

Erection of a single storey 60 place SEMH (social emotional and mental health) school for pupils in KS3 and KS4 (11 – 16 years), with associated vehicle and pedestrian access, formal sports pitches and amenity space, car and cycle parking, vehicular drop off area, landscaping, and associated ancillary works together with the provision of a footpath and associated highway works, creation of a new access to The Still for agricultural vehicles, and demolition of existing residential farmhouse and barn

At: Land North of Barton Road, East of Gadds Lane and West of The Still, Wisbech, Cambridgeshire, PE13 4TH

Applicant: Cambridgeshire County Council – Education

Application Number: CCC/21/215/FUL

To: Planning Committee

Date: 24 February 2022

From: Assistant Director, Planning, Growth and Environment

Electoral division(s): Roman Bank and Peckover

Purpose: To consider the above planning application

Recommendation: That permission is granted subject to the conditions set out in paragraph 10.2

Officer contact:

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## 1. Introduction / Background

- 1.1 The application is for a new school, Wisbech Green SEMH School (social, emotional and mental health needs) School which will replace the existing Riverside School in Algores Way which does not meet current building standards. The application site is a tenanted farm owned by Cambridgeshire County Council.
- 1.2 The site is located outside of the development framework area for Wisbech but is located in an area designated for expansion under Fenland District Local Plan (2014) (FDLP) Policy LP8 'West Wisbech Broad Location for Growth'. This growth area is identified as having the potential to provide a residential led high quality living environment, with open space and some commercial use. FDLP Policy LP7 indicates that the identified growth locations should be planned and implemented in a co-ordinated way through an agreed overarching broad concept plan (BCP) which is linked to the timely delivery of key infrastructure. It is further identified that 'with the exception of inconsequential very minor development, proposals for development which come forward prior to an agreed BCP being produced should be refused'. The preparation of a broad concept plan (BCP) for west Wisbech began in 2014 but stopped, once work on the proposed Wisbech Garden Town (which was to cover the West Wisbech BCP area) began. The Wisbech Garden Town concept has now been put on hold and the process for bringing forward a BCP has not re-commenced at this time.
- 1.3 This application is being presented to committee because the proposed SEMH school should have been prepared in accordance with a BCP for West Wisbech as a 'major' development proposal and is therefore not in accordance with FDLP Policy LP7. However, Fenland District Council Planning has confirmed that the proposal, as an essential facility which is required at the earliest opportunity, does not need to come forward as part of the West Wisbech BCP and is therefore considered to comply with the requirements of FDLP policy LP7 and this is further detailed in paragraphs 9.2-9.7.
- 1.4 This application relates only to the provision of the Wisbech School for Social and Emotional Mental Health (SEMH) school. The Department for Education and the Education Trust are exploring alternative sites for a potential secondary school to the north of the application site as part of the Fenland Education Campus in addition to other sites in Wisbech and there is no further update at this point.

## 2. The Site and Surroundings

- 2.1 The application site is located off the Barton Road approximately 2 km to the west of the centre of Wisbech. The application site is bounded by Gadd's Lane to the west and The Still, a single access track connecting Barton Road to the south with Dowgate Road (B1169) to the north. The Still is formed of two public footpaths, Footpath 1 (FP1) which forms the southern section of the Still to the west of the application site and FP7 Leverington which forms the northern end and is on privately owned land. The Still forms the access to the existing residential farmhouse and barn which is due to be demolished as part of the development. Refer to Agenda Plan 1 (Location Plan).
- 2.2 The application site forms part of a Cambridgeshire County Council owned tenanted agricultural farm holding known as Grange Farm. The site comprises an arable field to the

west and a 3 bedroom farmhouse with hardstanding, barn and shelterbelt of trees to the east. The total area of the application site within the red line boundary is 3.76 hectares (h). This includes the pedestrian and highway improvements. The site area for the school development is 2.3 h. There are currently no footways along Barton Road immediately to the south of the site and at present wide sections of verge run along both the northern and southern sides of Barton Road. The site is relatively flat at 3m above ordnance datum (AOD).

- 2.3 The application site is not located within or adjacent to a conservation area. The nearest conservation area is The Leverington Conservation Area which is located approximately 1km to the north of the application site. The nearest listed building is The Grange, a Grade II residential property located approximately 1 km to the north. The application site is in flood zone 1.
- 2.4 The application site is located in an area designated as The Fens National Character Area (NCA 46) by Natural England. Key characteristics of this landscape include: expansive, flat, open, low-lying wetland landscape influenced by the Wash estuary, and offering extensive vistas to level horizons and huge skies throughout, provides a sense of rural remoteness and tranquillity.' 'Overall, woodland cover is sparse, notably a few small woodland blocks, occasional avenues alongside roads, isolated field trees and shelterbelts of poplar, willow and occasionally leylandii hedges around farmsteads, and numerous orchards around Wisbech.

### 3. The Proposed Development

- 3.1 The application seeks full planning permission for the erection of a single storey 60 place SEMH (social emotional and mental health) school for pupils in KS3 and KS4 (11 – 16 years), with associated vehicle and pedestrian access, formal sports pitches and amenity space, car and cycle parking, vehicular drop off area, landscaping, and associated ancillary works together with the provision of a footpath and associated highway works, creation of a new access to The Still for agricultural vehicles, and demolition of the existing residential farmhouse and barn. The site area (excluding off site highway works) is 2.3 ha. The gross external area of the school (GEA) is 2598 square metres. Refer to Agenda Plan 2 (Site Masterplan).
- 3.2 The teaching accommodation at the new school would be provided in 5 separate teaching blocks located to the east of the site each providing a different function (teaching, vocational, sports, therapy and dining) and would be separated by a mix of hard and soft landscaping. The school buildings would be single storey with a maximum height of 5 metres with the exception of the sports block to the northwest corner which is a maximum of 9.2 metres in height. The buildings would include a brick base with vertical aluminium cladding rising to either a pitched or flat roof and the colour palette of materials would be muted brown, green and black tones to reflect the existing agricultural setting. To the north of the site there would be a multi-use games area and to the east amenity space. The school would be set back from Barton Road behind a 2.4 metre fence and landscaping to provide screening. The landscape strategy includes extensive boundary and replacement tree planting is proposed at the boundaries of the site and throughout the school to provide screening and biodiversity net gain.
- 3.3 A new vehicular junction and school access road to the school park is proposed from

Barton Road. The school car park will include capacity for 36 staff and visitor car parking spaces, 2 mini-bus spaces, and 4 accessible car parking spaces. The majority of students will be travelling to the school by either taxi or mini-bus and the one-way system layout would allow a queuing system for taxis to enter the proposed drop off area (10 spaces) with additional capacity for 22 taxis to wait in the school car park preventing queuing on the school access road or Barton Road. Pedestrian and cycle access to the school building would be via a shared path from the proposed shared path/part cycleway on Barton Road. The proposal will require the demolition of the existing 2 storey residential farmhouse and an agricultural barn located at the southeast corner of the site as well as 200 trees to facilitate access to the application site. The school access road would include a spur to The Still which agricultural vehicles would use to gain access to The Still. A bollard would be erected at the entrance of The Still to prevent unauthorised parking.

