provide effective and sustainable access and permeability for future occupiers of and visitors to the BCP area contrary to LP7, LP8 and LP15 of the FLP.

### **Access & Highways**

- 10.18 The LHA has raised no objection to the proposal on highway safety grounds but acknowledges the issue of the development and its relationship with the wider BCP area.
- 10.19 Whilst the LHA has raised the point that 7.5m kerb radii are not readily available, they could be sourced and would provide an appropriate access splay. Notwithstanding this, it is likely that should the development progress to design stage, at that point the specifics of highway geometry would be agreed through S278 highways process. Notwithstanding this, the LHA has requested further details, secured via a pre-commencement condition and linked to the wider layout of the site secured via reserved matters. Following amendments to the layout plan to demonstrate that a standard refuse vehicle can access the site, the proposed access is considered in principle to be acceptable, subject to final design. In this regard the proposal raises no concerns over its ability to provide safe and effective access to the site in accordance with LP15 of the FLP.
- 10.20 The County Council's PRow Officer has raised a concern that the recorded legal

width in the Definitive Map and Statement (the legal records of Public Rights of Way) of the byway at Stow Lane is not fully known. This may result in insufficient land within the ownership of the Highways authority being available to achieve the required road widths. In other words there may be a requirement for the developer to acquire third party land in order to deliver a sufficient access route from Stow Lane.

- 10.21 The process for establishing the extent of highways land in these circumstances can be time consuming and uncertain, particularly in cases where land does not fall under any recorded ownership.
- 10.22 The PRoW Officer has suggested a condition requiring full details of an access scheme for;
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures, and
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 10.23 The details would need to be agreed prior to the commencement of development. The design of the works would need to be in accordance with the County Council's Housing estate road construction specification.
- 10.24 Whilst it is of some concern that the physical extent of land available to achieve the required works to Stow Lane is unknown at this time, the burden would be on the developer to ensure that adequate land is obtained to undertake the works prior to commencing any development. The risk is therefore with the developer to ensure that they can progress the scheme to the satisfaction of the LHA and be able to deliver this within land under their ownership or agreed with a third party. Given that the works to Stow Lane is fundamental to deliver the development, it is considered appropriate to require full details as requested by the LHA and PRoW team in advance of any development commencing on the site.

### **Biodiversity & Ecology**

- 10.25 With the exception of the hedgerow at the point of the proposed access off Stow Lane, the application proposes to retain a significant majority of the trees and hedgerow along Stow Lane which is identified as an important landscape buffer in the BCP report (Figure 7 – features of landscape importance)
- 10.26 In addition, the applicant has provided additional and revised details in respect of Reptile & Water Vole Survey data in addition to the Preliminary Ecological Appraisal Report. The Council's Wildlife Officer has confirmed that they are satisfied with the information provided subject to securing suitable mitigation via planning condition.
- 10.27 It is considered that the development accords with the aims of LP16(b) and LP19 of the FLP.

### **Impact on the character and appearance of the area**

- 10.28 The application is in outline at this time with matters of layout, scale and appearance and landscaping reserved. As such these matters would be subject to consideration at a future time. The BCP identifies the site as an area for development and therefore it is implicit that there would be some impact on the area.

- 10.29 Figure 7 of the BCP 'features of landscape importance' identifies a key view across the site to the south towards the shelter belt and woodlands on the southern boundary of the BCP area. As such careful consideration over the protection of these views would be required at design stage.
- 10.30 At this time however, there is no evidence to suggest that the proposal in outline would amount to severe harm on these important views and that the development of the site, subject to final design, would likely be characteristic to the wider area which is allocation primarily for residential use.
- 10.31 As such there is no evident conflict with LP16(d) of the FLP.

