

Parish:	Emneth Walsoken	
Proposal:	Hybrid application. Full planning permission for the erection of 325 dwellings with access off Sandy Lane, highways layout, public open space, landscaping and associated infrastructure. Outline planning permission for a Community Hub/local centre comprising convenience store 300 m2, other retail/services/health 200 m2, parking/servicing, play areas/open space, 60 bedroom care home/extra care accommodation and C3 residential development with all matters reserved apart from access	
Location:	Land S of Sandy Lane And N And S of Walsoken Footpath Usrn 80483456 Sandy Lane Walsoken PE14 7BJ	
Applicant:	Prosperity Wealth And Developments Ltd	
Case No:	22/01756/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 16 February 2023 Extension of Time Expiry Date: 30 April 2023

Reason for Referral to Planning Committee – this is a cross-boundary application and any decision to devolve decision-making must be made by the Planning Committee

Neighbourhood Plan: No

Case Summary

This is a cross-boundary application duplicated with application ref: F/YR22/1256/F being processed by Fenland District Council. This report contains two elements: A) procedural issue regarding application ref: 22/01756/FM in accordance with the Local Government Act 1972 and B) response to consultation sought by Fenland District Council in relation to application ref: F/YR22/1256/F under application ref: 22/02080/CON.

The land comprises an irregular shaped area of 19.23 Ha of mostly agricultural land and orchards situated to the north, east and south-east of Meadowgate Academy (on Meadowgate Lane, Wisbech), west of Green Lane plus Broadend Road, and south of Sandy Lane in the parish of Walsoken. The County boundary between Cambridgeshire and Norfolk, bisects the site in a north-south alignment. Therefore approx. 4ha, or 20% of the overall site area, lies within our borough.

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The Community Hub/local centre, care home and approx. 59 dwellings lie within our part of the overall site.

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Key Issues

Cross-boundary applications
Planning considerations in response to consultation

Recommendation

A) The Assistant 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 the comments of Walsoken Parish Council, along with the other comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR22/1256/F under application ref: 22/02080/CON.

THE APPLICATION

The land comprises an irregular shaped area of 19.23 Ha of mostly agricultural land and orchards situated to the north, east and south-east of Meadowgate Academy (on Meadowgate Lane, Wisbech), west of Green Lane plus Broadend Road, and south of Sandy Lane in the parish of Walsoken. The County boundary between Cambridgeshire and Norfolk, bisects the site in a north-south alignment. Therefore approx. 4ha, or 20% of the overall site area, lies within our borough.

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The Community Hub/local centre, care home and approx. 59 dwellings lie within our part of the overall site.

The application is accompanied by a Planning Statement, Design & Access Statement and surveys covering the following: Arboriculture, Cultural Heritage, Biodiversity, Ecology, Highways/Transport, Landscaping, Drainage, Flood Risk, Air Quality, Noise, Lighting, Utilities, Health Impact and Archaeology.

SUPPORTING CASE

As stated above, the application is accompanied by a Planning Statement which concludes as follows:

"The proposals, it is considered, comply with the approved Broad Concept Plan identified in Policy LP7 Urban Extensions and Policy LP8 East Wisbech urban extension.

The reports that support the planning application have analysed the impact of development from technical and environmental considerations and the site is considered a sustainable and suitable location for development by virtue of the site's allocation in both the Council and the Borough Council in the Local Plans.

The proposals will be delivered in accordance with current building regulations and will be built in accordance with sustainable building construction techniques. The proposals seek improved energy efficiency through siting and design, SuDS and by considering fabric efficiency in the design of the buildings.

It is submitted that the proposals are considered policy compliant with both local and national planning policy. The proposal is in accordance with the development plans read as a whole and should be permitted without delay (Framework Paragraph 11). In so far as national policy is another material consideration to which significant weight should be given, national planning policy lends considerable weight to the granting of planning permission."

PLANNING HISTORY

None relevant.

RESPONSE TO CONSULTATION

Walsoken Parish Council: COMMENTS A large part of this application is in Fenland District Council/Wisbech Town Council. As the whole development will affect Wisbech more than King's Lynn, the Parish Council considers that the Borough Council are likely to defer to Fenland with recommendations. In light of this and the consultation we make the following comments/requests, and should the development be approved the Parish Council would like to have conditions attached to any approval some of which are as follows:

Broadend Road Industrial area has in excess of 100 people working there, several of whom walk or cycle from Wisbech, along the footpaths (mainly in summer) and Sandy Lane. Sandy Lane is not a good enough road to service this site. It needs widening, with footpaths and lighting. The speed limit on this Lane needs reducing from 60mph. Broadend Road, from Sandy Lane to the Broadend Road Industrial Site, also needs improvement, in width, and again with footpaths and lighting. The junction of Broadend Road and the A47 is an extremely dangerous junction, with waiting times to join the A47, often frustrating road users, causing dangerous manoeuvres. A roundabout should be a condition of any planning approval. There could be easily be 1000 cars on this site, which would make this junction lethal.

Also, in the absence of any improvement to the A47/Broadend junction it can foresee that there will be rat runs through the village, Burrett Road and Wheatley Bank for King's Lynn bound traffic with the associated speeding issues.

There are two footpaths/rights of way, that should be protected. These are mentioned in the application.

It is noted that should the development go ahead the Council will likely receive CIL Funding. [Officer note: Only the commercial/retail uses would attract CIL not the housing and care home on viability grounds.]