- 3.4 The proposal includes access improvement works on Barton Road and to facilitate access into the school site. These would comprise of a new priority junction to serve the development with additional signage. A proposed footway, part cycleway along Barton Road. This would extend 400 metres east of the site to connect with the existing footway and would include streetlights. New signage would identify where cyclists would re-join the carriageway at the point where the proposed width of the pedestrian path is reduced from 2.5 metres to 2 metres owing to a reduced width of verge. The applicant is also applying to reduce the speed limit from 60mph to 40mph on this section of Barton Road and this is being progressed under a Traffic Regulation Order (TRO) outside of the planning application process.
- 3.5 The surface and foul water drainage strategy proposed would utilise a combination of onsite attenuation and flow control to restrict discharge to the existing drainage ditch network on the west boundary of the site parallel to Gadds Lane which ultimately connects to the North Level District IDB drain referenced as The Still Drain. A foul water strategy has been developed which utilises an on-site gravity system connecting to an on-site pumping station with the associated rising main connecting to the Anglian Water system located approximately 150m to the East of the junction of Barton Road with The Still. An extensive network of drainage swales and pipes are proposed throughout the site. Attenuation tanks are proposed to the southern area of the site, slightly east of the sports field. Further to this, tanked permeable surfacing is also proposed throughout the site, primarily located between and surrounding teaching blocks.

## 4. Planning History

- 4.1 The following planning history is relevant to the application site and relates to two applications for the farmhouse previously submitted Fenland District Council.
- F/YR07/0522/F Erection of a 4-bedroom detached house and 2.0 high wall with railings to front boundary approved 29/06/2007.
  - F/YR07/0291/RM Erection of a 4-bedroom detached house and 20m high wall with railings to front approved 09/05/2007.

## 5. Publicity

- 5.1 The application has been advertised in accordance with the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended) by notice in The Fenland Citizen. Discretionary notification letters have been sent to properties near the application site. The application was screened against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 following its submission. The EIA Screening concluded that the proposal was not Environmental Impact Assessment development.

- 5.2 4 site notices were displayed on 15/11/2021, at the junction of Leverington Common at the northern access point of The Still, at the junction of The Still and Barton Road, at the junction of Barton Road and Gadds Lane and to the east of the application site on Barton Road adjacent to existing residential properties.
- 5.3 The adopted Cambridgeshire County Council Statement of Community Involvement (January 2019) sets out that at pre application stage applicants are encouraged to undertake pre application discussions. This proposal was defined as being a Category 'A' development requiring a high level of community involvement.
- 5.4 Consultation by the applicant as part of the pre application process included meetings with planning and planning policy officers from Cambridgeshire County Council (CCC) and Fenland District Council, the CCC ecology officer and officers from the Highway Authority. A review by the Design Quality Panel was carried out on 1<sup>st</sup> November 2018. A public exhibition of the proposals was held on 9 January 2019, with further public consultation carried out in August 2021 by the applicant's project team.

## 6. Consultation responses

- 6.1 Fenland District Council (Planning) – No objection. The comments are summarised as follows:
  - It is noted that the land is within the applicant's control and also that the amount of land required by the proposal is significant in terms of its scale and as such it is accepted that it would perhaps be difficult to locate and secure an alternative site suitable for accommodating the proposals, especially in a location closer to the town. It is also noted that the client group are, under the terms of the Equalities Act, significantly disadvantaged. The disadvantages faced by the clients, and the benefits to be provided by the proposed facility, must therefore be weighed against the disadvantages of the site in locational terms.
  - Most of the students will be transported onto the site itself by vehicle regardless of its location. It is not considered therefore that in this instance the location represents a factor that would therefore count against in the proposals when considering its overall sustainability and policy compliance.
  - The location forms part of the West Wisbech Broad Location for Growth in the current Fenland Local Plan. As a result, there is the potential for residential development, and consequently transport infrastructure, to be located in the immediate vicinity, resulting in an increase in the sustainability of the site. It should be noted however that no proposals for a comprehensive Broad Concept Plan (or even for the development of significant parts of the BLG) have come forward at this time, and therefore development of the wider area may be some years away.

- The design of the scheme is somewhat basic, this is perhaps mitigated by its low-rise nature and by the proposed landscaping. This landscaping is however somewhat lacking in the northern corner of the site where no edge of site planting is identified.

6.2 Environmental Health Officer (Fenland District Council) – No objection. The comments are summarised as follows:

- The proposal is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.
- The details submitted within the reports relevant to this service, have been observed which include matters such as contaminated land (Applied Geology, report ref: AG2927-18-AH25) where it is concluded that there is a negligible risk to human health and controlled water receptors.
- The Construction Noise and Vibration Management Plan and Environmental Management Plans submitted by Kier appear suitable and sufficient for purpose and include complaint procedure details in the event that the nearest residents feel that they are adversely affected during the construction phase should planning permission be granted.
- The details in the external lighting layout plan and external car park lighting calculations (Ref: 25745), both submitted by Whitecroft Lighting are acknowledged. From the information available, it appears that the proposed lighting scheme will conform with the relevant expected standards, including the Institute of Lighting Professionals (ILP) Guidance Note 01/21: The Reduction of Obtrusive Light, 2021.
- The guidance identifies ILP Environmental Zone E2 as being rural (defined in guidance as sparsely inhabited rural areas, village or relatively dark outer suburban locations) which fits the intended development location, and the details provided show that proposed artificial lighting levels should fall within the parameters set by that classification (E2).
- If planning permission is granted, it doesn't indemnify against Fenland District Council Environmental Services taking formal action under relevant legislation (predominantly the Control of Pollution Act 1974 and Environmental Protection Act 1990) if substantiated complaints are received during the demolition and/or construction phase. This also applies if complaints are received following completion of the proposed scheme whereby it is determined that artificial lighting is causing a statutory nuisance (EPA 1990) due to factors such as it not having been installed correctly to achieve Lux levels as set out in the aforementioned documents.

6.3 Cambridgeshire County Council Archaeology – No objection. The comments are summarised as follows:

- Examination of surface models indicate that the landscape to the west of Wisbech is characterised by the roddonised channels of former rivers and their tributaries which dominated the fenland basin. The formation of these interrelated roddens form a zone of raised land, affording opportunities for human occupation throughout the late prehistoric to Post-Medieval periods. Settlement and land use is recorded in the vicinity of the present site in the Iron Age and Roman periods, including evidence for Roman

settlement to the south (HER 02830) and southwest (HER 03904. 04065). Surface scatters identified in the vicinity contain briquetage; ceramic remnants from clay evaporation pans of Roman and medieval salt production, located on the former river courses to exploit the salt water formerly held in creeks and side channels. It is possible that evidence for earlier prehistoric activity may be contained within channels and former land surfaces, with the potential for preserved organic remains in waterlogged environments.

- The site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This is attached as condition 30.
- There is no objection to the removal of the trees and the proposed methodology as detailed in the supporting statement.

#### 6.4 Cambridgeshire County Council Ecology – No remaining objection.

- CCC Ecology welcome the submission of additional information which addresses our requirement for survey information prior to the determination of the application and therefore removes our objection.
- If planning permission is granted the following conditions should be applied to ensure that biodiversity has been adequately protected and biodiversity net gain delivered as part of the scheme as detailed in our previous consultation response dated 24 January 2022.
- The conditions requested are, updates to the submitted Ecological Management Plan (EMP), and Landscape Ecological Management Plan (LEMP), detailed bat mitigation scheme and implementation of the landscape management and biodiversity net gain for 30 years/until habitat meets target condition (either as a standalone condition or as part of the updated LEMP).

