

Parish:	Walsoken	
Proposal:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED: Development of 229 Park Homes and 20 associated individual residential plots (duplicate application with Fenland District Council)	
Location:	Land North of Sandy Lane Wisbech	
Applicant:	East Anglian Park Home Estates Ltd	
Case No:	17/01140/OM (Outline Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 12 September 2017

Reason for Referral to Planning Committee – The instructions of the Planning Committee are required.

Case Summary

This is a cross-boundary application duplicated with application ref: F/YR17/0341/O being processed by Fenland District Council. This report contains two elements: A) procedural issue regarding application ref: 17/01140/OM in accordance with the Local Government Act 1972 and B) response to consultation sought by Fenland District Council in relation to application ref: F/YR17/0341/O.

The land comprises an area of approx. 12 Ha of mostly orchard land situated to the east/rear of dwellings on Stow Road and north of Sandy Lane, on the periphery of Wisbech. The eastern boundary of the site comprises the County boundary between Cambridgeshire and Norfolk, save for a small parcel of land approx. 860m² (less than 1% of the overall application site area) which crosses over into Walsoken parish.

The proposal seeks outline permission for the development of 229 park homes, a central communal zone to comprise a swimming pool and associated facilities including parking, and 20 associated individual residential plots. The means of access is to be considered at this stage, but all other issues will be considered as reserved matters.

Key Issues

Cross-boundary applications
Planning considerations in response to consultation

Recommendation

A) The Executive Director (Environment & Planning) recommends that the Planning Committee devolves its decision making authority to Fenland District Council in respect of this 'cross-boundary' application.

B) If A) is accepted, it is also recommended that a holding OBJECTION is raised on the grounds of prematurity until the Broad Concept Plan (BCP) for the overall allocation is finalised, as the development in isolation could prejudice the implementation of that overall plan. The comments of Walsoken Parish Council are to be forwarded to Fenland District Council for them to take into account in the decision making process, along with the other comments raised by interested parties, plus any additional views of this committee.

THE APPLICATION

The land comprises an area of approx. 12 Ha of mostly orchard land situated to the east/rear of dwellings on Stow Road and north of Sandy Lane, on the periphery of Wisbech. The eastern boundary of the site comprises the County boundary between Cambridgeshire and Norfolk, save for a small parcel of land approx. 860m² (less than 1% of the overall application site area) which crosses over into Walsoken parish.

The proposal seeks outline permission for the development of 229 park homes and 20 associated individual residential plots. The means of access is to be considered at this stage, but all other issues will be considered as reserved matters.

An illustrative site layout plan shows a single point of access off Sandy Lane with two pedestrian links to Stow Road; 8 plots fronting Sandy Lane and a cul-de-sac of 12 plots within the southern quarter of the overall site; three quarters of the site containing 229 park homes with a strip of public open space alongside the eastern site boundary, including a central communal zone to comprise a swimming pool and associated facilities including parking.

The application is accompanied by a Design & Access Statement, Biodiversity Statement, Construction Method Statement, Flood Risk Assessment, Planning Statement – Housing Need and Transport Assessment.

SUPPORTING CASE

As stated above, the application was accompanied by a Design & Access Statement which concludes as follows:

“The proposed development has been designed and detailed to reflect the need both for homes for older people who would otherwise be locked in the rental sector, and who will benefit from the serviced environment of the estate and the central facilities provided for residents. The target market being the over 45’s without children, and it is proposed that Park Homes would be developed in phases over the next decade with a maximum of 35 plots being sold per year allowing the progressive development of the local infrastructure, in line with the Fenland DC Broad Concept Plan for the East Wisbech area.

The twenty new detached plots included in the layout will continue the streetscape and form of the residential properties in Stow Road and provide a range of increasingly rare family sized plots for self and small scale home builders to develop. The key frontage plots allow larger homes also to be included in the illustrative arrangements by providing a mix of homes for the open market.

