
F/YR12/0569/O

**Applicant: Ashley King Developments
Ltd**

**Agent : Mr Tim Waller
Waller Planning**

Land East Of 46, Old Lynn Road, Wisbech, Cambridgeshire

Residential development of up to 149 dwellings; retail development of up to 910 sq.m.; open space; landscaping; and pedestrian, cycle and vehicular access off Lynn Road.

Reason for Committee The recommendation differs from the view of the Town Council.

1 EXECUTIVE SUMMARY

This proposal is in outline form with the detail of access only for up to 149 dwellings, retail development and access was considered acceptable in principle. This was however subject to the signing of a Section 106 agreement for the provision of affordable housing, education, healthcare, highways public open space and waste recycling. For a period of over 6 months despite assurances, the applicant has provided no evidence of being able to deliver such an agreement. In the absence of such an agreement the proposal is considered contrary to Policy LP13 of the Fenland Local Plan.

2 SITE DESCRIPTION

- 2.1 The application site covers an area of approximately 5.78ha and is located in the north eastern corner of the district, to the east of Old Lynn Road (B Classified) main arterial route into Wisbech from the north-east. The site is located 1.8km from the Town Centre of Wisbech and is served by a dedicated cycleway and regular bus services (Stagecoach Norfolk No. 66 & XL).
- 2.2 Approximately two thirds of the site is open agricultural land, the remaining third, the south-west corner, is occupied by an agricultural nursery, which consists of a number of agricultural glass houses and warehouse buildings. The site is surrounded by residential properties to the south and west, with open countryside to the north and east. The site is bounded by a mature hedgerow along the west and southern border, with an established ditch along the north and eastern borders. Vehicular access is made from Old Lynn Road at two points; a field access to the north and a made up access to the nursery to south.
- 2.3 The site lies immediately to the north and outside the built up area of Wisbech, however, that part of the site occupied by the nursery and comprising glass houses and warehouse building.
- 2.4 Most of the site is within Flood Zone 3, small areas/pockets of the site along its southern boundary fall within Flood Zone 2. The site is located within the Internal

Drainage Board (IDB) catchment of King's Lynn Drainage Board.

3 **PROPOSAL**

- 3.1 The planning application was originally submitted in July 2012. At that time, it proposed residential development of up to 150 dwellings, public open space, and retail development of up to 2,000m² floor space.
- 3.2 Following concerns about the impact of the retail element on the vitality and viability of the town centre, flood risk and requirement for further supporting information the proposals were subsequently revised to propose a similar amount of residential development but retail floor space has been reduced to a maximum of 910 sq m floor space. The proposed retail development would comprise a mini supermarket, of around 350 sq m, and three other smaller store of around 190 sqm. The smaller stores may now also include A3 (café or restaurant) and A5 (hot food take-away) uses, up to a maximum floor space of 561 sq m.
- 3.3 This is an outline application where all matters are reserved other than access. This means that details of the final access arrangements within the site, layout, appearance, scale and details of new landscaping are all reserved for determination at a later date. The application therefore seeks to establish the principle of new retail and residential development on the site.
- 3.4 Vehicular access to the site will be via a ghost island right turn lane priority junction with Lynn Road located at the eastern boundary. The proposed access is located approximately 108m north of the junction with Old Lynn Road and 40m south of the existing access to Wisbech Town Football club.
- 3.5 Accessibility improvements are also proposed and include:
 - A new 2.5m combined footway/cycleway along the length of the site frontage, linking to on-street cycle lanes on Lynn Road and Old Lynn Road;
 - A new 2.5m combined footway/cycleway between Windmill Gardens and Wisbech Town Football Club on the western side of Lynn Road;
 - To provide new and replacement uncontrolled pedestrian crossing points and central island refuges to access Wisbech Town Football Club and the proposed footway on the west side of Lynn Road; and
 - The provision of new bus stops on Lynn Road to provide access to bus services X1 and 766. The new bus stops will be significantly reduce the walking distance to bus services, compared to the existing stops which are in excess of 400m.
- 3.6 The application is accompanied by illustrative drawings (including a masterplan and drawings of the housing and retail proposals) and the following supporting information:
 - Archaeological Investigation report.
 - Design and Access Statement (Waller Planning).

- Ecological and Protected Species Survey (Scarborough Nixon).
- Flood Risk Assessment (Addendum by WSP).
- Planning Statement (Waller Planning).
- Retail Statement (Indigo Planning).
- Statement of Community Involvement.
- Transport Assessment (WSP)
- Illustrative Masterplan (Studio 11 Architecture).