#### 6.5 Lead Local Flood Authority (LLFA) (County Council) – Holding objection now removed. The comments are summarised as follows:

- Further to the meeting on the 26 January 2022 it is acknowledged that the proposed drainage strategy is appropriate for the site but there are significant differences between the modelled drainage network and the proposed design. However fully representative calculations should be provided as part of the drainage strategy and request that a condition requiring a detailed surface water scheme is submitted, prior to the laying of services, creation of hard surfaces or erection of a building is commenced.

#### 6.6 Cambridgeshire County Council – Asset Information Team – No objection. The comments are summarised as follows:

- The developer, is requested prior to first occupation of the site to submit a request to the Highways Authority for barrier authorisation under section 66 of the Highways Act 1980 for the bollard which is to be placed on Public Footpath No. 1, Wisbech near its junction with Barton Road.

- As Public Footpath No. 1, Wisbech is to be used as a temporary vehicular access for construction traffic, we request that the developer contacts the Highways Authority to arrange a pre and post works highway inspection of the surface of the public footpath to ensure that the surface of the footpath is fully restored after it has been used by construction traffic. These are requested in the interests of public safety and amenity.

6.7 Cambridgeshire County Council Highway Authority – No remaining objection. The comments are summarised as follows:

- The latest revised plans are submitted in response to my earlier comments, the Road Safety Audit and subsequent discussions with the developer's consultants. The design of the highways scheme in terms of visibility splays has considered the current speed limit with the expectation that this will be reduced to 40mph of which there is support for this. The non-motorised provision has been revised from a shared use pedestrian / cycle way up to the access opposite Cox's Lane to a shorter length of cycleway but pedestrians will be able to continue to the same point opposite Cox's Lane. The reduced length of cycleway has resolved a number of problems that were encountered as part of the submitted Road Safety Audit. Conditions are requested for the installation of a bollard on The Still and a compliance for the highway works.

6.8 Cambridgeshire County Council Transport Assessment Team - No remaining objection. The comments are summarised as follows:

- The document reviewed is the technical note dated January by Kmc Transport Planning. This note addresses the issues raised by the Highway Authority and is acceptable subject to the provision of a condition requiring covered and secured cycle parking.

6.9 Cambridgeshire County Council Public Health Officer – No objection. The comments are summarised as follows:

- The response relates to the interim travel plan and submitted health impact assessment. Although the travel plan clearly stated that students will travel by minibus and taxi to and from the site, it is important to understand that the proposed site is located on a currently de-restricted road. Consequently, if staff wish to cycle or walk to school, taking advantage of a number of established cycle routes in and around Wisbech or use the many PROW routes - including one that approaches Barton Road from the town centre via North Brink - cycling and walking the school will be a challenge, mainly because of a lack of infrastructure along Barton Road for the final section of their journey.
- Reference is made in the travel plan to restricting the speed limit Barton Rd by the SEMH school site to 40mph. This along with improved street lighting should be discussed with the councils' highways engineers and resolved prior to planning approval as a matter of urgency.
- The final version of the travel plan should include a series of targets designed to minimise the impact of travel on the environment and local community. This will ensure that the travel plan can be built on as the secondary school is constructed and becomes operational.



- The new site will provide an environment and a location that will be more supportive to students with emotional and mental health issues, when compared to the current location in a commercial/industrial development.
- The provision of electric vehicle charging facilities on site is welcome, however, these should ideally be fast charging points and an agreement should be reached to allow taxi contractors to use this facility. This would encourage operators to purchase EV taxis, improving local air quality, in line with best practice in taxi operation.
- It is welcome to see that the HIA recommends recruiting construction workers locally as there is currently a skills shortage in the industry, which when combined with the proposed new both local residential and commercial sites in Cambridgeshire has the potential to provide long term employment.

6.10 Cambridgeshire County Council Road Safety Officer - No objection. The comments are summarised as follows:

- The school have completed a Modeshift STARS interim travel plan to support this application. The school are expected to work with the CCC Road Safety Education Team, to ensure that safer, sustainable school travel remains a key aspect of their travel plan on occupation, and that they will continue to update the plan and to deal with any travel issues that arise through the Modeshift STARS travel planning system.

6.11 Sport England - No objection. The comments are summarised as follows:

- The proposed development does not fall within Sport Englands statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003- 20140306), therefore Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application.
- If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance>

- In line with the Governments NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

6.12 Natural England – No objection. The comments are summarised as follows:

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which can be used to assess impacts on protected species or consultation with an appropriate ecology services for advice is advised.

6.13 Fire and Rescue Service – No objection. The comments are summarised as follows:

- Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.
- The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.
- Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.
- If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

6.14 Anglian Water – No objection. The comments are summarised as follows:

- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. See Informative 3.

6.15 Cambridgeshire Police Designing out Crime Officer – No objection. The comments are summarised as follows:

- Although we have had early consultation with the applicant regarding security recommendations to achieve BREEAM credits, we are waiting for confirmation that our advice will be adhered to.
- Our understanding it that there is a need for this school to be secure and as such we are happy to engage with the applicants further to ensure that the correct levels of security and crime prevention measures can be discussed.

6.16 Environment Agency - No objection. The comments are summarised as follows:

- There are no Agency related issues in respect of this application and therefore we have no comment to make.

6.17 Internal Drainage Board – North Level – No objection. The comments are summarised as follows.

- A formal application for Land Drainage Consent for the surface water outfall and for the new access over the riparian drain north of Barton Road will be required as well as a development levy to deal with the additional water from the site.

- Discussions have already taken place with the developer on the understanding that the total imperious area of 1.022 hectares will be attenuated on site before discharging at a rate of 3.2l/s into the riparian drain to the southwest of the site.

6.18 Wisbech Town Council – No objection. The comments are summarised as follows:

- This planning application has been considered by this council's Planning and Infrastructure Committee. The Committee supports this development proposal but seeks an assurance it would not have an adverse effect upon access to the Town Council's allotment at The Still.

6.19 Wisbech St Mary Parish Council – Objection. The comments are summarised as follows:

- This is the wrong location for the SEMH or the new secondary school. The Parish Council are concerned that allowing the SEMH school to go ahead will increase the chances of the secondary school being placed here that is why it is included in this response.
- Although there seems to be a 'small' amount of infrastructure changes planned at the site to combat the very basic concerns the wider issue still remains. Any increase in traffic will cause chaos.
- Wisbech St. Mary & Guyhirn will be used as rat runs and there are speeding issues in both of these villages currently, without any extra travel movements. The road is not suitable for constant site movements of construction traffic.
- This study only conducted travel movements within the catchment area of the new school. The impact this School will have on the Barton Road & North Brink is immense and will have a lasting effect for years to come.
- Wisbech deserves to be a centre of excellence and the original drawings of what this school will look like appear prison like and basic, it doesn't take from its rural aesthetics and stands out like a sore thumb. There seems to be a lack of details towards the basics; numbers, catchment nor even a five year plan
- This development, if it is indeed to serve the western side of Wisbech needs to be placed on Sutton Road.