The proposed development land lies on the fringes of the built up areas of eastern Wisbech, and is a natural extension of the existing developed land, which has been identified by Fenland DC policy within the Broad Concept Plan for the expansion of the town.

Unlike many areas around Wisbech the site falls fully within the Zone 1, Low Flood Risk areas, and construction could begin within the time scales required by the government's 5 year land supply requirements."

PLANNING HISTORY

None relevant

RESPONSE TO CONSULTATION

Walsoken Parish Council: OBJECTS for the following reasons –

1. A site of this size should have more family homes rather than park homes.
2. The access onto Sandy Lane –
 - Sandy Lane is not an adequate road to cope with all the additional traffic
 - There is only one proposed access for the whole site which is not sufficient for emergency vehicles
 - Sandy Lane has an existing 60 mph limit
 - No existing pavements
 - The proposed access is close to a dangerous bend
3. Access to the by-pass is inadequate for the additional traffic.
4. General infrastructure is inadequate to support this number of properties.

Walpole Parish Council suggests an additional access could be built on the west of the site onto Stow Road where the proposed walkway is.

Also if the southern-most houses are turned to face northwards, a cul-de-sac in front of them could be incorporated, allowing the existing hedgerow to remain in place on Sandy Lane.

Could the specification of the proposed access road be clarified please?

Highways Authority (NCC): NO OBJECTION - As the majority of the development is within Cambridgeshire, then Norfolk County Council as Local Highway Authority has no objection to the development and is happy for Cambridgeshire County Council as Local Highway Authority to respond on the whole application. Any comments made by Cambridgeshire should form the response of the Highway Authorities.

Emergency Planning Officer: NO OBJECTION - Because of its location in an area that during an extreme flood event could become isolated from safe access and egress routes, I would suggest that the occupiers:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

This will include actions to take on receipt of the different warning levels; Evacuation procedures e.g. isolating services and taking valuables etc.; and Evacuation routes.

King's Lynn Drainage Board: Copy of correspondence sent to Fenland DC in response to application ref: F/YR17/0341/O raising byelaw issues and concerns relating to disposal of surface water.

Public Open Space Officer: Content for Fenland District Council to secure and manage open space in line with their requirements.

Whilst I appreciate plans are very much at the formative stage, it seems highly unlikely that there will be any new residents or open space located within BCKLWN's boundary.

Planning Policy: The current planning application would appear to pre-empt the conclusion of the Broad Concept Plan (BCP) process, if determined in advance of the BCP's approval, it would be conflicting with the advice given to the public in the consultation exercise. This will be explained further in the main body of this report.

REPRESENTATIONS

TWO items of correspondence received raising the following concerns:

- Can the narrow Sandy Lane and Broadend Road cope with such an increase in traffic especially during construction phase?
- Impact upon junction with A47 already dangerous
- Concerns regarding any road widening and encroachment on land drains
- Effect upon IDB drains
- Impact on infrastructure crossing and adjoining the site
- Queries possible vested interests of 2 Parish Councillors
- Wider implications beyond the immediate site area regarding traffic, road safety and land drainage.

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Cross-boundary applications
- Planning considerations in response to consultation

Cross boundary applications

The application affects both King's Lynn and West Norfolk Borough Council (KLWNBC) and the neighbouring Fenland District Council. In accordance with National Planning Practice Guidance (paragraph 034) where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case Fenland District Council has by far the greater site area and has been paid the appropriate fee.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this

can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision making (approve/refuse).

Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development management and may result in inconsistency in terms of conditions, obligations or indeed where one authority recommends approval and the other refusal. This is highly undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages 'joint working' between planning authorities in relation to the use of their planning powers.

In this case the vast majority of the development site is under the control of Fenland District Council (less than 1% of the overall site area lies within KLWNBC). Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of functions by any other local authority. For KLWNBC, this would mean that the Council can delegate its development control function to Fenland District Council in respect of this cross boundary application.