3.7 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=M7M18HHE06P00>

4 **SITE PLANNING HISTORY**

F/YR12/0513/SC - Screening Opinion:- Development of 150 residential units, up to 2,000msq of retail floor space, vehicular access and public open space -

F/YR12/0197/F - Erection of a polytunnel (retrospective) – Granted 02.05.2012.

F/YR08/0071/F - Extension to existing glasshouse – Granted 21.02.2008.

F/YR03/0635/F - Erection of a glasshouse – Granted – 06.10.2003.

F/YR01/1242/F- Erection of polytunnels – Granted - 01.02.2002.

5 **CONSULTATIONS**

5.1 A re-consultation/publicity exercise was carried out in 2016 and 2018. The responses to consultations include comments received to both exercises.

5.2 **Anglian Water:** No objections.

5.3 **Borough Council of Kings Lynn and West Norfolk:** Has stated that “the proposal does not accord with the general direction of growth for Wisbech or is located within the indicative urban area as identified in the Key Diagram for Wisbech as specified in the Local Plan 2014, the Council has no comments to make.”

5.3 **Cambridgeshire County Council (Archaeology):** No objections or requirements.

5.4 **Cambridgeshire County Council (Highway Authority):** No objections subject to conditions including the provision of:

- Travel Plan.
- Footways/cycle ways.
- Pedestrian crossing and replacement central island refuge.
- New bus stops.

and financial contributions secured through a S106 agreement in relation to the following matters:

- £14,000 towards maintenance of two bus stop shelters to be installed on Lynn Road.
- £16,000 towards the maintenance of two Real Time Passenger Information (TPI)
- £15,000 towards the feasibility study of accident remedial scheme at the Freedom Bridge Roundabout.

5.5 Cambridgeshire County Council (LLFA): No objections subject to conditions and informative relating to surface water drainage and maintenance.

5.6 Cambridgeshire County Council (S106 Officer): Recommends the following contributions:

- Early Years School Provision - £171,559.76.
- Primary Need - £1,665,684.
- Secondary Need - No contribution.
- LLL(Libraries) - £15,710.76.
- Strategic Waste - £26,820.
- Monitoring Fees - £600.

5.7 Cambridgeshire County Council (Wildlife Officer): Recommends the following:

- A full water voles survey before any works that impact on the eastern boundary ditch.
- Avoidance of site clearance works during bird nesting period.
- Installation of bird and bat boxes/tiles.
- External lighting to be baffled downwards.
- Bat friendly landscape planting.
- 10m buffer along eastern boundary and 5m buffer along northern boundary.
- Design of SUDs drainage system to avoid pollution entering the existing drainage ditch.
- Landscaping scheme to incorporate a range of native wetland species.
- An updated ecological survey will be required if the application is to be delayed further.

- 5.8 **Cambridgeshire (Crime Prevention):** No comments.
- 5.9 **Environment Agency:** Has stated that the majority of the site is located in Flood Zone 3 and it is for the LPA to apply the Sequential and Exception Test. The LPA should consider whether safe access/egress would be available in the event of flooding. The EA has no objections subject to a condition requiring site ground levels to be raised by 0.5m.
- 5.10 **FDC (Housing Strategy):** Recommends the provision of 37 affordable houses subject to viability, with an affordable tenure mix of 26 affordable rented houses and 11 intermediate tenure houses.
- 5.11 **FDC (Parks and Open Spaces):** The public open space areas are close to the main road and are not acceptable, they need to be in a central position. The SUDs areas will not be allowed as contribution towards public open space. A LEAP (Local Equipped Area for Play) needs to be provided and approved by the LPA.
- 5.12 **FDC (Tree Officer):** Recommends boundary planting on the southern boundary to provide long-term screening between properties.
- 5.13 **NHS:** A developer contribution of £31,280 will be required to mitigate impact on existing healthcare provision.
- 5.14 **Natural England:** No comments.
- 5.15 **Norfolk County Council:** No comments.
- 5.16 **North Level IDB:** No comments.
- 5.17 **Water Management Alliance (Representing Broads IDB, East Suffolk IDB and Kings Lynn IDB):** Refers to standing advice that Broads Bylaws apply.
- 5.18 **Wisbech Town Council:** Supports the application but requests that the impact of the proposal on community infrastructure (such as adequacy of highways) is fully assessed. It recommends that WTC is invited to submit suggestions for spend of S106 monies towards off-site recreation provision.