6.20 Leverington Parish Council – No stated objection. The comments are summarised as follows:

- Not all cars will use the Wisbech St.Mary Road as this gets very congested at school times due to the grammar school.
- Cars will travel through Gadds Lane to Leverington Common and on to Wisbech.
- There are no parking places along the stretch of Gadds Lane which is wide enough for only 1 vehicle.
- Cars will be meeting agricultural machinery along this stretch and pulling off the road is impossible. Vehicles will have to back up until they find a gateway
- Gadd's Lane has to be crossed to access the play ground at Leverington Common. The council is very concerned this is a serious safety issue

## 7. Representations

7.1 6 representations have been received and the comments are summarised below:

- The proposed site does not have the necessary infrastructure and there are problems with access and location. Barton Road is very narrow and a pavement/cycle track on the north side of the road is dangerous. The proposal will result in increased congestion. Gadds Lane and The Still are both unsuitable for access.
- There are many brown field sites in the area which would have much better services and are more centrally placed.
- The prime reason it has been considered is because it is council owned.
- The design of the building does not respect the character and the context of the site and surrounding area.
- The adjoining houses and businesses on Gadds Lane will be overshadowed and overlooked. This proposal would create a huge increase in noise and disturbance.
- If the school site is extensively drained then it will attract water drainage from surrounding land causing flooding.
- A speed limit change should include Barton Rd towards its junction with Mile Tree Lane.
- This should only be approved if soft piling is used to minimise the disruption.
- There should be no on road parking allowed as a condition for approval.
- There should be an on-site wheel wash facility to avoid contaminating Barton Road.
- There is no information on the type of fence and no artist impression of what visual impact this have on the proposal.

7.2 A copy of the full representations will be shared electronically with members of Planning Committee one week before the meeting.

## 8. Planning Policy

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs below noting the development plan does not include emerging plans and policies.

8.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (paragraph 11). It states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most relevant for determining the application are out of date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.

8.3 Paragraph 2 - planning law requires that applications for planning permission be

determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 – plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 38 - local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment).

Paragraph 95 – To ensure faster delivery of other public service infrastructure such as further education colleges, hospital and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

Paragraph 130 – Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 159 - inappropriate development in areas at risk of flooding should be avoided (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167 - when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be

inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 174 - planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

Paragraph 185 - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## Fenland District Council Local Plan (adopted May 2014 (FDLP))

8.4 Fenland District Council's Local Plan was adopted on 8th May 2014. It sets out the vision and policies to guide future development in which new infrastructure such as schools play an important role in delivering sustainable development. The objectives of the plan encompass improving the quality range and accessibility of services such as education to ensure that all groups thrive in safe environments. The following local plan policies are of relevance in the determination of this planning application.

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: Facilitating Health and Wellbeing of Fenland Residents
- Policy LP3: Spatial Strategy, the settlement hierarchy and the countryside
- Policy LP7: Urban Extensions
- Policy LP8: Wisbech
- Policy LP13: Supporting and Mitigating the Impact of a Growing District
- Policy LP14: Responding to Climate Change and Managing the Risk of Flooding in

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

- Policy LP16: Delivering and Protecting High Quality Environments across the District
- Policy LP19: The Natural Environment

### Supplementary Planning Documents

As identified on Fenland District Council's website, the following documents are material considerations when making planning decisions with the weight in decision making to be determined on a case by case basis having regard to consistency with national planning guidance and the adopted Fenland District Local Plan 2014.

- Delivering and Protecting High Quality Environments in Fenland SPD, 2014
- Fenland Infrastructure Delivery Plan 2016
- The Cambridgeshire Flood & Water Supplementary Planning Document (adopted 14 July 2016)
- The Cambridgeshire and Peterborough Local Transport Plan (February 2020)

### Emerging Fenland Local Plan

- 8.5 Fenland District Council are in the process of updating the local plan. Fenland District Council approved an updated timetable for the draft local plan (known as Fenland Local Development Scheme (LDS)) on 15 July 2021. The LDS shows an updated timetable for the production of the Fenland Local Plan to 2023. Consultation on the draft local plan took place in December 2021 and January 2022 with adoption of the local plan proposed in November 2023.

### Planning Practice Guidance (PPG)

- 8.6 The planning practice guidance is relevant to the consideration of this application and in particular the Section relating to Noise (March 2014) – Managing noise impacts in new developments is also a material consideration.

## 9. Planning Considerations

- 9.1 The main planning considerations in relation to this planning application are: principle of need and justification, design and layout, landscape character and visual impact, loss of agricultural land, biodiversity and agriculture, flooding, surface and foul water drainage, climate change, transport and access, car and cycle parking, residential amenity, health impact, archaeology and equality, diversity and inclusion.

### **Principle of development, need and justification**

- 9.2 Paragraph 94 of the NPPF supports the need to build new, expand and alter schools to ensure there are sufficient school places available. The proposal has been commissioned by the People and Communities Service of Cambridgeshire County Council and is supported by a Regulation 3 letter. The applicant (Cambridgeshire County Council's People and Communities Service – CCC Education) is working in partnership with The Horizon Trust, (the appointed school sponsor) and the proposal would replace the existing 30

student SEMH school Riverside Academy, (Algores Way, Wisbech) which does not meet current building standards. The existing school serves a wide catchment area for students which includes Wisbech, North Cambridgeshire and South Norfolk and the new school would continue to serve this catchment.

9.3 The proposal has been subject to pre application discussions since 2016 with planning officers from the County Planning Team, Education and Fenland District Council planning. Wisbech St Mary Parish Council and neighbours have raised concerns about the location of the school and the applicant has confirmed that the proposed site was selected following an extensive review of alternative sites around Wisbech, by the CCC Education Capital Team in 2015. Following this site search, an initial pre application enquiry was submitted to the County Planning Authority in 2016 where it was proposed that the SEMH school (and at that time also a secondary school) would be located on land to the east of Meadow Lane to the east of Wisbech. However, this location was rejected based on insufficient transport capacity and the significant infrastructure upgrades which would be required. This search also related to the inclusion of a secondary school which is now on hold, but the same concerns would apply to the SEMH school given the constrained nature of the east side of Wisbech. As a result, County Education reviewed alternative options, however, these were limited as much of the land around Wisbech is located within flood zone 3 (high risk) and is outside the control of Cambridgeshire County Council. The proposed application site was therefore considered the most suitable for the following reasons:

- It is located within an identified growth area for Wisbech within the adopted Local Plan and is therefore considered to be a sustainable location for growth.
- It is one of the few areas in and around Wisbech that is situated within a flood zone 1 (low risk zone).
- The west side of Wisbech is less constrained than the east side in terms of transport capacity.
- The vast majority of the demand for additional school capacity is to the West side of Wisbech.

9.4 The site is located outside of the development framework for Wisbech but is located within an area designated for expansion under FDLP Policy LP8 'West Wisbech Broad Location for Growth'. This growth area is identified as having the potential to provide a residential led high quality living environment, with open space and some commercial use. FDLP Policy LP7 indicates that the growth locations should be planned and implemented in a coordinated way, through an agreed overarching broad concept plan which is linked to the timely delivery of key infrastructure. It is further identified that 'with the exception of inconsequential very minor development, proposals for development which come forward prior to an agreed broad concept plan (BCP) being produced should be refused. FDLP Policy (f) states that urban expansions should incorporate a primary, or secondary school if the scale of the urban extension justifies it.

9.5 The preparation of a BCP for the area had commenced after the adoption of the FDLP in 2014 but stopped once work on the proposed Wisbech Garden Town (which was to cover all of the West Wisbech BLG area) started. However, after several years the Wisbech Garden Town concept was put on hold indefinitely. The process for bringing forward a BCP has not re-commenced due to a variety of reasons and whilst the new school campus and SEMH school should have been prepared in accordance with a BCP, as there is no current plan for a BCP, Fenland District Council Planning has confirmed that the school does not



need to form part of a BCP in this instance as it is an essential facility required at the earliest opportunity and that the school proposal would not prejudice the development of a BCP moving forward. As such the proposal is considered broadly compliant with FDLP policies LP7 and LP8.

