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**F/YR22/0722/PIP**

**Applicant: Mr & Mrs P & K Humphrey**

**Agent : Mr Jordan Trundle  
Peter Humphrey Associates Ltd**

**Land East Of Meadowgate Academy, Meadowgate Lane, Wisbech,  
Cambridgeshire**

**Residential development of up to 9 x dwellings (application for Permission in Principle)**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations contrary to the Officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

1.1 The proposal is an application for Permission in Principle to develop the site for up to 9 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the principle issues namely:

- (1) location,
- (2) use, and
- (3) amount of development proposed

and the second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.

1.2 Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset these can form no part of the determination at Stage 1 of the process. Accordingly matters raised via statutory bodies may not be addressed at this time.

1.3 The application site forms part of the East Wisbech Broad Concept Plan area, and is accessed from Meadowgate Lane. The principle of residential development of the land is identified in the Broad Concept Plan.

1.4 Considering the scheme purely on the basis of location, use and amount there could be no grounds to resist the grant of permission in principle.

## **2 SITE DESCRIPTION**

2.1 The site is located immediately east of the Meadowgate Academy and sits adjacent to agricultural land which has been earmarked as a school playing

field, with an application currently under consideration (reference: F/YR22/0817/F). This adjacent land had been previously been the subject of prior notification submission F/YR22/0673/PNC06 for 'Change of use from Agricultural Buildings to State-funded School (Use Class F1 (a))' however as there were no agricultural buildings on the site the proposal failed to accord with 'Class S' and the application was subsequently withdrawn.

- 2.2 To the south of the site is an established woodland area which is covered by TPO01/2018. To the north of the site runs a drain and established tree belt, again covered by TPO01/2018. Both these features run alongside a public byway although the presence of the drain separates the site from the byway and there is no direct access from the north.
- 2.3 The intended access to the land is from Meadowgate Lane with the access traversing along the southern boundary of the Academy grounds. The first section of this access has detailed consent under F/YR20/0054/O (Hybrid application which grants outline consent for up to 10 dwellings with full consent granted for access). The scheme detailed under this PIP proposes a continuation of this access road. The outline approval relates to land to the south of the Meadowgate Academy, east of Meadowgate Lane and west of the woodland area.
- 2.4 The site is accessed from the wider area by Meadowgate Lane. This is a narrow lane of varying width that leads onto Quaker Lane to the north, before joining Money Bank that gives access to the south-east side of Wisbech. Quaker Lane and Meadowgate Lane both provide direct access to dwellings along their lengths, as well as forming the only vehicular route to Meadowgate Academy. The road is generally lightly trafficked but during the site visit undertaken it was evident that it is a popular walking route as it the byway to the north of the site.
- 2.5 Meadowgate Academy is a specialist academy for pupils aged 2-19 who have an Education Health Care Plan. The earlier submission for 10-dwellings noted that all of the pupils that attend the school are brought to the site by car/minibus etc; however this would seem at variance to some of the representations received that indicate some pupils arrive by private car and some arrive on foot.
- 2.6 To the south of the site access, Meadowgate Lane continues for approximately 600m, providing sporadic access to other properties and pedestrian links to the residential development to the west. It then terminates prior to joining the A47 to the south, and therefore does not connect to the wider highway network in this area. It does provide a route for pedestrians, and particularly facilitates walking and cycling from the aforementioned residential developments.
- 2.7 The site lies within the East Wisbech Strategic Allocation for which there is an approved Broad Concept Plan in place.

### **3 PROPOSAL**

- 3.1 The proposal is an application for Permission in Principle to develop the site for up to 9 dwellings. As part of the submission a Design and Access statement has been provided and this indicates that the site is intended for 9 self/custom build dwellings albeit the permission in principle must relate solely to the number of dwellings as opposed to their 'form'.