### **Flood Risk & Drainage**

- 10.32 The application is supported by a Flood Risk Assessment notwithstanding that the site lies in flood Zone 1. The LLFA has reviewed the assessment and raises no objection in principle acknowledging that the applicant has demonstrated that sufficient attenuation can be accommodated within the site layout to attenuate flows acceptable discharge rates. The applicant proposes to discharge surface water into existing IDB controlled infrastructure.
- 10.33 A detailed surface water drainage scheme for the development is required prior to the commencement of development. Given that the layout of the site should be informed by the necessary SuDS infrastructure, it would be expected that this detailed scheme would come forward in advance of or concurrently with the submission of reserved matters for layout and landscaping.
- 10.34 As such the development at outline stage accords with the aims of LP14 of the FLP.

### **Planning Obligations**

- 10.35 Policy LP5 of the FLP seeks to secure appropriate housing to meet the needs of the district including affordable housing as well as meeting the particular needs of all sectors of the community. Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district. LP15 seeks to ensure that all development contributes to the delivery of transport related infrastructure. LP16(g) seeks to ensure that development provides publicly accessible open space and access to nature.
- 10.36 Officers have carried out consultation with Cambridgeshire County Council's Education, Waste and Transport teams, and the Council's Housing team along with the Developer Contributions SPD; which amongst other things sets out open space and outdoor sports contributions.

#### *Affordable housing*

- 10.37 LP5 sets out that developments of 10 or more dwellings would require 25% of housing within that development to comprise affordable housing – therefore 7 units for this development of 28 dwellings. It's currently understood from the Council's Housing team that schemes of less than 10 affordable units on site are unlikely to attract registered providers. As such a commuted sum would be sought based on the calculation detailed under LP5.

#### *Education*

- 10.38 Cambridgeshire County Council has identified that mitigation is required for the development in respect of Early Years, Primary and Secondary education where

all are at capacity and projects have been identified. They have confirmed that a contribution towards Libraries and Lifelong learning is also required but a waste contribution will not be sought in this instance due to there already being 5 x S106 contributions pooled against identified projects. The education contributions are as follows;

#### Early Years

Project: New pre-school facility at Peckover Primary School. The total cost of the project is £ £753,052 and contributions will be sought on the basis of £12,551 per place (£753,052/60 places).

Therefore a contribution of **£87,857** is sought as the development is expected to generate 7 places.

#### Primary Education

Project: Expand Nene Infant and Ramnoth Junior and increase the capacity by 300 places towards primary provision. The total cost of the project is £7,340,000 and contributions will be sought on a basis of £24,467 per place (£7,340,000/300 places).

Therefore a total contribution of **£293,604** is sought as the development is expected to generate 12 places.

#### Secondary Education

Project: New secondary school in Wisbech to provide 600 secondary education places. The total cost of the project is £22,000,000 and contributions will be sought on a basis of £36,333 per place (£22,000,000/ 600 places).

Therefore a total contribution of **£256,662** is sought as the development is expected to generate 7 places.

#### *Libraries and Lifelong learning*

10.39 The Libraries and Lifelong learning contributions are as follows;

Project: modify the layout of the library to enable us to increase the number of shelving units – both adult and junior, extra resources for the above units to provide an adequate service for the existing and new customers of Wisbech Library and extra study tables and chairs.

Contributions will be sought on a basis of £ £42.12 per resident. Therefore a total contribution of **£2,948** is sought as the development is expected to generate 7 places.

#### *Open Space & Sports*

10.40 In accordance with Developer Contributions SPD 2015 the open spaces and sports obligations can be broken down as follows: (site area is 2.73 hectares)

- Neighbourhood Park – **£ 5,200** off site contribution
- Natural greenspace – **£ 6,500** off site contribution
- Allotments – **£ 1,300** off site contribution
- Outdoor Sports contribution – **£ 10,400** off site contribution
- \*Children's Play – either 0.05Ha of land allocated with the site or **£5,200** off-site contribution

10.41 \*In respect of Children's Play, the SPD would usually require play equipment to be provided on-site for a development of this scale. However, given the size of the site and the adjacent BCP area which may ultimately provide for an equipped play area, the LPA may wish to secure an off-site contribution to go towards improving/ enhancing play equipment off-site. The development would still be

expected to provide an area of amenity greenspace to enable free-play which would be considered at reserved matters stages.