Representations

- 5.19 Representations were received in 2012 but records of these no longer exist. Further publicity took place and an objection from a resident in 2016 was received. A third public consultation occurred in May 2018 with separate concerns are raised by a resident. The objections are summarised as follows:
- Access/Traffic congestion/Highway safety.
 - Loss of agricultural land.
 - Overdevelopment/number of dwellings.
 - Environmental concerns.
 - Lack of local service capacity.

- Out of character.
- Outside built up limits.
- Overlooking.
- Loss of privacy.

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 10 - Presumption in favour of sustainable development.

Paragraph 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 54 - Use of conditions or planning obligations.

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes a sufficient amount and variety of land should be brought forward where needed and that the needs of groups with specific requirements are addressed.

Paragraph 91 – Promoting health and safe communities.

Paragraph 96 - Access to high quality open spaces, opportunities for sport and physical activity and health and well-being of communities.

Paragraph 103 - Manage growth to achieve sustainable transport.

Paragraph 124 and 127 - Creation of high quality buildings and places, good design being integral to achieving a sustainable development.

Paragraph 149 - Mitigating and adapting to climate change.

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

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

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

7.2 National Planning Practice Guidance (NPPG)

Design;

Flood Risk and Coastal Change;

Health and Wellbeing;

7.3 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;

LP14: Responding to climate change and managing the risk of flooding in Fenland;
LP15: Facilitating the creation of a more sustainable transport network in Fenland;
LP16: Delivering and protecting high quality environments across the District;
LP17: Community safety;
LP19: The natural environment.

7.4 **SPD: Delivering and Protecting High Quality Environments in Fenland (July 2014)**

SPD Cambridgeshire Flood and Water (December 2016)

8 **BACKGROUND**

8.1 This planning application was originally submitted in July 2012 and is an outline planning application with all matters reserved other than (point of) of access. This means that details of the final access arrangements within the site, layout, appearance, scale and landscaping are all reserved for determination at a later date. As originally submitted the application proposed residential development of up to 150 dwellings, public open space, and retail development of up to 2,000m² floor space.

8.2 Following concerns about the impact of the retail element on the vitality and viability of the town centre, flood risk and requirement for further supporting information the proposals were subsequently revised to propose a similar amount of residential development but retail floor space has been reduced to a maximum of 910m² floor space. The proposed retail development would comprise a mini supermarket, of around 350m², and three other smaller convenience shops of around 190m². The convenience shops may also include A3 (cafe or restaurants) and A5 (hot-food take-away) uses, up to a maximum of 561m².

9 **Key Issues**

- **Principle of Development**
- **Character and Appearance**
- **Retail Use**
- **Flood Risk**
- **Residential Amenity**
- **Highway Considerations**
- **Ecology**
- **Local Equipped Area of Play (LEAP)**
- **Archaeology**
- **Health and Wellbeing**
- **Economic Growth**
- **Statement of Community Involvement**
- **Pre-commencement conditions**
- **EIA Screening**
- **S106 Agreement**

10 **ASSESSMENT**

Principle of Development

10.1 The site is located to the north east and outside the main built up area of the settlement of Wisbech. Policy LP3 identifies Wisbech as one of the District's two Primary Market Towns, the other being March. The primary Market Towns are the highest tier settlement and the main focus of development within the District.

10.2 Policy LP1 sets out a presumption in favour of sustainable development. Policy LP2

requires development proposals to positively contribute to creating a healthy, safe and equitable living environment. Policy LP3 identifies Wisbech as one of the 4 Market Towns where growth should be directed. Policy LP4 sets out the housing delivery targets of the District and indicates Wisbech as the prime location of growth. Policy LP8 also identifies Wisbech as the main focus of growth. Policy LP7 considers the matter of urban extensions.

- 10.3 In policy terms the proposal requires to be assessed against Policy LP4 of the Local Plan. Policy LP4 Part B states that for small scale housing proposals (under 250 dwellings) on the edge of market towns Policy LP16 is applicable.
- 10.4 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area (part (d)).
- 10.5 As described below, the proposal is considered to accord with Policies LP4 and LP 16 and therefore the principle of the development is considered to be acceptable.