- 3.2 The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the 'principle' issues namely:
- (1) location,
  - (2) use, and
  - (3) amount of development proposed
- 3.3 Should this application be successful the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.
- 3.4 The second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.5 The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale and with a north point) and the application fee.
- 3.6 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

#### 4 SITE PLANNING HISTORY

F/YR20/0054/O	Hybrid application: Erect up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout	Granted 17.11.2021
F/YR19/0199/SCOP	Scoping Opinion - Residential development with associated public open space, infrastructure, local centre and school	Further Information required 30/04/2019

#### 5 CONSULTATIONS

##### 5.1 Town Council

Recommend *'that the application be supported, subject to the Local Highway Authority being satisfied with the proposed access arrangements*

*Wisbech Town Council is, however, hopeful that approval of this application would not have negative implications for the County Council's proposal to expand Meadowgate Academy (which had been the subject of (withdrawn) planning application F/YR22/0673/PNC06)'*

- 5.2 **Councillor Miss S Hoy:** *'I would please like to object to the above application and please take my comments into consideration. I am very concerned as I am aware that there is imminent for an extension to the Meadowgate School and this application could jeopardise it. As proof they are going to be doing this, you*

*can see under application F/YR22/0673/PNC06 that they applied for change of use but withdrew it after being told it needs a full application to CCC. [...] whilst highways may be happy with the access for a few dwellings it won't be enough for a new 60 place expansion with the school This application has been rushed to get it in under the old local plan and gives no thought to the new school.*

- 5.3 **CCC Highways:** *'It is noted that the application is permission in principle, however a plan lacks sufficient information. Highways required more information than submitted. The plan only demonstrates a red line boundary for the location the proposed development.*

*Furthermore, it is noted that Meadowgate Lane is a narrow highway. The possible proposal would lead to an intensification of use of Meadowgate Lane, which is a main distributor route and would cause interference with the safety and free flow of traffic on this highway.'*

- 5.4 **FDC Tree Officer:** *'Looking at the aerial image, I think the main issue would be proximity to the north belt of trees. I would want some separation to between the site and the belt to ensure there is no future conflict with residents.*

*Shading from the belt of trees on the south boundary may also be an issue and the proposed access will need upgrading and this may impact on adjacent trees'.*

- 5.5 **Kings Lynn and West Norfolk Borough Council:** Comments to be reported to committee.

- 5.6 **Environment & Health Services (FDC)**

*'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate.*

*A study of the site's previous use using mapping data indicates little to no previous development history. Conversely, we are unable to conclude there has not been any previous use and therefore rule out the possibility of ground contamination. Without a definitive history this service would therefore have to recommend in the event this proposal is taken forward, the 'Unsuspected Contaminated Land' condition to be imposed given that sensitive use will be required of the site.*

*Having studied the area and the nature of the proposal, this service would recommend a robust construction management plan (CMP) if the proposal is taken forward but prior to any development taking place, to ensure any operational development does not cause harm to the amenity of the area, users of the adjoining highway and given the relative close proximity of a neighbouring school, it should also consider health and safety implications of such a development taking place near to such existing sensitivity.*

*A robust CMP should include the consideration of the following aspects of construction at this location:*

- o Site wide construction programme*
- o Contractors' access arrangements for vehicles, plant and personnel including the location, design and specification of construction access and the traffic routes to, from and within the site, details of their signing,*

*monitoring and enforcement measures, along with location of parking for contractors and construction workers*

- o Construction hours*
- o Delivery times for construction purposes*
- o Noise monitoring methods including location, duration, frequency and reporting of results to the LPA*
- o Vibration monitoring method including location, duration, frequency and reporting of results to the LPA*
- o Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment*
- o Site lighting*
- o Drainage control measures*
- o Screening and hoarding details*
- o Liaison, consultation and publicity arrangements including dedicated points of contact'*

5.7 **CCC (Lead Local Flood Authority):** No comments received

5.8 **Kings Lynn Drainage Board**

*'The Board has been made aware of the above application and wishes to make the following comments.*

*The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required consents. As such I strongly recommend that any required consent, as set out below, is sought prior to determination of the planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.*

*Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works potentially requiring Land Drainage Consent from the Board'.*

A summary of the consents required under the Land Drainage Act 1991 (including Byelaws) is also included within the consultation response.