Local Highway Authority (NCC): NO RECOMMENDATION – LACK OF INFORMATION - Whilst the principle of development at this location has already been considered through

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local plan allocations, there is a distinct lack of information available to carry out a robust assessment of the proposal. Therefore, NCC Highways is unable to make a recommendation at this stage.

Local Highway Authority – Public Rights of Way Officer: HOLDING OBJECTION - The Public Right of Way, known as Walsoken Footpath 1 is aligned in a roughly East-West direction towards the Eastern of the site. The proposals show this public footpath; however, the alignment does not appear to be correct. We therefore advise the applicant to obtain a Highway Boundary plan to ensure that the full legal alignment and extent (width) remains open and available. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

National Highways: RECOMMEND NOT DETERMINED FOR A SPECIFIC PERIOD - Our formal response requires review of the Transport Assessment that is currently being undertaken. For this reason, we require additional time to fully assess the proposed development. We therefore recommend the application is not determined before 24th April 2023. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.

Norfolk County Council – Community & Environmental Services: NO OBJECTION subject to Section 106 obligation to provide education (£889,068) and library (£75 per dwelling) contributions in the absence of CIL payment, plus provision of fire hydrants (at least one per 50 dwellings).

Norfolk County Council – LLFA: NO COMMENTS - As the majority of the site and drainage system lie in Cambridgeshire within the Fenland District Council administrative boundary, it has been mutually agreed that Cambridgeshire LLFA will take the lead role in reviewing and providing a response for this consultation. We have collaborated with Cambridgeshire LLFA to ensure their review covers all outstanding issues.

Historic Environment Services: NO OBJECTION subject to condition regarding archaeological evaluation.

District 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.e., become a dry island), 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.

Natural England: FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - A Habitats Regulations Assessment, proceeding to Appropriate Assessment.

Environmental Health & Housing – Environmental Quality: NO OBJECTIONS subject to contamination conditions; additional information regarding air quality required and condition relating to EV charging scheme.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTIONS subject to conditions relating to boundary treatment plan implementation, lighting, noise protection scheme, construction management plan, ventilation and plant details, air source heat pump details plus informative notes.

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Strategic Housing Officer: Comments awaited at the time of writing this report.

Anglian Water: NO OBJECTION subject to condition regarding foul water drainage details.

King's Lynn Drainage Board: No comments received at the time of writing this report.

Environment Agency: HOLDING OBJECTION - We have undertaken Tidal Hazard Mapping for the River Nene, which illustrates the hazard to the site in the event of an overtopping and breach of the defences in a 1 in 200 year event, both now and in the future (taking into account the impacts of climate change up to the year 2115). The information available includes depth, velocity, rate of onset of floodwater and the duration that water is expected to remain on site. This site is located in an area shown to flood in such an event, with depths of ponded floodwater identified as up to 0.25 metres at this site. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Give consideration to the breach depth and velocity at the site for different return periods up to and including the 1:200 year or 0.5% probability (plus climate change) tidal event. Appropriate mitigation should be provided to ensure that the development and occupants will be safe in the event of overtopping/breach of the defences.

REPRESENTATIONS

ONE item of correspondence received raising **OBJECTION** on the following grounds:

- Inadequate roads
- Local medical practices and schools are already oversubscribed
- Loss of amenity for wildlife
- Loss of trees, which are vital to the environment.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

CS14 - Infrastructure Provision

Policy F3.1 - Wisbech Fringe Land east of Wisbech (west of Burrowgate Road)

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM10 – Retail Development

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM21 - Sites in Areas of Flood Risk

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

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: 011 Reference ID: 14-011-20140306) 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 the greater site area (i.e., 80%) 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 process (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 majority of the development site is under the control of Fenland District Council. 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 80% of the application is in Fenland DC area, Members are recommended to transfer decision-making authority on the 20% in KLWNBC area, to Fenland DC.

Planning considerations in response to consultation

The adopted 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, north and south of Sandy Lane and west of both Broadend Road and Green Lane). This land adjoins the land set out in the Fenland Local Plan under Policy LP8.

A Broad Concept Plan (BCP) dated May 2018 was approved by Fenland's Planning Committee on 23 May 2018 and approved by King's Lynn and West Norfolk's Cabinet on 29 May 2018. The Broad Concept Plan provides a template for development in East Wisbech to assist developers, landowners and agents to deliver their sites in a timely way.

Figure 19 of the BCP provides the indicative land uses within the Community Hub of the allocation. The blue circle shown indicates the broad location of the Local Centre, which falls within the application site close to the junction of Sandy Lane and Broadend Road. The proposals respond to this by the inclusion of a Community Hub/local centre comprising convenience store (300m²), other retail/services/health (200m²), parking/servicing, play areas/open space, 60-bedroom care home/extra care accommodation and C3 residential development – the latter being a full application but the hub in outline only.

In the interim Fenland District Council has consulted on its draft Local Plan 2021-2040. This proposes to omit the wider allocated area on the fringe of Wisbech. KLWNBC has objected to this proposal as it significantly affects our allocation under Policy F3.1. However, the application will be considered and judged against current adopted planning policy identified above.

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 22/01756/FM. This would allow a single determining authority for the application, with Fenland District Council having the majority of the site in their area.

The comments of Walsoken Parish Council, along with the other comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process.

RECOMMENDATION

- A) The Assistant 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 the comments of Walsoken Parish Council, along with the other comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR22/1256/F under application ref: 22/02080/CON.