Character and Appearance

- 10.6 Approximately two thirds of the site is open agricultural land, the remaining third, the south-west corner, is occupied by an agricultural nursery, which consists of a number of large agricultural glasshouses, warehouse buildings and hardstanding. The southern boundary of the site adjoins residential development. The site frontage faces onto residential development and the access and parking area for Wisbech Football Club which are located on the western side of Lynn Road. Part of the northern boundary of the site is bounded by a group of six detached dwellings set in ribbon fashion along the eastern side of Lynn Road.
- 10.7 These factors do not give the immediate context a spacious rural character. Given the buildings, structures and hardstanding on the site and its relationship to the built form of the north western extremity of Wisbech the site is considered to have more affinity with the existing urban edge of the northern extremity of Wisbech than adjacent open agricultural land form and countryside.
- 10.8 The scheme has been submitted in outline and therefore the proposed layout is only indicative. Massing and height would be important considerations for the detailed stage in respect of this site because of the flood risk issue and the requirement of raising finished floor levels which will have implications for the proposed development. Nonetheless, it is considered that providing at detailed design stage appropriate structural landscape buffering is provided on the site boundaries the proposal will not result in isolated built development that would appear obtrusive and encroach into the unspoilt countryside. The change would be in keeping with the core shape and form of this part of the settlement and would not have an undue adverse impact on the spacious rural character of the area.
- 10.9 It is therefore considered that the proposed development would not harm the character and appearance of the surrounding area and it would not consequently conflict with the aim of Policies LP3, LP4 and LP16 of the Local Plan. The principle of development of the site is consequently considered to be acceptable.

Retail Use

- 10.10 Local Plan Policy LP6 requires that new developments of 500 sqm or more, which are outside of the existing town centres, must undertake a retail impact assessment. The application originally sought consent for 2,000sq m of retail floorspace to be provided as a single unit. The proposal was found to have an adverse impact on the vitality and viability of the town centre. Consequently, the application was revised to provide retail floorspace in four units, one of 349sqm and three of 187sqm.
- 10.11 An assessment relating to the revised proposal for a reduced retail floorspace has been submitted and examined by consultants on behalf of the Council. The conclusions of the assessment that less than 1% of trade will be diverted from Wisbech Town Centre, and that the Sequential Test is passed as there are no alternative sites within or on the edge of the town centre which could accommodate the proposal is supported by the Council's consultants. The principle of the retail development is considered to accord with Policy LP6 and therefore acceptable.
- 10.12 The principle of the retail element is therefore considered to accord with policies LP3, and LP6 and is acceptable.

Flood Risk

- 10.13 The site is located some 1.8km to the east of the tidal River Nene. Most of the site is within Flood Zone 3 of the Environment Agency Flood Zone Maps, small areas/pockets of the site along its southern boundary fall within Flood Zone 2. The application has been accompanied by a Flood Risk Assessment which has been considered by the Environment Agency which has no objections subject to a condition requiring ground levels to be raised by 0.5m. Anglian Water and the Lead Flood Authority have no objections either. The North Level IDB has expressed no comments
- 10.14 As a matter of principle as part of the site lies in an area of high flood risk, in-line with the NPPF, NPPG, LP14 (Part B) of the FLP and the Cambridgeshire Flood and Water Supplementary Planning Document (December 2016) the application of the sequential test is required to identify whether more suitable sites in areas of lower risk are available for the development.
- 10.15 Policy provisions relating to flood risk make it clear that all development proposals should adopt a sequential approach, and that development in areas known to be at risk from flooding will only be permitted subject to, amongst other criteria, the successful completion of a sequential test, an exception test, and suitable demonstration of the development meeting an identified need.
- 10.16 The aim of the sequential test is to steer development to areas with the lowest probability of flooding first, rather than relying on existing or improvements to flood defences or other mitigation measures. In applying the sequential test to individual planning applications the Planning Practice Guidance (PPG) states that the developer should justify with evidence to the local planning authority what area of search has been used when making the application.
- 10.17 As set out in the Framework, development in areas known to be at risk of flooding should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in area with a lower probability of flooding.
- 10.18 In assessing the Sequential Test the Flood and Water SPD advises the following:

'the area of search is usually over the entire LPA area and may only be reduced in discussion with the LPA because of functional requirements and objectives of the

proposed development and because there is an identified need for that type of development. The relevant Local Plan should be the starting point.'

10.19 Fenland District Council proposed a draft approach to the sequential test for housing (in the report to Planning Committee in February 2018). It stated the following:

Area of Search

This is determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

B) Developments in towns & villages – The town/villages that the proposal would sustain.

10.20 In support of the original application, site specific Flood Risk Assessment (FRA) was prepared on behalf of the applicant by Geoff Beel Consultants this evidence simply concludes that the Sequential Test and the Exceptions Test is passed and that the development is acceptable in flood risk terms.