5.10 **Cambridgeshire Fire & Rescue Service**

*'With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition'.*

5.11 **Local Residents/Interested Parties:** 17 letters of objection from 16 households within Wisbech have been received which may be summarised as follows:

Access, Traffic or Highways, Parking arrangements

- Likely pedestrian conflict with walkers who use the area, *'increased traffic will be a hazardous with no paths for road users and pedestrians'.*
- *'Roads are inadequate for more housing and cars'*

- *'Increasing the risk of someone getting seriously hurt. Very soon Meadowgate Lane will no longer be a safe quiet place for children and dog walkers. No traffic calming systems are in place and the area gets very busy as there is school, with SEN children attending'.*
- *Roads in poor condition and existing traffic is 'absolutely dire already'.*
- *'[...] school which generates considerable traffic during term time with numerous minibuses queuing and many special needs students walking to the premises twice a day. It is inherently dangerous already (with careless parking and driving by parents) without adding further traffic especially during the construction phase'.*
- *'Planning permission for original 10 units indicated that the access would not serve any further development'*
- Query raised as to who will be responsible for the highway costs

### Principle issues

- *'This area already has approved planning for a number of properties some Cambridgeshire some Norfolk but they will all only have access through a single track road. There is a large new estate being built which will have pedestrian access also to Meadowgate lane. There are also proposed plans for new housing estate only a few fields away, are we no longer to have any green land in Wisbech.'*

### Residential Amenity, Design and Character

- Density/Over development
- *'another example of just putting houses anywhere. If we carry on there will be no unspoilt areas left'.*
- Overlooking/loss of privacy, proximity to property, shadowing and loss of light, Loss of view/outlook
- Light pollution
- Backfill
- Extended application is [...] almost double the previous proposed plans and detrimental to the established residents and their welfare.
- Out of character/not in keeping with the area
- *'There are already many houses being built backing on to Meadowgate Lane which will change the character of the area. A select development of the original 10 ok if you must but just to keep adding 9 now, then maybe more and with the additional proposals to build many other houses in that area there will be no green space left. This is a relatively unspoilt area where people can go for their mental and physical wellbeing going to be eroded by buildings and traffic'*
- Visual impact, design and appearance
- *'[...] yet another piece of Fenland landscape ruined by a greedy corporation'*
- Meadowgate Lane will become a noisy road instead of a quiet country lane

### Environmental Concerns/Trees

- Wildlife concerns; the land is important for wildlife of which a range of species live within.
- Consider it likely that further road widening would be necessary which will further impact on the character of the area and wildlife
- Loss of fields and natural land for wildlife and recreational access
- Losing 'trees that could help fight global warming'.

### Other matters:

- Devaluing property
- Would set a precedent
- Does not comply with policy
- Drainage
- Local services/schools/infrastructure - unable to cope; no amenities to support the development. Will the developer fund improvements to wider infrastructure?
- Noise, smell and waste/litter; there is evidence of drug use, littering and fly tipping on the site
- Anti-social behaviour
- Raises concern regarding the level of consultation undertaken
- Agricultural land, houses are already going up on the agricultural site
- Need to consider how the development will impact on vulnerable children in the nearby school, both during and post development
- Notes the housing being built around the college and that the roundabout isn't being built now which they consider was not thought out properly.
- Concern that the site will be developed incrementally, the original 10 houses should not have been approved and certainly no more.
- Concerns regarding access, safety and wildlife were raised in respect of the earlier scheme for 10 but despite objections planning permission went ahead.
- Considers this submission and the earlier approval contradict each other.

## **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)**

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. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para 12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Chapter 5. Delivering a sufficient supply of homes

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.  
Chapter 12. Achieving well-designed places  
Chapter 14. Meeting the challenge of climate change, flooding and coastal change  
Chapter 15. Conserving and enhancing the natural environment

## 7.2 **National Planning Practice Guidance (NPPG)**

Determining a planning application

Paragraph: 008 (Reference ID: 58-008-20170728) Site allocations in existing local or neighbourhood plans do not have a grant of permission in principle; however, planning applications should be decided in accordance with those site allocations unless material considerations indicate otherwise.