- 10.42 These above contributions/ obligations are all considered to meet the statutory tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as they are required to mitigate the impacts of this development i.e. to make the development acceptable.
- 10.43 The applicant has not provided a draft heads of terms nor have they indicated that there are viability issues with the scheme. As such it is assumed that the scheme could viably achieve the contributions/ obligations as set out above.

### **Resident Comments**

- 10.44 Whilst it is considered that most comments and concerns raised have been addressed in this report the following matters require consideration;

#### *Construction vehicles/plant routes damaging property*

- 10.45 A Construction management plan could be secured via planning condition which would secure details of construction traffic routes and compound locations etc. to minimise the impact of the construction phase of the development

#### *Devaluing property*

- 10.46 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

#### *The development should be made to provide an improved access for properties at Four seasons*

- 10.47 Statutory tests set out in the Community Infrastructure Regulations 2010 require that planning obligations must be necessary to;

- make the development acceptable in planning terms,
- directly related to the development and
- fairly and reasonable related in scale and kind to the development.

Obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

Having regard to the tests, securing an obligation to improve an area of private land not associated with the development would fail the CIL tests.

#### *Outlook and views compromised*

- 10.48 The planning system operates in the public interest and there is no right to a private view within planning legislation. However matters of outlook are a material consideration but are not considered as part of this outline application. They would instead be considered at design submission stage under reserved matters.

#### *Loss of privacy*

- 10.49 As with outlook, matters of privacy would be considered at design submission stage under reserved matters

#### *Noise/ disturbance*

- 10.50 Noise and disturbance from construction processes could be minimised through an agreeable Construction management Plan which could seek to secure a scheme for operating hours, sensitive receptors and mitigation measures etc. The site forms part of the wider strategic allocation which primarily seeks to

secure residential development. Notwithstanding this, the impact of future buildings and associated activities on existing occupiers would be considered at detailed design stage under future reserved matters.

*Increase in crime/ ASB*

- 10.51 The Police have been consulted on the application and has raised no objection to the proposals. The Police would be consulted on future reserved matters submissions with an approach to designing out crime.

*Removal of trees on third party land*

- 10.52 The granting of a planning permission does not convey the right to affect land under the ownership of a third party. In this regard private agreements would need to be secured.

## **11 SUMMARY AND CONCLUSIONS**

- 11.1 The site lies within the strategic allocation for East Wisbech as laid out under LP8 of the FLP. Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure. A BCP has been approved for the area.
- 11.2 The proposal in itself raises no technical issues in respect of highways, ecology, drainage or ground contamination. Furthermore, the proposal would likely include pedestrian/ cycle links to enable more sustainable modes of transport to access services and facilities in the centre of Wisbech. However the site is isolated from the wider site allocation and provides no certainty that in the future, it could be served by links to the BCP area to improve permeability. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of LP7, LP8 and LP15 of the Fenland Local Plan. It is considered that the benefits of the proposal do not outweigh the policy conflict.
- 11.3 In view of the issues raised and the identified policy conflict, a S106 draft heads of terms has not been progressed. As such, no agreement has been reached between the LPA and the applicant on the planning contributions being sought. At this time therefore the proposal also conflicts with Policy LP5 and LP13 of the FLP as the development fails to contribute towards the necessary affordable housing and infrastructure expected with development of this nature and scale.

## **12 RECOMMENDATION**

### **Refuse**

1. Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way. In doing so this should facilitate a modal shift to sustainable transport modes for residents and workers of both the new development and, where possible, for existing communities by minimising the distance needed to travel and increase the options available to undertake such journeys as identified under policies LP8 and LP15.

The site is isolated from the wider site allocation by and provides no links to the wider site allocation to improve permeability and enhance links to the future expansion of Wisbech. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services in this location e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of policies LP7, LP8 and LP15 of the Fenland Local Plan, 2014.