- 9.6 The proposal would include the permanent loss of 1 x 4-bedroom residential property which is unfortunate. Fenland Local Plan does not include any policies which include mitigation for the loss of residential development.
- 9.7 The provision of this new facility is supported by paragraph 95 of the NPPF, which should be given substantial weight in the determination of the application. There is a requirement for growth, the majority of which is to be focussed on the main four towns including Wisbech, to meet the associated infrastructure needs and it is considered that the proposal would not prejudice this coming forward. As such, the proposal is considered acceptable as it would provide a new SEMH School which is 'fit for purpose' locally where demand is required contributing to the aims of the Fenland District Council Local Plan 2014, in accordance with policies LP1, LP7 and LP8. It is also in accordance with paragraph 95 of the NPPF, which gives "great weight to the need to, in the case of this proposal "create, expand and alter schools".

### **Design and Layout**

- 9.8 FDLP Policy LP16 (c-d) supports new buildings which make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and do not adversely impact, in either design or scale terms on the street scene and should seek to retain natural features such as existing trees and vegetation. The perimeter of the proposed school site will be secured by a 2.4-metre-high mesh fence with planting. The school would be single storey with the layout comprising a mix of soft and hard landscaping with five separate teaching blocks to reduce the visual impact of the buildings on the site. The school buildings would be located to the east of the site set back from the boundary behind proposed planting to minimise its visual impact on Barton Road, Gadds Lane and existing countryside to the north. The site incorporates amenity areas to the east of the site with tree and shrub landscape boundary planting proposed adjacent to residential properties on Gadds Lane to further screen this boundary. A shelterbelt of existing trees would separate and screen the proposed car park and school from The Still. The materials for the school would be selected from a palette which would include muted colours to reduce any dominance in the existing landscape. Refer to Agenda Plans 3 and 4 (General Arrangement/Elevation).
- 9.9 The design of the scheme is supported by the Cambridgeshire Constabulary Designing Out Crime Officer meeting requirements for FDLP Policy LP17 (g-h) which require good visibility and surveillance in a new development.
- 9.10 The proposed development has would respect the context of the site in terms of design and scale with proposed landscaping broadly mitigating against any adverse visual impact. The proposal also meets existing standards which would ensure a high level of community safety. The layout of the school has also been reviewed by the Cambridgeshire Design Quality Panel and is supported. The proposal is therefore considered acceptable and compliant with Fenland Local Plan 2014 policies LP16 (c-d) and LP17 policies (g-h).

## Landscape Character and Visual Impact

- 9.11 FDLP Policy LP16 (c-b) supports developments which retain and incorporate natural features and protects and enhances biodiversity, taking into account nationally designated sites. The application site is not located in an area which is nationally designated protected area for Environmental Impact Assessment Regulations (2017), but it is located in an area defined by Natural England as The Fens National Character Area (NCA 46) and more locally within the Wisbech Settled Fen Local Character Area. Key characteristics include: expansive, flat, open, low-lying wetland landscape, extensive vistas to level horizons and huge skies, rural remoteness and tranquillity, isolated field trees and shelterbelts of poplar, willow and occasionally leylandii hedges around farmsteads, and numerous orchards around Wisbech.
- 9.12 The application is supported by A Landscape Visual Impact Assessment (LVIA) (James Blake Associates) which provides an assessment of the impact of the scheme on the landscape. The document confirms that whilst the site is likely to be valued locally, there are few features which elevate the site above the ordinary in this location. The LVIA concludes that the proposal will bring about a noticeable change, which will not dominate the view and which will be a small component of the wider settled landscape. The landscape strategy proposed has been designed to replicate in so far as possible the surrounding Fenland and settled Fenland landscape characteristics and will provide new native planting throughout the site, an existing shelter belt of trees will be retained. The school building elements have been designed sensitively with massing and scale reduced to respond to the local context, the built form being low rise, together with the use of a muted colour palette for the materials and with the provision of native planting throughout the site to include site boundaries, which will support the integration of the development within the existing landscape pattern. Wisbech St Mary Parish Council have raised concerns about the design of the school and the applicant has confirmed that consideration has been given to the setting of the school which is reflected in the overall design. It is therefore considered that the proposal would not have an adverse impact on landscape character.
- 9.13 The two closest residential properties are located to the west of the application site at the Barton Lane, the southern end of Gadds Lane to the west approximately 30 to 60 metres away from the western boundary of the from which the application site. To help screen and soften views from this part of Gadds lane, additional boundary landscaping is proposed on the south, west and northern boundaries. The landscaping would include a variety of native trees and shrubs. At the time of planting the vegetation height would be approximately 20cm to 300cm, with height increasing by approximately 40-60cm every year. The native hedge will grow to more than 4m height, and the trees to 10-20m height depending on the species. There has been some discussion between the applicant and Fenland District Council whether additional planting could be provided on the norther corner of the application site adjacent to the proposed MUGA where the fencing will be higher at 2.7 metres. The applicant has explored options for further landscaping and confirmed that it is limited in this area as good passive surveillance is required, any additional trees could potentially overhang the MUGA which would then create issues in terms of usability of the facility.
- 9.14 The proposal would result in the loss of some of the existing landscape character elements such as the arable field boundary vegetation and trees and would have a demonstrable

impact on the Fenland Landscape Character. However, the applicant has provided a landscape strategy as mitigation which aims to replicate some of the landscape character elements lost such as native boundary planting and planting within the site in so far as possible and conditions will ensure that there is an opportunity for these details to be updated and a schedule provide for management and monitoring. As such, the proposals although finely balanced are considered acceptable and compliant with Fenland District Council Policy 2014 LP16 (c-b).

### **Loss of Agricultural Land**

- 9.15 The proposal would result in the loss of approximately 2 ha of Grade 1 agricultural land designation. The need for the development has been demonstrated in paragraphs 9.2 to 9.7. Fenland District has a significant resource of good quality agricultural land and whilst the proposal would lead to the irreversible loss of approximately 2 ha of Grade 1 agricultural land this is plentiful in this area and the proposal is considered broadly compliant with FDLP Policy LP16 when balanced against the need demonstrated for the development.