Paragraph: 012 (Reference ID: 58-012-20180615) The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

## 7.3 **National Design Guide 2021**

Context: C1 Understand and relate well to the site, its local and wider context;

Identity: I1 Respond to existing local character and identity; I2 Well-designed, high quality and attractive; I3 Create character and identity

Built Form: B1 Compact form of development; B2 Appropriate building types and forms

Movement: M2 A clear structure and hierarchy of connected streets; M3 Well considered parking, servicing and utilities infrastructure for all users

Nature: N1 Provide high quality, green open spaces with a variety of landscapes and activities, including play; N3 Support rich and varied biodiversity

Uses: U2 A mix of home tenures, types and sizes; U3 Socially inclusive

Homes and Buildings: H1 Healthy, comfortable and safe internal and external environment; H3 Attention to detail: storage, waste, servicing and utilities

Lifespan: L3 A sense of ownership

## 7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP8 – Wisbech; East Wisbech Strategic Allocation

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## 8 **KEY ISSUES**

- **Principle of Development**



- **Location**
- **Use**
- **Amount of development proposed**
- **Matters raised during consultation**

## **9 BACKGROUND**

- 9.1 The application site is located within the East Wisbech Strategic Allocation, for which there is an approved Broad Concept Plan in place setting out the nature of the development proposed and how it is envisaged to integrate into the wider area.
- 9.2 A stand-alone hybrid application was approved under F/YR20/0054/O for the erection of up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout' on land immediately to the south of the first part of the access proposed to serve this site.
- 9.3 This development was approved as it was considered that the principle of residential development was set out as acceptable in the East Wisbech Broad Concept Plan. The officer report at that time also highlighted that the site was also within the Primary Market Town of Wisbech, which is identified within the settlement hierarchy as being where the majority of development is expected to take place over the plan period (Policy LP3 refers).
- 9.4 The Planning Committee at its meeting on 23<sup>rd</sup> September 2020 favourably recommended the scheme, albeit they did move away from the original officer recommendation with a consequence that more extensive highway works were secured to the Meadowgate Lane carriageway. Noting that the case officer had brokered a scheme which did not have the character impacts that would accrue from the more 'engineered' scheme, Members felt that highway safety should be given more weight than the landscape features of the existing verges etc.
- 9.5 Notwithstanding that a suitable scheme had been arrived at regarding access in terms of engineering detail there was still a clear message postulated within the officer report regarding access to the wider BCP area from Meadowgate Lane not achieving policy fit with regard to the broad concept diagram which indicated that only walking and cycling routes would be delivered from this approach.
- 9.6 There is no site-specific application background in relation to the proposed site although the land was included in a Scoping Request covering the entirety of the BCP site in 2019. It is further noted that pre-application advice was not sought in respect of the current scheme.

## **10 ASSESSMENT**

- 10.1 Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

### **Location**

- 10.2 As indicated in the background section above the site is part of the East Wisbech Strategic allocation and there is an adopted BCP in place. The BCP indicates that the area which is the subject of the application for Permission in

Principle is annotated within the Main Diagram as accommodating a 'vehicular access point', together with a 'new circulation route through housing areas' (both running on a north to south alignment and linking to land to the north and for 'development' – although it must be accepted that the annotations contained within the BCP Main Diagram are broad-brush.

- 10.3 Although an allocation in the local plan does not convey permission in principle in its own right such an allocation is material in the consideration of a PIP submission; accordingly, the location of site is considered acceptable for residential development.

### Use

- 10.3 Again it is noted that the land in question forms part of a wider allocation for residential development and accordingly it is accepted that the 'use' proposed is acceptable in principle; reiterating that it is only matters of principle that may be considered.