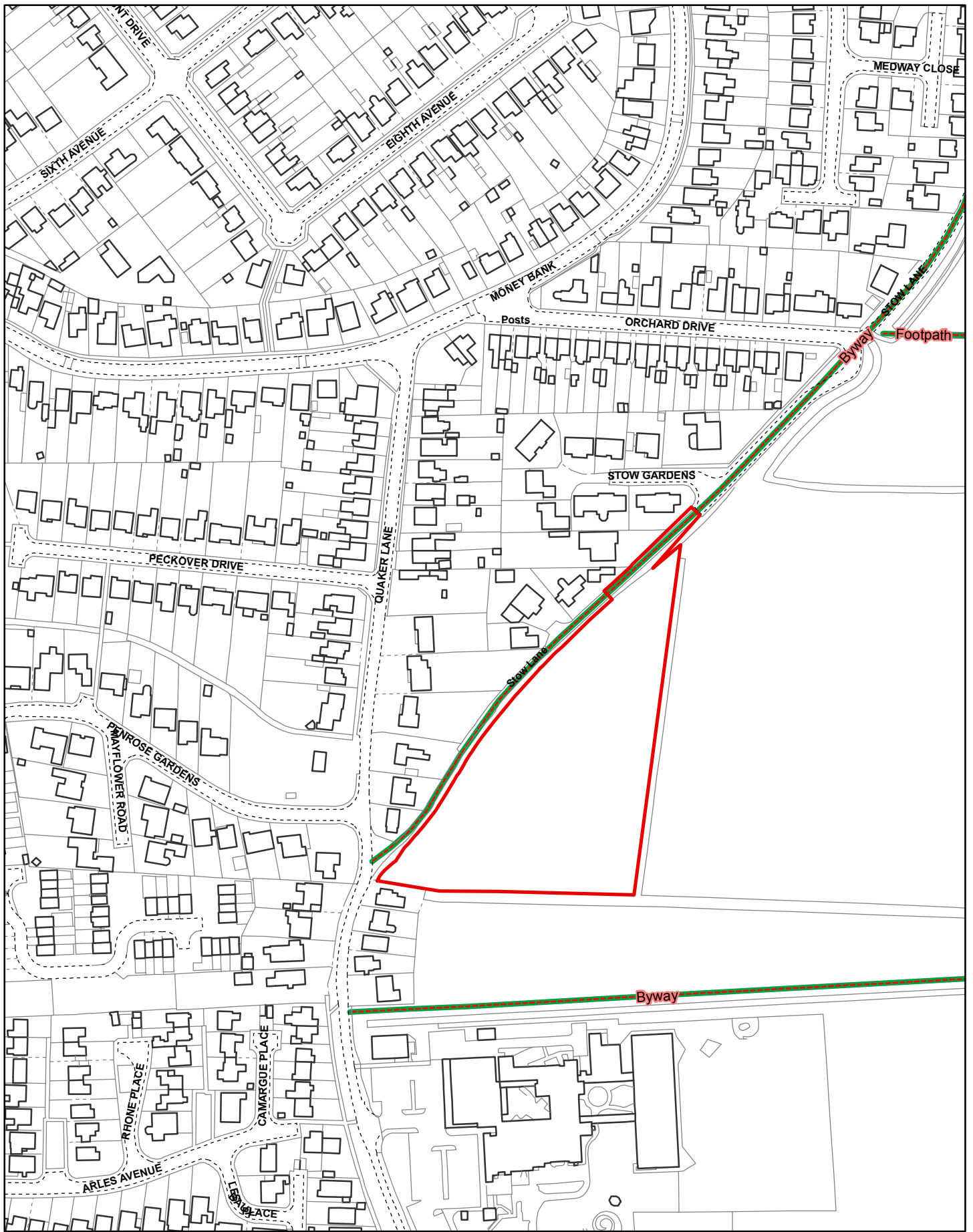
2. Policy LP15 requires development to deliver robust, well maintained and promoted networks and facilities for walking and cycling to encourage more sustainable modes of transport. Policy LP16(d) requires development to make a positive contribution to the local distinctiveness and character of the area. The Broad Concept Plan for East Wisbech approved under policy LP7 seeks to safeguard and enhance Stow Lane for pedestrian and cyclists and identifies it as a quiet enclosed country lane.