### **Biodiversity and Aboriculture**

- 9.16 NPPF paragraph 170 supports development which contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes and by minimising the impacts on biodiversity. NPPF Paragraph 170 (d) expects net gains for biodiversity to be provided. This is further supported by FDLP Policy 16 (b-c) which supports development that protects and enhances biodiversity on and surrounding the proposal site and retains and incorporates natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies. FDLP Policy LP19 states opportunities to incorporate beneficial features for biodiversity will be supported with mitigation measures secured.
- 9.17 The application is supported by an Aboricultural Impact Assessment Report (AIA) Version 002 (Date 22/10/2021), and addendum dated (January 2022). The report concludes that whilst the proposal would retain a large number of trees 200 trees would need to be removed in order to facilitate the development. The majority of the trees would be removed are described as being of low amenity value and would be from linear shelterbelts with trees of varying species including leylandii, Maple, Plum, Alder and Ash. There is only one category A tree on the site, a Wellingtonia which would be retained as part of the development. The landscaping scheme includes 209 replacement trees of varying native species. The trees that are proposed to be retained as part of the development will be protected from damage during construction works and tree protection details are required as part of condition 25.
- 9.18 The application is also supported by an ecological impact assessment (date 17/09/2021) by greenwillows associates which provides an assessment of the likely impact of the proposed scheme on existing biodiversity. The report confirms there is evidence of bats, a protected species (Schedule 5 of the Wildlife & Countryside Act and Schedule 2 of the Conservation (Natural Habitats) Regulations 1994) in trees and buildings at the application site. The report confirms that since an initial survey of the site was undertaken in 2018, 133 trees across the site have been felled unlawfully and this has resulted in the loss of bat roost features for bats and a maternity bat roost. The applicant has confirmed that this matter has been subject to a separate investigation with criminal proceedings for those responsible and is not related to the project team or team representatives. The applicant has

subsequently agreed appropriate mitigation for the bat habitat lost and for the protection of the remaining bat roosts in the existing barn with the county ecologist. The applicant is aware that a European Protected Species Licence (EPSL) must be obtained from Natural England and all existing outbuildings will remain undisturbed until the licence is granted. All works will then progress under the supervision of a licensed ecologist strictly in accordance with the requirements of the licence. The bat mitigation measures include protection for the existing bat roost during early construction works, the submission of a bat mitigation strategy, additional tree planting and the provision of a bat 'hotel' as a replacement roost. The measures have been agreed with the county ecologist as acceptable and are attached as conditions 26-28.

- 9.19 The application includes a landscape strategy which would enhance the existing habitats and support new habitats for biodiversity. The strategy incorporates existing trees and vegetation as well as existing land drainage features on the northern and southern boundaries. Additional landscaping will include extensive tree, shrub and wildflower planting as well as the inclusion of an allotment and replacement trees to support the retention of existing biodiversity on site and contributing meeting the biodiversity net gain requirements as required by NPPF paragraph 170 (d). The submitted ecological impact assessment has been further updated (January 2022), pending the Traffic Regulation Order (TRO) request to reduce the speed limit on this section of Barton Road. The county ecologist has agreed the landscaping strategy is acceptable in principle and requested a Construction Management Plan to protect biodiversity, an updated Ecological Management Plan and Landscape Ecological Management Plan be submitted to provide further specification details, implementation and monitoring of biodiversity net gain. These are attached as conditions 20-22.
- 9.20 The proposal includes a landscape strategy which seeks to retain existing landscape features, and which would enhance biodiversity on the site and meet net gain requirements with suitable bat mitigation provided. The proposal is supported by officers and is compliant with NPPF paragraph 170 and NPPF Paragraph 170 (d) which expects net gains for biodiversity to be provided and Fenland Local Plan 2014 policies LP16 (b-c) and LP19.

### **Flood Risk, Surface and Foul Water Drainage**

- 9.21 FDLP Policy LP14 Part (B) Flood Risk and Drainage (a-d) states that submitted drainage strategies must show that suitable consideration has been given to surface water drainage and appropriate arrangements for attenuating surface water run off can be accommodated on site. The site is located within Flood Zone 1 which indicates a low risk of flooding.
- 9.22 In response to the holding objection and initial concerns raised by the LLFA regarding the surface water drainage modelling on the site the applicant submitted an updated Flood Risk Assessment and held further negotiation with the LLFA. The LLFA have since advised that whilst the proposed drainage strategy is appropriate for the site, there are significant differences between the modelled drainage network and the proposed design. The applicant is therefore requested to submit an updated surface water drainage scheme which should include fully representative calculations of the modelled drainage network, and this is included as condition 19. The proposed foul water drainage system would connect to an existing public sewer network which is managed by Anglian Water and this is acceptable to Anglian Water. The Internal Drainage Board (Middle Level) has confirmed

that the proposal is acceptable subject to the relevant development consents being granted if the proposal is approved.

- 9.23 Neighbour representations have also been made raising concerns about the potential for the development to increase the possibility of flooding on the surrounding areas from surface water. The application is located in flood zone 1 which confirms it is at low risk of flooding and the applicant has submitted a flood risk assessment which supports this. The LLFA has agreed the drainage strategy is acceptable and not raised any additional concerns to the possibility of flooding. The applicant will be required to submit further modelling information through condition 19 and this will provide further opportunity for the LLFA to assess the detail of the drainage strategy.
- 9.24 The proposal and drainage strategy has been reviewed by the Environment Agency, Anglian Water, the Internal Drainage Board and the LLFA and is acceptable in principle subject to further details submitted by condition. It is therefore considered that subject to the relevant condition and informatives conditions the proposal is considered compliant with Fenland District Plan 2014 policy LP14 Part B (a-d).

### **Climate Change**

- 9.25 FDLP Policies LP14 Part A (a, g) relating to resource use, renewable energy and allowable solutions recognise an urgent need to combat and adapt to climate change and to minimise increases to the wider power network and LP16 (d) supports development which provides resilience to climate change. The floorspace of the proposal is above the 1,000 square metre threshold and requires compliance with BREEAM standards. The proposal has been designed to meet, 'very good' principles, which is in line with the County Council's expectations in relation to new school buildings. The applicant has confirmed that energy consumption will be reduced using thermally efficient materials, energy efficient lighting and high levels of ventilation. These measures would reduce overall energy consumption and increase the energy efficiency of the building. Students, where appropriate and staff will be encouraged to cycle, native plants will comprise the majority of green areas, and carbon reduction measures will form part of the proposal, achieving the minimum requirement of 10 points. The applicant has also proposed to incorporate photovoltaic panels to further minimise resource consumption and these details and condition 18 is attached to secure this information.
- 9.26 The development would incorporate building technologies and renewable energy technologies to meet the required threshold of 'very good'. BREEAM conditions are proposed to ensure appropriate energy and water targets are met and to provide details of photovoltaic panels. The proposal is therefore considered compliant with Fenland Local Plan 2014 policy LP14 Part A (a,g).

### **Transport and Access**

- 9.27 FDLP Policy LP15 permits developments which do not have an unacceptable transport impact. The planning application is supported by a transport assessment for the school site which provides an assessment of the combined impact. In addition, FDLP Policy 13 supports proposals which are supported by or have access to infrastructure with planning permission only supported if it can be demonstrated that there is sufficient infrastructure

capacity to meet the requirements of the development and that consideration of the timing should be given to the timing of infrastructure provision.