### Amount of development proposed

- 10.4 The BCP notes that '*Work undertaken by Colliers International for both Councils [Kings Lynn and West-Norfolk Borough Council and Fenland District Council] has indicated that with 73.24ha available (50.0 ha for housing) overall up to around 1,730 units could be able to be provided on the site. Overall, this equates to about 25 dwellings per hectare across the whole site with a residential density of about 34 dwellings per hectare within the actual housing areas*'.
- 10.5 The density proposed under the scheme to the south-west of the site (1.22 ha) fronting Meadowgate Lane equates to circa 12 dwellings per hectare with the current site proposing a density of circa 9 dwellings per hectare.
- 10.6 Whilst the site does not achieve the density level specified within the BCP it is noted that it aligns with that agreed on the adjacent site and is appropriate to this 'edge of allocation' site, noting that it is appropriate to mark the transition of the ultimate BCP development into the more sporadically developed land beyond.

### Matters raised during consultation

- 10.7 Issues raised during the consultation focus on the following themes and the table below considers these in turn and indicates where they are relevant to the PIP consideration, or indeed if they fall to be considered at the 'technical' stage.

1	Highways and access; specifically, the earlier stance of the LPA relating to the suitability of the access to serve additional dwellings and the need to ensure that it does not ultimately provide access to the wider area.	This is a 'technical' matter, outside the scope of the Permission in Principle submission