The application proposes to formalise a section of Stow Lane road through widening and metalled surfacing to accept an increase in motor vehicle traffic which would not constitute a positive contribution to the local distinctiveness and character to the country lane appearance of Stow Lane and would not safeguard and enhance the lane for pedestrian and cyclists. Therefore the proposal in this regard is not considered to accord with the aims of policies LP7, LP15, LP16(d) of the Fenland Local Plan, 2014.

3. Policy LP5 requires development of 10 or more units to secure affordable dwellings or in exceptional circumstances, financial contributions towards such provision. LP13 requires development to mitigate its impacts through necessary infrastructure contributions.

Notwithstanding refusal reasons 1 and 2, a planning obligation to ensure the provision of necessary infrastructure and mitigation has not been agreed and completed with the Local Planning Authority. In the absence of such an obligation, the development would be contrary to policies LP5 and LP13 of the Fenland Local Plan, 2014.





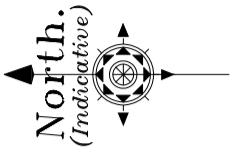
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Scale = 1:2,500



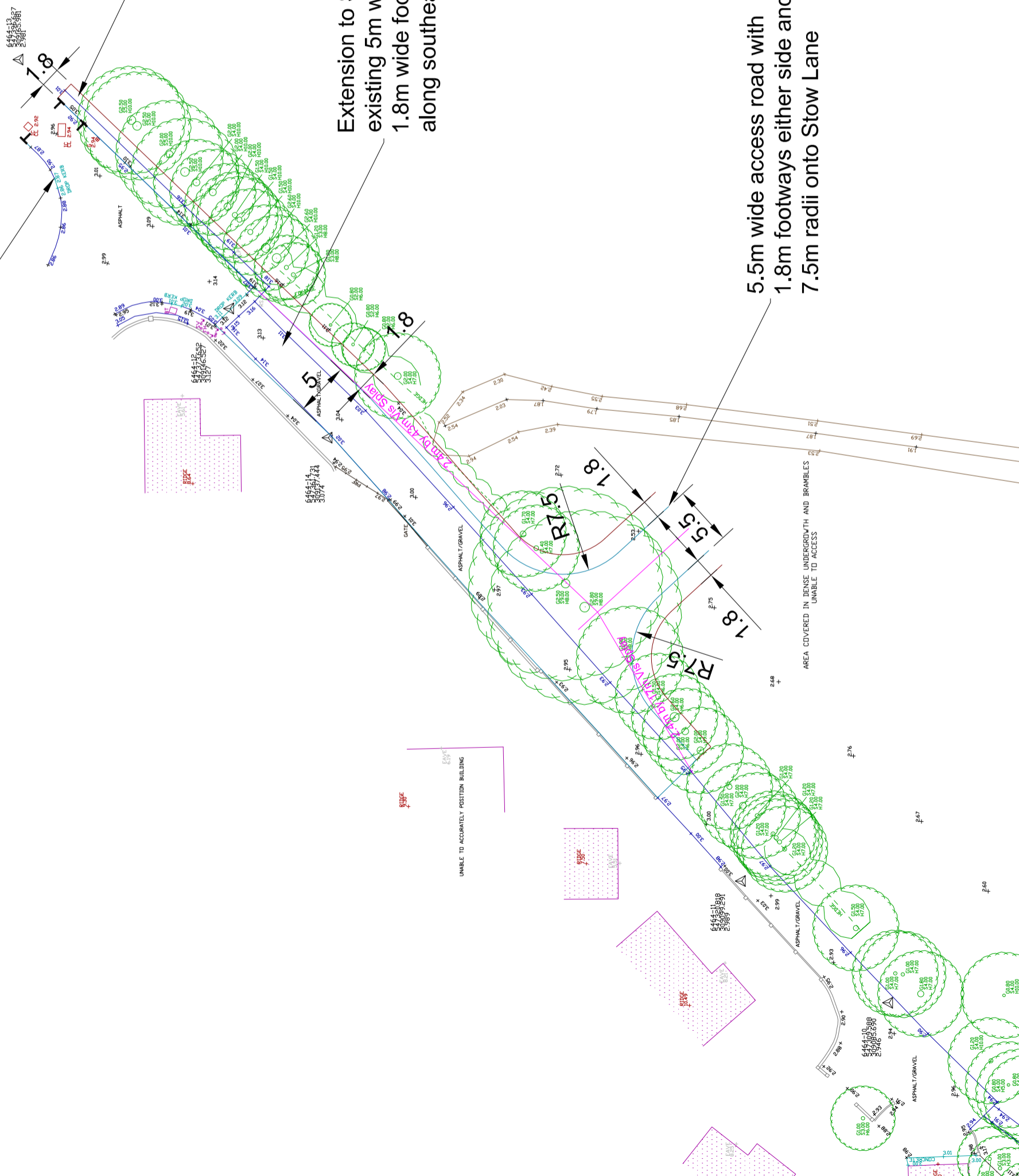


Existing dropped kerb crossing lengthened

1.8m wide footway extended past northeastern side of Stow Lane/Stow Gardens junction with dropped kerb crossing provided to existing footway on opposite side of Stow Lane

Extension to Stow Lane with existing 5m width extended and 1.8m wide footway provided along southeastern side

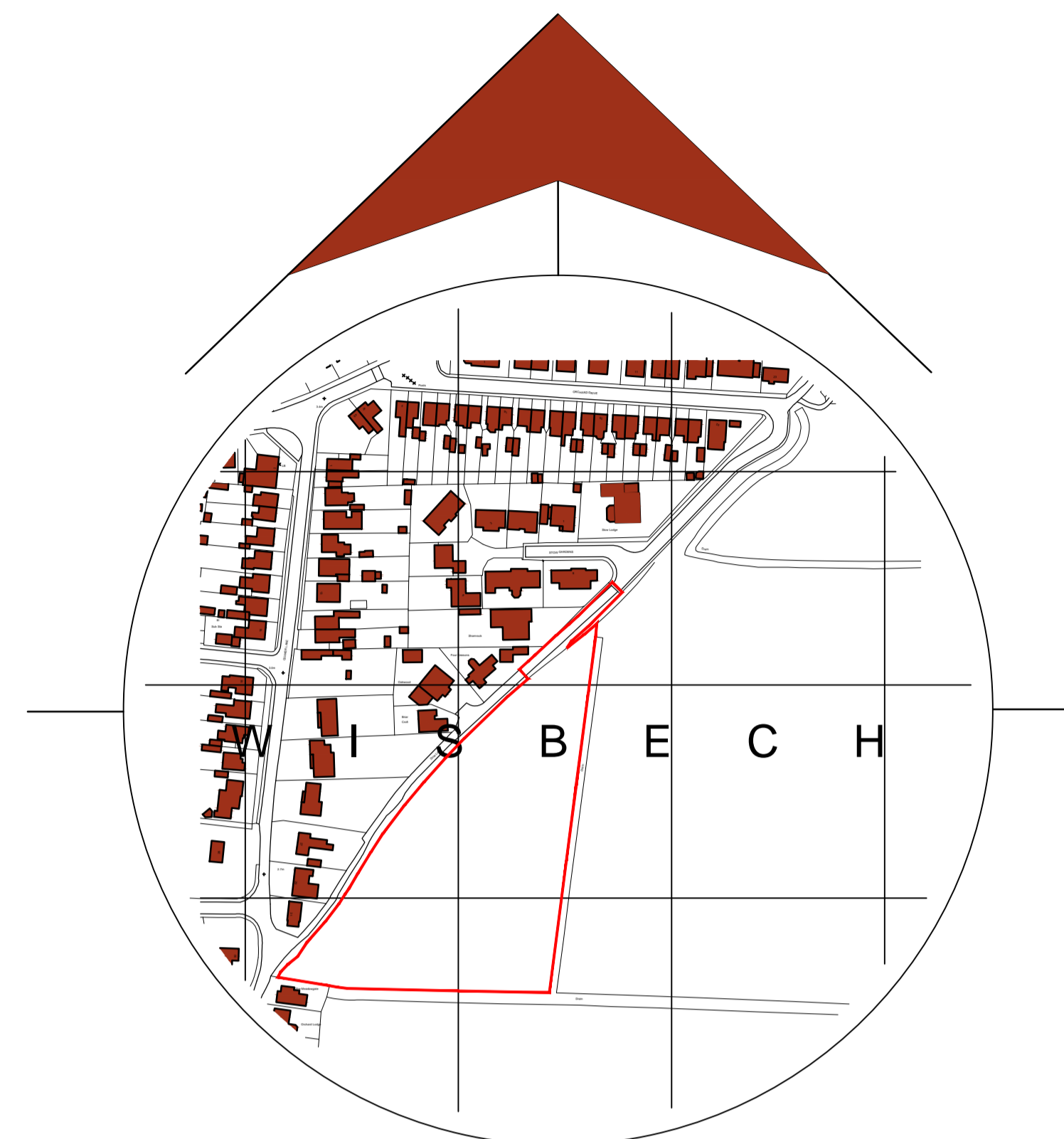
5.5m wide access road with 1.8m footways either side and 7.5m radii onto Stow Lane



REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR

 <b>MTC ENGINEERING</b> MTC Engineering (Cambridge) Ltd. Ground Floor, 24 High Street Witterford, Cambridgeshire, CB22 4LT Tel: 01480 253100 Email: <a href="mailto:office@mtcengineers.co.uk">office@mtcengineers.co.uk</a>	
<b>TITLE</b> LAND SOUTH OF STOW LANE AND EAST OF QUAKER LANE, WISBECH PROPOSED SITE ACCESS AND WIDENING TO STOW LANE	
ORIG	DATE
M.J.B	07-02-18
CHKD	SCALE
	1:200
APPR	DRAWING NO
	2030-04
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- General Notes**
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

**SITE PLAN KEY**

- Indicates proposed dwellings
- Indicates parking spaces and access
- Indicates existing neighbouring dwellings
- Indicates proposed trees
- Indicates proposed site boundary with natural hedging and trees
- Indicates proposed adoptable road and footpath
- Dotted line indicates existing objects to be removed
- Indicates proposed bin collection point
- Indicates existing trees

House Type Schedule				
Plot Number	Beds	Garage	Parking	Dwelling Type
1	3	0	2	Houses
2	3	0	2	Semi Detached
3	3	0	2	Semi Detached
4	3	0	2	Houses
5	3	1	2	Houses
6	3	1	2	Houses
7	4	1	2	Houses
8	4	1	2	Houses
9	3	1	2	Houses
10	3	1	2	Houses
11	3	0	2	Houses
12	3	0	2	Houses
13	2	0	2	Houses
14	3	0	2	Semi Detached
15	3	0	2	Semi Detached
16	3	0	2	Houses
17	3	0	2	Houses
18	3	0	2	Semi Detached
19	3	0	2	Semi Detached
20	3	1	2	Houses
21	3	1	2	Houses
22	3	1	2	Houses
23	3	1	1	Houses
24	3	1	1	Houses
25	3	0	2	Semi Detached
26	3	0	2	Semi Detached
27	2	0	2	Semi Detached
28	2	0	2	Semi Detached

Revisions

A	Sept 2018	Refuse vehicle turning added
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Status  
**FOR APPROVAL**

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Job Title Proposed Residential Development Stow Lane / Quaker Lane Wisbech, Cambs Mr Goodale	Date December 2017	Scale Various Sheet Size A1
Drawing Title Outline Planning Drawing Site & Location Plans	Job No. SE-824	Drawn by G.E.
	Dwg No. 01	Revision A