10.21 Following the submission of the application the Environment Agency reclassified the site where 95% of the site area now falls within Flood Zone 3, with the remainder falling within Flood Zone 2.

10.22 Further to the reclassification an Addendum (dated March 2016) to the earlier FRA was submitted to demonstrate the application of the Sequential and Exception Test in support of an updated planning application.

10.23 Sequential Test

The Planning Statement (March 2016) accompanying the submission includes the application of the Sequential Test. Here the applicant's overarching argument in relation to flood risk is that there is a housing need for the development, the development of the site will not increase flood risk elsewhere and there are no reasonably available sites elsewhere within the settlement which could accommodate the development.

10.24 The Strategic Flood Risk Level 2 Assessment for Wisbech shows that a large part of the town and the areas around it where new development might take place are also within Flood Zone 3. In summary, this site forms an important component of delivering the District's housing need and there are very few locations where development may take place outside Flood Zone 2 and 3 but within the District and the edge of Wisbech. The other locations have been assessed at a similar or greater risk of flooding than the application site. For these reasons the proposal is argued to satisfy the Sequential Test.

10.25 Exception Test

For the Exception Test to be passed it must be demonstrated that sustainability benefits to the community outweighs flood risk and that the development will be safe for its lifetime. The submitted Planning Statement contends that the proposal will have the following community benefits:

- Provision of up to 149 dwellings in a sustainable location next to Wisbech.
- Provision of a range of different types of housing for different needs.
- Improve quality of life through the provision of private amenity space and public open space.

- Retail development will reduce trips and increase availability and affordability.
- Creation of local construction employment.
- Improvements to highway infrastructure.
- Safe for lifetime if ground levels are raised by 0.5m across the site, and implementation of Environment Agency warning advice during flood.

10.26 In relation to the requirement of the Exception Test that development must be safe for its lifetime supporting information has been provided by WSP/Parson Brinkerhoff as an addendum to the original FRA by Geoff Bell Consultant. This part of the FRA proposes to set ground levels at a minimum of 0.5m above the existing to lift the site out of climate change breach flood level. A revised surface water strategy has also been produced to account for the revised flood zoning and includes sustainable drainage measures.

10.27 On the above basis the Planning Statement concludes that the Exception Test is passed as the scheme provides community benefits and it is safe for its lifetime the Exception Test is claimed to be passed.

10.28 Council's Position on Flood Risk . The site is identified as being within Flood Zone 3 by the Environment Agency's Flood Maps. The NPPF, Local Plan, and SPD (flood risk) require new development to be located in areas of lower flood risk before land within Flood Zone 3 is released. The applicant's supporting information on flood risk and concludes that no alternative sites at lower risk of flooding are available.

10.29 The Level 2 Strategic Flood Risk Assessment (commissioned by FDC) shows that the site performs no worse than other locations on the edge of Wisbech including the Urban Extension Site (the exception being East Wisbech). On this basis, and the fact that there is no combination of sites that are available to provide for 149, the Sequential Test is considered to have been passed.

10.30 With regard to the Exception Test the development must be considered against a number of criteria:

- a. It must be demonstrated that the development provides wider sustainability benefits – the proposal will provide for a substantial amount of housing including affordable housing in a sustainable location well related to the existing built form of Wisbech. Considerable community benefits in the form of financial contributions towards education, open space, waste, NHS and highways will also accrue.
- b. The development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land – there is no single or combination of brownfield sites available that could accommodate the development.
- c. A FRA must demonstrate that the development will be safe, without increasing flood – the Environment Agency has reviewed the flood risk assessment and flood risk mitigation and raised no objection

On the basis of the above the Sequential Test and Exception Test is considered to have been passed.

Residential Amenity

10.31 The application is in outline form, and the layout is indicative. However, private amenity space in the form of one third of the plot curtilage, adequate separation distances, road layout to accommodate refuse collection vehicles and satisfactory bin storage should be achievable. Structural buffer landscaping will help assimilate the development with its surroundings, and protect residential amenities of existing dwellings adjoin the northern and southern boundaries of the site.

Highway Considerations

10.32 The Highway Authority does not object to the proposals subject to the following conditions, informatives and financial contributions:

- Conditions

- 1) Travel Plan.
- 2) 3m footway/cycleway along site frontage.
- 3) 3m footway/cycleway along west side of Lynn Road.
- 4) Pedestrian crossing and replacement Central Island.
- 5) Bus stops (including shelters, raised kerb and Real Time Passenger Info).
- 6) Layout of site including roads, footway, cycle ways, buildings, visibility splays, parking provision and surface water drainage.
- 7) Management and maintenance of streets.
- 8) Binder course.