2	Design and layout including residential amenity impacts	These are 'technical' matters, outside the scope of the Permission in Principle submission
3	Drainage	This is a 'technical' matter,

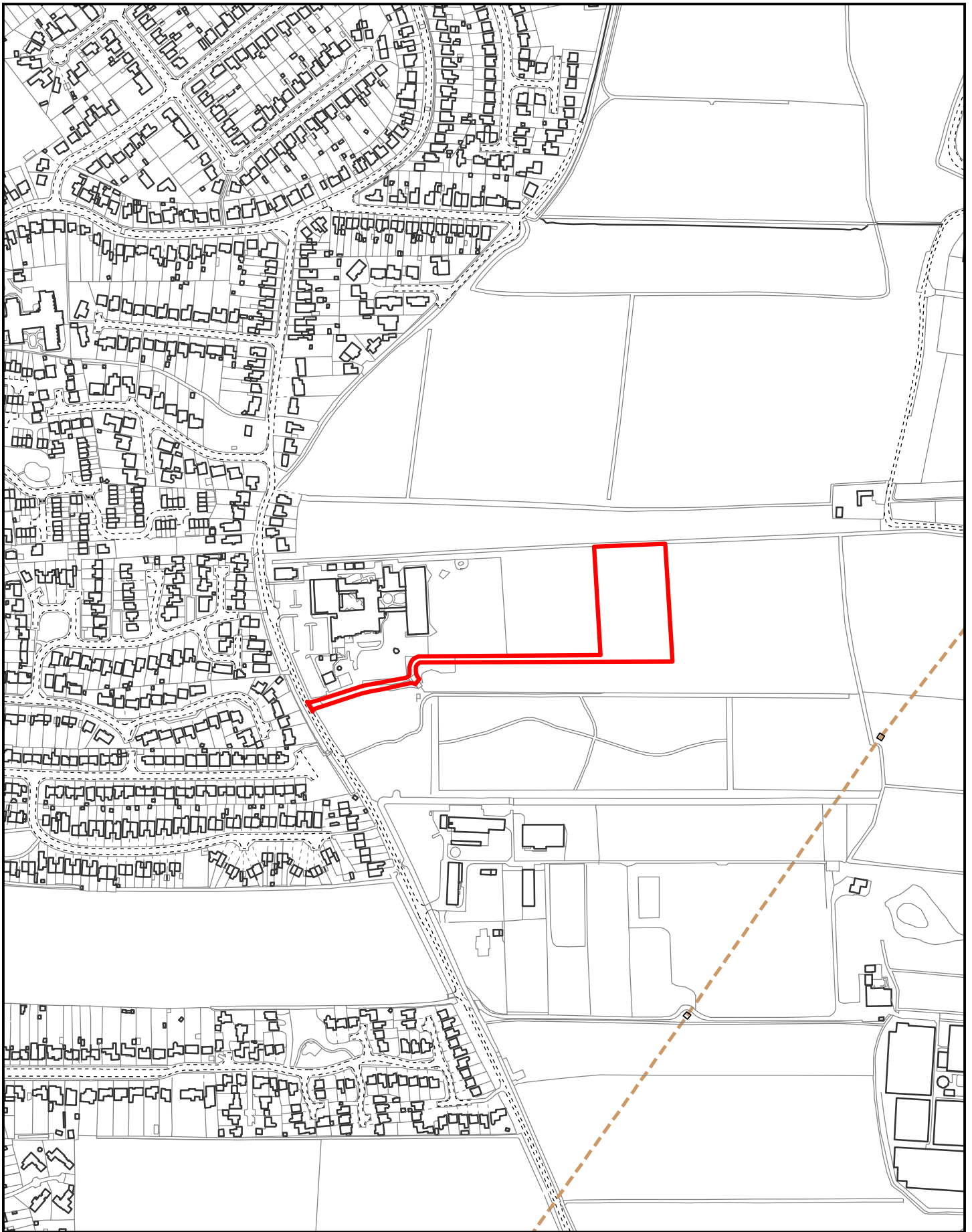
		outside the scope of the Permission in Principle submission. It is acknowledged that the site is within a Flood Zone 1 location.
4	Infrastructure delivery	This is a 'technical' matter, outside the scope of the Permission in Principle submission; due consideration would be given to Policy LP5 at detailed stage should PIP be granted.
5	Construction management	This is a 'technical' matter, outside the scope of the Permission in Principle submission
6	Fire Hydrants	This is a 'technical' matter, outside the scope of the Permission in Principle submission
7	Wildlife, biodiversity and landscaping	These are 'technical' matters, outside the scope of the Permission in Principle
8	Consultations undertaken	Consultations have been undertaken in accordance with the relevant legislation, although only a limited number of premises were directly consulted a site notice was displayed close to the site.
9	Loss of agricultural land	It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds especially against the backdrop of an adopted BCP for the land in question
10	Concerns regarding incremental delivery	This site forms part of the East Wisbech Strategic allocation. It has been accepted through appeal decisions that piecemeal development of wider allocations is not sufficient reason to withhold consent <i>per se</i> .