- 9.28 The application site is currently agricultural farmland located to the north of Barton Road. Formal footway provision within the vicinity of the site is limited and there are no footways along Barton Road. At present wide sections of verges run along both the northern and southern sides of Barton Road and these continue to the east and west of Gadd's Lane Carriageway. Immediately to the east of the application site is The Still, a Public Right of Way (PROW) that connects Barton Road to Dowgate Road providing a direct walking route between the two arterial roads. Access to the proposed site would be via the creation of a bell junction onto Barton Road and this would replace the existing access to the current farmhouse which is via The Still. The Still which would remain as a public right of way, but vehicle access would be prevented by a new a bollard which would be placed at the southern entrance of The Still on Barton Road to prevent unauthorised parking (see condition 32). A new access for agricultural vehicles would be created from the internal access road within the school site. the applicant has provided a swept path analysis to show that waste and emergency vehicles are able to access the site in accordance with FDLP policy 16 (f).
- 9.29 The proposal has been subject to extensive pre application discussions between the applicant's project team the Highway Authority and Transport Assessment Team who are aware of the concerns raised by neighbours and the Parish Councils with regards to existing congestion in Wisbech and the fast traffic speeds on Barton Road. These discussions have been on-going through the planning application process to further refine the package of highway measures put forward by the applicant following initial concerns raised by the Transport Assessment Team and the Highway's Development Management Team. This includes the design response to the Transport Assessment Addendum dated December 2021 and a response to the Stage 1 Road Safety Audit (Date 13.12.21).
- 9.30 The Transport Assessment Team and Highway Authority have confirmed they are now satisfied that the proposal would not have an impact on the highway network subject to the agreed transport mitigation measures. These comprise of a new priority T junction to serve the school, a proposed footway / part cycleway along Barton Road and a traffic calming scheme to support the speed limit reduction (from national speed limit to 40mph) on Barton Road with additional signage and road markings. Following the assessment of the Stage 1 Road Safety Audit, the proposed cycleway element of the shared path has been reduced in length and cyclists will re-join the carriageway where the path reduces in width to 2 metres. Refer to Agenda Plan 5 (Highway Improvements). A full travel plan will need to be submitted once the school is occupied and this will confirm how the school will encourage more sustainable travel. However, it is recognised that due to the nature of the school the majority of the students would be travelling to the school via taxi or school minibus. The existing speed limit on Barton Road is 60mph and vehicle speeds has been raised as a concern by residents and public health and the applicant is seeking to reduce the speed limit of Barton Road from 60mph to 40mph via a Traffic Regulation Order (TRO) which would be pursued outside of the planning process. Condition 9 is attached to ensure that the proposed mitigation measures outside of the TRO process are operational prior to the occupation of the school.

### **Car and Cycle Parking**

- 9.31 FDLP Policy LP15 permits developments which do not have an unacceptable transport impact. The adopted local plan does not include specific guidance on car, cycle parking standards for schools within Appendix A and the proposed number of parking and cycle spaces are based on levels at the existing school.
- 9.32 The applicant has confirmed that the new school will employ 35 full time staff and 5 part time staff. The submitted Transport Assessment (TA) provides details of the anticipated modal split of the development which is also based on all pupils (60) attending the SEMH being dropped off by taxi or car. The TA indicates that 80% of their staff currently travel to work by car and this would be likely to continue given the rural location of the school. This number would generate a requirement of 36 car parking spaces (based on full time and part time staff numbers) with 2 accessible car parking spaces and 2 spaces for minibuses. The proposed car parking is considered sufficient for the anticipated demand. A travel plan will be implemented from first occupation to encourage staff to travel by more sustainable modes post occupation.
- 9.33 The layout of the proposed car park has been informed by the drop off pick up profile included in the TA which has been developed to ensure that there is sufficient space within the SEMH forecourt to provide for the drop off/pick up. The profile has been based on the following assumptions. For the morning peak all taxis/cars would be expected to arrive over a 20-minute period (08:40 – 09:00) and have an average dwell time of 2 minutes each as they are dropping off each student. This assumes that the peak arrival takes place mid-way through the 20 minute arrival period. For the afternoon peak all taxis/cars arrive would arrive over a condensed period of approximately 15 mins (15:15 – 15:30) and have a longer average dwell time of 3 minutes to account for the time taken for the student to access the vehicle. The trip generation profile provides a figure of 155 two way car journeys in the AM peak (08.00 – 09.00) and 129 trips in the PM peak (15.00-16.00) and 9 trips in the PM network peak (17.00-18.00).
- 9.34 Wisbech St Mary Parish Council and neighbours have raised concerns about the impact of the proposals on the existing traffic network and the need for highway improvements to slow traffic and improve the sustainability of the development. The transport assessment team have confirmed that traffic/junction capacity modelling of the proposed site access and the junction of Barton Road/North Brink has demonstrated that the traffic associated with the proposed SEMH can be accommodated on the local highway network and highway improvements have been agreed to improve the sustainability of the proposal. Leverington Parish Council have raised concerns about the possible impact of additional traffic on Gadds Lane and impact on those using the play facility. The play facility is located to the north of Gadds Lane approximately 0.75 km from the application site and it is not anticipated that any traffic generated by the development would use Gadds Lane which is a single track road.
- 9.35 FDLP Policy LP15 supports cycling as a sustainable mode of transport to the school, however the Fenland Local Plan does not provide cycle parking standards. The applicant proposes 6 cycle spaces for staff and visitors to be located at the front of the school. The methodology used for calculating those proposed has been agreed with the transport assessment team as acceptable subject to condition 33 which requires the applicant to submit details of the cycle specification and shelter. There will be 6 secure and covered cycle spaces located at the front of the school.

- 9.36 The layout of the school drop off area has been designed to provide parking for staff and visitors and to facilitate the taxi and minibus drop off and to enable taxi's to wait to drop off minimising the impact on Barton Lane and it is supported by the Highway Authority together with the provision for additional highway improvements to encourage more sustainable ways of travelling to the site where possible. Condition 13 requires a School Travel Plan to ensure parents, staff and pupils, where possible are encouraged to use sustainable modes to travel to school. The applicant has submitted an interim travel plan based on the Modeshift STARS template and the applicant will need to submit a full travel plan within 9 months of the occupation of the school, see condition 13.
- 9.37 Wisbech Town Council have queried whether the proposal would have an impact on The Still. The county Asset Information Team and the Highway Authority have requested that a bollard is provided prior to the occupation of development to prevent unauthorised parking, and this is provided by condition 32. The proposal does not include any further changes to The Still and will not have an impact on the existing allotments in the area. A neighbour has raised concerns with regards to the potential for on-street parking to occur as part of the development. The applicant has confirmed that as the majority of the pupils will be travelling to the school by taxi it is not considered that on street parking will be an issue.
- 9.38 Following the submission of further technical information, and transport mitigation measures, the Highways Authority and Transport Assessment Team are now satisfied that the design of the proposed vehicle and pedestrian access is acceptable in highway safety terms and the transport assessment and further technical data provided would not lead to an adverse impact on highways safety and increase in traffic congestion in terms of the additional number of trips generated. The applicant team intend to progress the Section 278 works required with highway colleagues to ensure that the necessary highway improvements are delivered prior to occupation. As such, the proposal is considered acceptable and in accordance with Fenland District Council Local Plan 2014 policies LP1, LP13, LP15 and LP16 (f).

### **Residential Amenity**

- 9.39 FDLP Policy LP16 (e) states that new buildings should not adversely impact on the amenity of neighbouring users through light pollution, loss of privacy, over shadowing or noise and consideration has been given to the design of the proposed extension in relation to its surroundings.
- 9.40 The application site is located on the outskirts of Wisbech in a rural setting. There are two residential properties located on Gadds Lane to the west of the site which are between 30 to 60 metres away from the school boundaries and who would potentially be most affected visually or through noise. The school is relatively small with around 60 pupils in key stage 3 and 4 (students aged 11 – 16) which would reduce the potential noise and disturbance which would be limited to the school day. The layout of the site locates the school buildings to the east of the site away from residential properties and the form and layout of the school would avoid any overlooking or overshadowing. A secure fence and planting would provide boundary screening of the school from Gadd's Lane.
- 9.41 The applicant has sought to minimise any adverse impact from light on residential amenity. The lighting on the site is limited and would be minimised to reduce any over spill to the adjacent residential properties and there is no floodlighting proposed for the external



MUGA. Condition 12 is attached to ensure that the lighting is operated and maintained in accordance with the approved details.