- Informatives

- 1) Highway works.
- 2) S278.
- 3) S38.
- 4) Technical approval-estate street design.

- Contributions

- 1) £14,000 towards maintenance of two new bus shelters.
- 2) £16,000 towards maintenance of two RTPPI units.
- 3) £15,000 towards the feasibility study of an accident remedial scheme at the Freedom bridge Roundabout.

Ecology

10.33 The application was originally accompanied by an Ecological Appraisal (July 2011), Bat Emergence Surveys (September 2012) and Water Vole Survey (March 2013). The bat survey did not find any bat roosts within the site, although they were found to pass along the southern site boundary. The water vole survey found that water vole burrows were present within the drain on the sites eastern boundary. The survey concluded that water voles would not be impacted providing the development was located 10m from the drain.

10.34 An updated ecological survey (Scarborough Nixon Associates Sept 2015) concluded that the buildings have low potential to accommodate bats, and no water voles were found. The report recommends that construction works should be undertaken outside the nesting bird season

Local Equipped Area of Play (LEAP)

- 10.35 The indicative layout plan shows the provision of the public open space along the frontage of the site with Lynn Road. The Parks and Public Open Spaces Section of the Council recommends that the POS areas are not acceptable close to the main road, and should be centrally located within the site and should not include Suds areas. The siting of the POS had in fact been moved at a previous request by the Council to be adjacent to the road frontage. This location has advantages in terms of making the POS available more publically accessible, and would provide a softer and greener edge to the proposal and help assimilate it better in the wider surroundings. Concerns about children straying onto the highway can be addressed through design and secure enclosures. The minimum size of the POS can and will be conditioned. The provision of an equipped LEAP will be secured through the S106.
- 10.36 In circumstances where the management and maintenance of the POS will not be through adoption, where the layout is indicative at this stage it is felt that there are no strong planning views as to its correct placement.

Archaeology

- 10.37 An archaeological investigation was undertaken in September 2011, a total of 17 test pits and 5 trenches were dug. Despite the potential for Roman and later activity on the site, the test pit and trench investigation produced no archaeological evidence.

Health and Wellbeing

- 10.38 Policy LP2 seeks to ensure that development proposals should positively contribute to creating a healthy, safe and equitable living environment by creating sufficient and the right mix of homes and in the right location, building homes which are easy to warm and are safe from flooding and avoiding adverse impacts, amongst other criteria. The development would provide new housing which would be easy to warm and safe from flooding and would not give rise to adverse impacts on the surrounding area, neighbouring dwellings and the conservation area. As such, the proposal complies with Policy LP2 in this instance.

Economic Growth

- 10.39 This proposal will result in an additional 149 dwellings for Fenland's Housing Stock in the long term as well as providing employment opportunities during the construction period. As such, the proposal will contribute to the economic growth of Fenland and complies with Policy LP6 in this instance.

Statement of Community Involvement

- 10.39 This application was submitted in 2012 when the government encouraged applicants to engage with the local community before submitting their applications. In the instance of this application the approach undertaken by the applicant involved carrying out the following initiatives around 2011 and 2012.

- Pre-application discussions with planning officers.
- Presentations to Wisbech Town Council.
- Public exhibition.

- 10.40 In total, written comments were received from 18 people, 14 people submitted comments at the exhibition and 4 people submitted comments following the exhibition. The key issues raised are outlined below:

- Site suitability.
- Amount of development.

- Impact on residential amenity.
- Highway Safety.

The comments received as part of the community involvement exercise were addressed as part of the application submission.

Pre-commencement conditions

- 10.41 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 10.42 The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

EIA Screening

- 10.43 The application has to be screened under the 2017 Environmental Impact Assessment Regulations. Where the development is listed under either Schedule 1 or 2 to the Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a screening exercise and issue a screening opinion whether Environmental Impact Assessment is necessary. In this instance a screening opinion is necessary as the proposed development falls within Section 10(b)(i) of Schedule 2 as an urban development project exceeding 5 hectares of land. The screening exercise has concluded that an Environmental Impact Assessment is not required (a negative screening opinion).