		Connectivity to the wider BCP would be a matter for consideration at the technical stage
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## **11 CONCLUSIONS**

- 11.1 As indicated above it is only location, use and amount of development that may be considered at the first 'permission in principle' stage and these elements are found to be acceptable.
- 11.2 Whilst legitimate concerns are raised by consultees and interested parties the legislation is clear that these would form part of the 2<sup>nd</sup> stage 'technical' considerations and may not influence the outcome of the PIP decision. The grant of permission in principle alone does not grant planning permission with the second part of the process requiring the 'technical' details to be found 'sound' in order for the site to achieve the equivalent to a grant of planning permission.
- 11.3 It should be further noted that there is no mechanism to attach conditions to a Stage 1 permission in principle with the application either being granted or refused.

## **12 RECOMMENDATION: Grant Permission in Principle**



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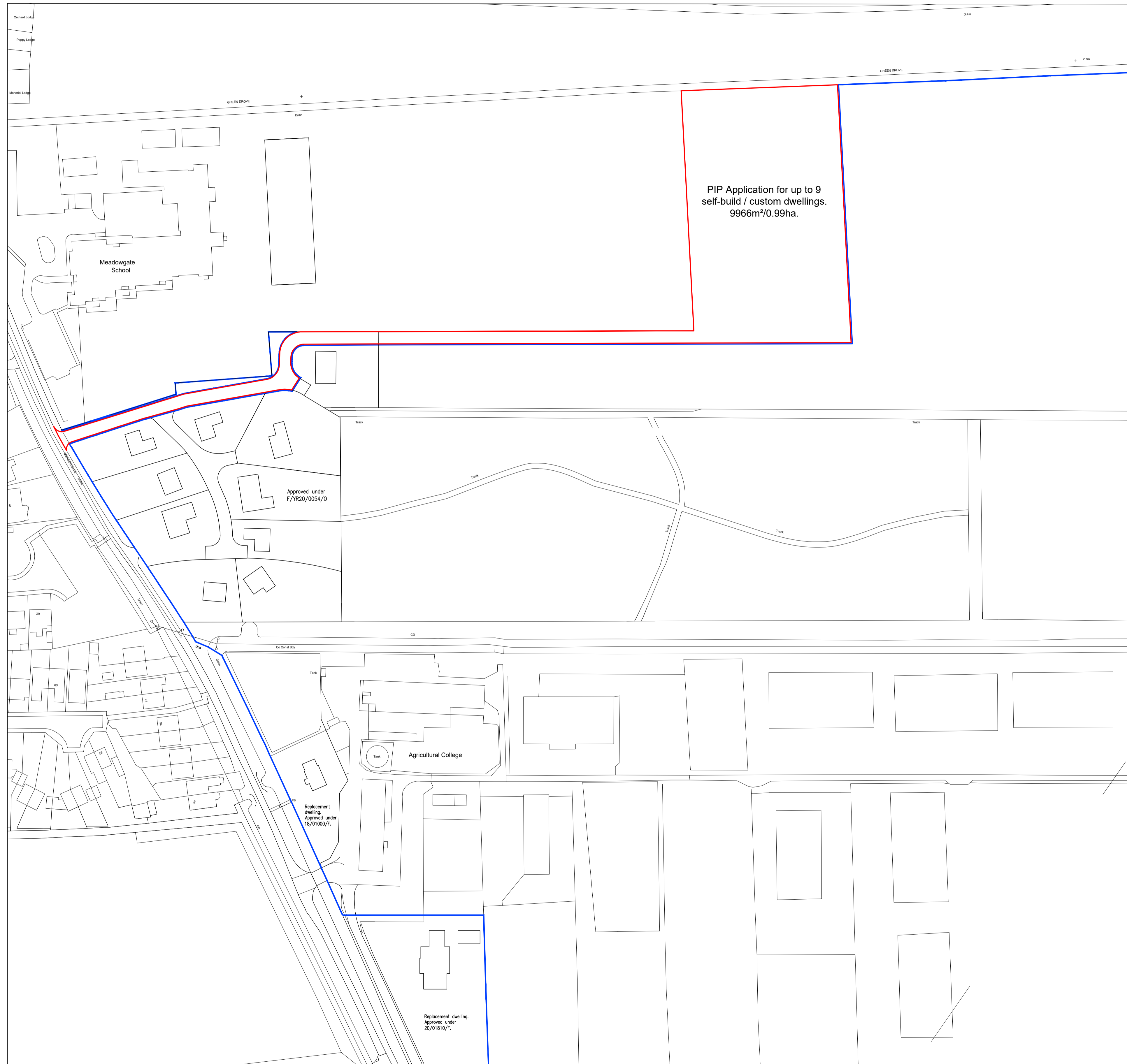
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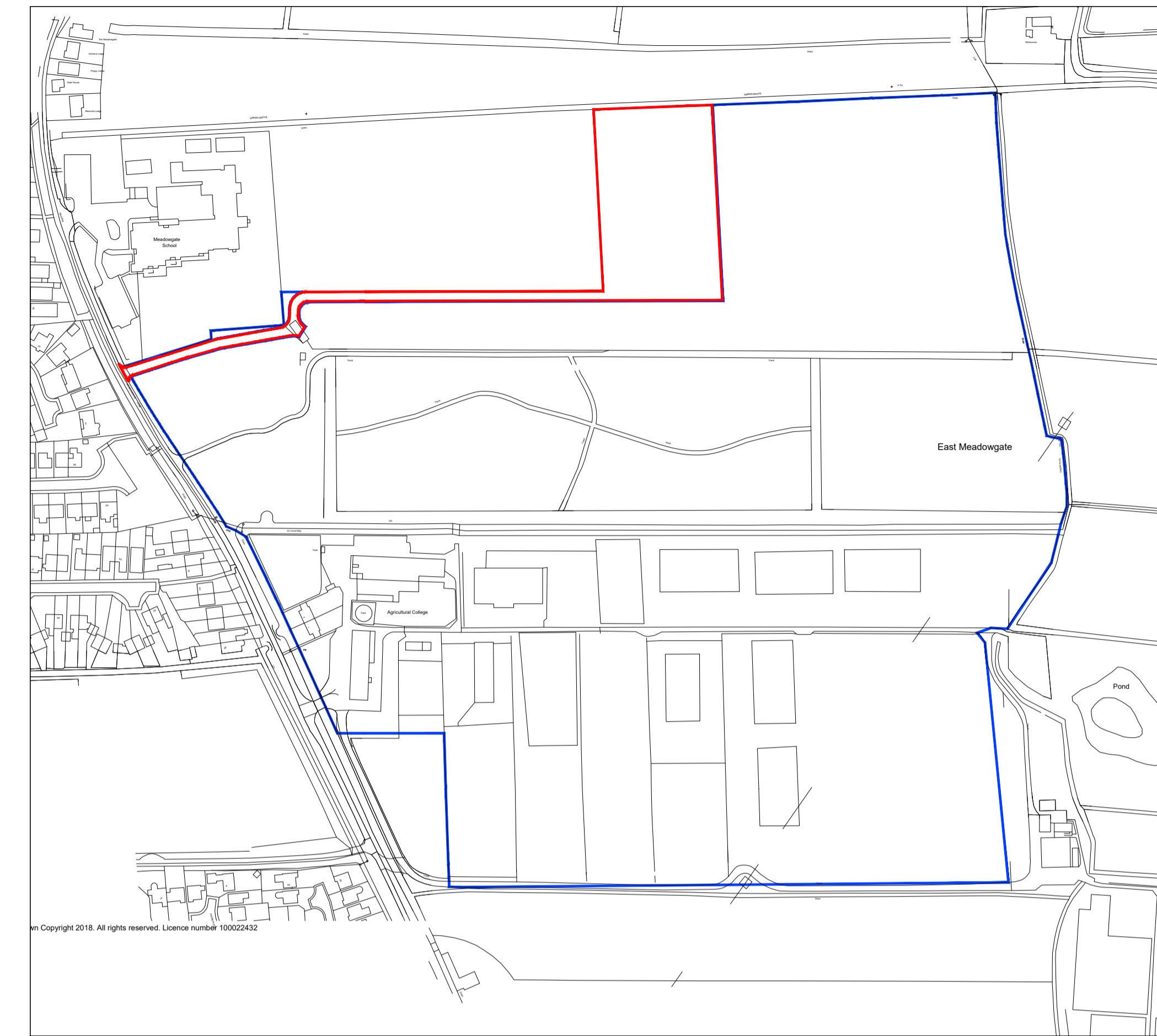
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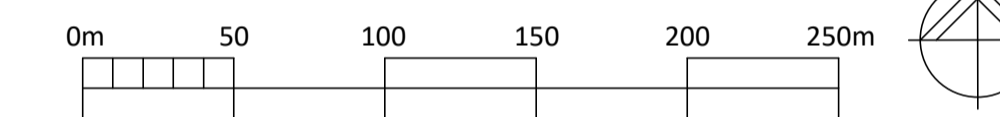
 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



SITE PLAN 1:1000



LOCATION PLAN 1:2500



A - 14.06.2022 - Amendments to red line and site area.  
REVISIONS



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CLIENT

MR P & MRS K HUMPHREY

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

SITE

LAND EAST OF MEADOWGATE ACADEMY  
MEADOWGATE LANE  
WISBECH  
CAMBS  
PE13 2JH

DRAWING

PERMISSION IN PRINCIPLE DRAWING

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