Given that over 99% of the application is in Fenland DC area, Members are recommended to transfer decision-making authority on the less than 1% in KLWNBC area, to Fenland DC.

Planning considerations in response to consultation

The Planning Policy Framework for East Wisbech is as follows:

Fenland Local Plan (Adopted May 2014)

- Policy LP4 – Housing: 3,000 new dwellings for Wisbech
- Policy LP8 – Wisbech: confirms East Wisbech as a strategic allocation in the plan for around 900 dwellings in the FDC area.

King's Lynn and West Norfolk Borough Council Local Plan (Core Strategy adopted July 2011)

- Policy CS09 - Housing Distribution, identifies at least 550 new dwellings to the east of Wisbech

Site Allocations and Development Management Policies Plan (adopted September 2016)

- Policy F3.1) establishes an allocation of land East of Wisbech (west of Burrettgate Road). This land adjoins the land set out in the Fenland Local Plan under Policy LP8.

A Steering Group has been formed to develop a Broad Concept Plan (BCP) for the East Wisbech area. This BCP is a high level masterplan that aims to set out the main requirements for the site. The Steering Group is made up of a range of public and private sector organisations that have an interest in the development of the area. They are:

- Anglian Water
- Cambridgeshire County Council
- Norfolk County Council (education, S106)
- Highways England
- Maxey, Grounds and Co
- Fenland District Council

- Borough Council of King's Lynn & West Norfolk
- King's Lynn Internal Drainage Board
- National Health Service – Cambridgeshire and Peterborough
- Clinical Commissioning Group (CCG)
- Peter Humphrey Associates Ltd.

The Advisory Team for Large Planning Applications (ATLAS) have also provided assistance.

A public consultation exercise took place in December 2016 on the BCP. In the public consultation the public were informed that "Once an approved BCP is in place, planning applications can come forward for consideration in the usual way. They should be in compliance within the BCP and will be subject to the same established processes and procedures as any other planning application."

The BCP is still an emerging draft. Two studies are about to be commissioned on 'Surface Water Drainage (including SUDS) options' and on 'Landscape Character, Tree and Hedgerow and Ecology' from consultants. These will be completed by mid-August 2017 and will inform the final BCP with implications for the amount of Public Open Space to be incorporated into the overall development area. A further consultation is due to take place before the BCP is finalised. Consultation is also due to take place in September on options emerging from the Wisbech Access Strategy including proposals for improvements to the A47 Broad End Road junction which would serve the East Wisbech development area. The BCP is unlikely to be finalised before November 2017, once all of this work is complete, when it is intended to take it to each Council's decision-making body for approval (it is currently listed as a key decision for this Council's 17 October Cabinet meeting).

The current planning application would appear to pre-empt the conclusion of the BCP process, if determined in advance of the approval of the BCP, conflicting with the advice given to the public in the consultation exercise

CONCLUSION

It is recommended that, in accordance with Section 101(1) of the Local Government Act 1972, the Planning Committee delegates its development control powers to Fenland District Council in respect of Application 17/01140/OM. This would allow a single determining authority for the application, with Fenland District Council having the vast majority of the site in their area.

If this is accepted, then it is also recommended that a holding objection is raised until the BCP is finalised, as the development in isolation could prejudice the implementation of that overall plan. The comments of Walsoken Parish Council, are to be forwarded to Fenland District Council for them to take into account in the decision making process, along with the other comments raised by interested parties, plus any additional views of this committee.

RECOMMENDATION

A) The Executive Director (Environment & Planning) recommends that Planning Committee devolves its decision making authority to Fenland District Council in respect of this "cross-boundary" application.

B) If A) is accepted, it is also recommended that a holding OBJECTION is raised on the grounds of prematurity until the Broad Concept Plan (BCP) for the overall allocation is finalised, as the development in isolation could prejudice the implementation of that overall

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