S106 Agreement

- 10.44 Policy LP5 (Meeting Housing need) requires 25% affordable housing and Policy LP13 (Supporting and Mitigating the impact of a Growing District), requires the necessary Section 106 Agreement requires the following:

- Affordable Housing
37 affordable dwellings on site, with tenure mix of 70% affordable rented homes (26 units), and 30% intermediate tenure (11 units). Whilst this is preferable there are alternative forms of Affordable provision that meets the definition in the NPPF.
- Education
 - 1) Early Years school provision: £171,559.76. Payment trigger of 50% prior to commencement and 50% prior to the occupation of the scheme.
 - 2) Primary school provision: £1,665,684. Payment trigger of 50% prior to commencement and 50% prior to the occupation of the scheme.
 - 3) Secondary school provision: No provision.
 - 4) Lifelong Learning: £15, 710.76. 1 payment trigger of 100% prior to occupation of 50% of the scheme.
- Healthcare
NHS: £31,280
- Highways

- 1) £14,000 towards maintenance of two new bus shelters.
- 2) £16,000 towards maintenance of two RTP1 units.
- 3) £15,000 towards the feasibility study of an accident remedial scheme at the Freedom bridge Roundabout.

- Public Open Space and Play Areas
 - 1) Off-site Neighbourhood Park: £22,400.
 - 2) On-site Children's play area: 0.22Ha=1/3 designated equipment, and 2/3 informal play space.
 - 3) Off-site natural greenspace: £28,000.
 - 4) Off-site Allotments: £5,600.
 - 5) Off-site Outdoor Sports: £44,800.

- S106 Monitoring £600.

10.44 The applicant had previously confirmed that the contributions would be provided as set out above. However, despite numerous contacts with the agent from October 2018 until May 2019, no evidence regarding the deliverability of the S106 agreement has been provided. Therefore unfortunately despite the applicant's original assurances it must be considered that the applicant has failed to demonstrate his ability to secure the necessary contribution. If between the time of drafting the report and presenting to committee appropriate evidence is received, (evidence that the landowners are prepared to sign an agreement) this recommendation may be revised.

11 CONCLUSIONS

11.01 The application relates to an application for the provision of housing (under 250 dwellings) on the edge of Wisbech, Policy LP16 is applicable. The context of the site is that it is not considered to be set in a spacious rural surrounding as it relates to existing buildings, structures and hardstanding associated with an agricultural nursery business which is closely related to the built up urban fringe. The change resulting from the proposed development would be in keeping with the core shape and form of this part of Wisbech and would not unduly affect the open countryside. The impact of the retail element on Wisbech has been assessed and found to be acceptable. In flood risk terms the proposal satisfies the Sequential and Exception Test. The proposal is considered to be acceptable in terms of highway safety, ecology, archaeology, and provision of public open space/play areas.

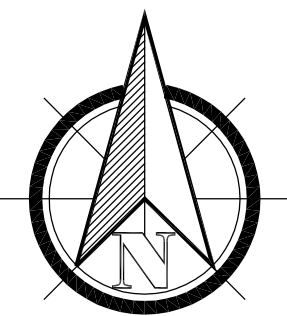
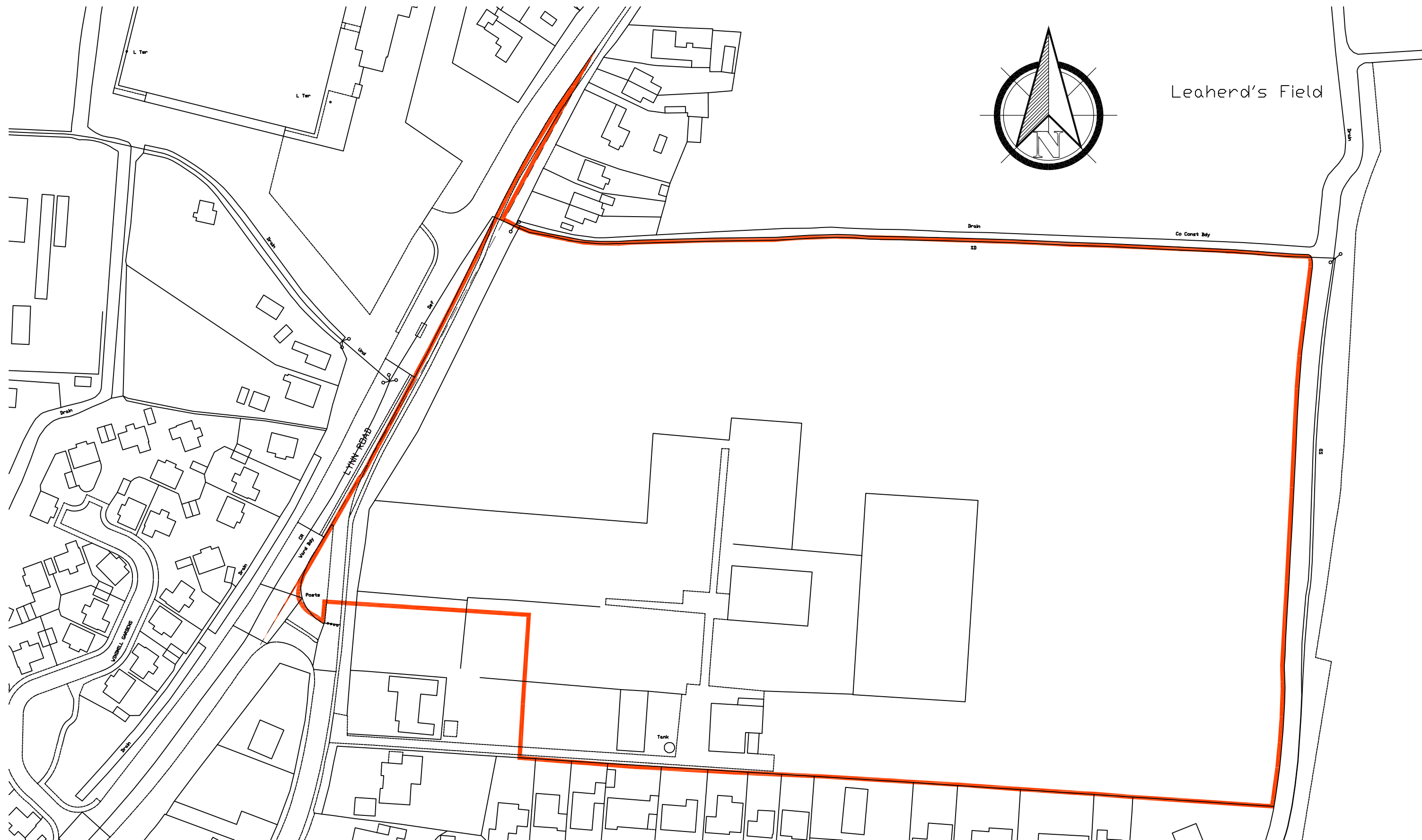
11.02 A previous view was given that the substantial community benefits outweighed any resulting harm. However as the applicant has failed to deliver or demonstrate deliverability these it is not considered that the necessary Section 106 agreement and therefore infrastructure and affordable housing, can be provided. Therefore the proposal is contrary to Policies LP5 and LP13 of the Fenland Local Plan.

12 RECOMMENDATION

Refuse

1.	Policy LP5 requires development of this scale to provide 25% affordable housing. Policy LP13 of the Fenland Local Plan requires that all new development should be supported by infrastructure. Planning permission will only be granted if there will be sufficient necessary infrastructure to support and meet all the requirements arising from the development. In this instance the infrastructure provision, including affordable housing, considered necessary in planning terms, being directly related to the development and fairly and reasonably related in scale and kind to the
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development has been identified. No Legal Agreement to secure the necessary infrastructure provision has been provided. Therefore the proposal is considered contrary to Policies LP5 and LP13 of the Fenland Local Plan and the NPPF.
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Leaherd's Field

PLANNING APPLICATION

REVISION	DATE	DRAWN	DESCRIPTION
A	07.03.2016	CLH	Application line added.

CLIENT	Ashley King (Developments) Ltd
PROJECT	Proposed residential development at Land off Lynn Road, Wisbech
DRAWING	Location Plan
SCALE	1:1250 @ A3
DRAWN	CLH
DATE	17.02.2015



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DRAWING NO.
244.LP.01



PLANNING APPLICATION

H	07.03.2015	CLH	Plot 149 house type and garage repositioned.
G	07.03.2015	CLH	Application line added.
F	02.10.2015	CLH	SuDs pond note added.
E	23.09.2015	CLH	Swales near Lynn Road removed to allow for public open space.
D	23.09.2015	CLH	Road layout updated and LAP Play Area added.
C	28.08.2015	CLH	General amendments made to ponds and swales to match indicative surface water layout.
B	19.08.2015	CLH	General amendments made to ponds and roads. Swales added.
A	11.08.2015	CLH	2 no. parking spaces added for plot 136.
REVISION	DATE	BY	DESCRIPTION

CLIENT Ashley King (Developments) Ltd

PROJECT Proposed residential development at Land off Lynn Road, Wisbech

DRAWING Illustrative Site Layout

SCALE 1:500 @ A1 DRAWN CLH DATE 17.02.2015

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