- 9.42 The impact on the amenity of local residents during the construction works has also been considered. The submitted Environmental Management Plan version 1.6 dated April 2021 (Received 11/10/2021), Construction Noise and Vibration Management Plan Kier (Received 11/10/2021) and The Traffic Management Plan 001 Date Sept 2021 (Received 11/10/2021) have been agreed as acceptable. If planning permission is granted, the construction works are expected to commence in Spring 2022 with an approximate 12 month build out process and conditions are attached to control the construction hours, impact of noise and dust, and importation of materials with regards to land levels, in order to protect environmental amenity. Refer to conditions 4-12.
- 9.43 The impact of the proposal on residential amenity has been assessed by the Fenland District Council Environmental Health Officer who has confirmed that they have no objection to the proposal. The proposal would not give rise to a significant adverse impact on residential amenity which cannot be mitigated for by condition and would be managed by the noise, management and dust strategy. The proposal is therefore considered acceptable and is in accordance with Fenland District Council Local Plan 2014 policy LP16.

### **Health Impact**

- 9.44 FDLP Policy LP2 relates to the health and wellbeing of Fenland District residents and requires a health impact assessment (HIA) to be submitted with planning applications for major development schemes.
- 9.45 A Health Impact Assessment (HIA) has been submitted with the application. This assessment collates available data to inform a health profile of the local area, compared against health data from surrounding areas as well as nationally. The HIA also sets out the way in which this proposal has been designed to respond to the health profile of the local area, encouraging students and residents to live a healthy and active lifestyle. The location of the proposed site, in a relatively rural location means that car usage will be heavily relied upon although additional measures to improve the site sustainability through the provision of a new path/cycleway is welcomed although the use of fast charging electric car points is requested, and the applicant has confirmed that 3 twin charging points to serve 5-6 motor vehicles would be provided. Extensive capacity for physical activity has been designed into the proposal, including a sports block and field, a MUGA and a variety of garden spaces. The county Public Health officer has raised the issue of the speed limit on Barton Road and this is being addressed by the applicant no additional issues with regards to the submitted HIA.
- 9.46 The scheme has been assessed in principle by CCC Public Health and is acceptable. The application is therefore considered to be in accordance with Fenland District Council Local Plan 2014 Policy LP2.

### **Heritage**

- 9.47 Paragraph 185 of the NPPF states that heritage features within a development site should be conserved and FDLP policy 18 (a-c) requires all development with undesignated heritage assets to provide justification for the works and the impact which should be

proportionate to the scheme with a programme of work and any mitigation secured by condition. The application site is not located within a conservation area and there are no listed buildings located on or adjacent to the site so the proposal would not have an impact in this context.

- 9.48 The applicant has provided suitable justification for the proposal in paragraphs 9.2-9.7 and has also engaged in pre application discussions with county archaeology and condition 29 has been agreed to secure a programme of work and any mitigation requirements.
- 9.49 The county archaeology officer has confirmed that because of the context of the location where other archaeological finds have been discovered nearby the proposal should be subject to archaeological investigation and condition 29 supports this in a phased approach. The applicant has submitted an Early Tree Works Removal Strategy date January 2022 (received 14/12/2021) which details a strategy for the initial partial removal of the relevant trees 1 metre above ground level (condition 23). This is to remove the main part of the trees prior to the bird nesting season and prior to a written scheme of investigation for archaeological works being submitted. This has been agreed as acceptable by the county archaeologist.
- 9.50 The applicant has provided suitable justification for the proposal and will need to carry out appropriate archaeological investigations on site in accordance with condition 29 following the implementation of the Tree Works Removal Strategy (date January 2022). the proposal is therefore considered acceptable and in accordance with Fenland District Council 2014 policy LP18 (a-c).

### **Equality, Diversity and Inclusion**

- 9.51 Section 149 of the Equalities Act 2010 places a statutory duty on all public bodies to consider the needs of all individuals in their day-to-day work – in shaping policy; in delivering services; and in relation to their own employees. This public sector equality duty (PSED) is a duty on public bodies and others carrying out public functions. Public bodies, subject to the PSED must in the exercise of their functions have due regard to the need to: Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equalities Act; Foster good relations between people who share a relevant protected characteristic and those who do not share it; and Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. These three aims are sometimes referred to as the three aims of the general equality duty. Having due regard for these aims in the assessment of this application it is confirmed that the students who would attend the proposed new school are considered under the Equalities Act to be significantly disadvantaged. The disadvantages faced by the clients, and the benefits to be provided by the proposed facility, must therefore be weighed against the disadvantages of the site in locational terms.
- 9.52 In addition, whilst ordinarily development in such a location may be discouraged due to the lack of transport infrastructure, given the specific purpose of the proposed school and the associated fact that it is likely that the majority of students will be transported onto the site itself by vehicle regardless of its location. It is not considered therefore that in this instance the location represents a factor that would therefore count against in the proposals when considering its overall sustainability and policy compliance. The County Council as Local Planning Authority are satisfied that the highway network in the vicinity of the application

site is suitable for the levels of traffic proposed to be associated with the scheme and indeed for any further development of the site envisaged in the future, particularly in relation to traffic approaching the site from the north.

## 10. Conclusion

10.1 The applicant has demonstrated there is an educational need for the development which would not compromise a broad concept plan for the West Wisbech are coming forward in the future. The proposal has been assessed in its entirety taking account of all material planning considerations and following extensive discussions with the transport assessment, the Highways Authority, the Local Lead Flood Authority and Ecology is supported by all consultees with conditions attached to support the mitigation of the development. Therefore, on balance, the proposal is considered acceptable in policy terms. It follows, therefore, that as the proposed development is considered to accord with both the Fenland local plan (May 2014) and the NPPF (July 2021) and it should be supported.

10.2 It is recommended that planning permission is granted subject to the following conditions:

### 1. Commencement of Development

The development hereby permitted shall be commenced not later than 3 years from the date of this permission. Within 14 days of the commencement of the development hereby permitted, the County Planning Authority shall be notified in writing of the date on which the development commenced.

Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and in order to establish the timescales for those details provided by conditions and to enable monitoring of the development.

### 2. Occupation of the Development

Within 14 days of the first occupation of any part of the development hereby permitted the County Planning Authority shall be notified in writing of the date on which the development was first occupied.

Reason: In order to be able to establish the timescales for the approval of details reserved by conditions.

### 3. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the application form dated 8 October 2021; the following plans and documents (received 25 October 2021, unless otherwise stated); as amended by the information approved as required by the following conditions:

The Location Plan FEN-FSA-01-XX-DR-A-0010 Revision P03 date 11/01/22 Frank Shaw Associates (Received 12/01/2022)

Site Masterplan FEN-FSA-01-XX-DR-A-0100 Revision P08 date 03/02/2022 Frank Shaw Associates (Received 12/01/2022)

Biodiversity Net Gain Updated Feasibility Report Jan 2022 greenwillows associates (Received 19/01/2022)

Arboricultural Impact Assessment Report Date 22/10/2021 Version 002 greenwillows associates (Received 25/10/2021)

Early Tree Removal Works Revision Number 001 Date 08/12/2021 Kier (Received 14/12/2021)

Fenland Education Campus (SEMH site) Tree constraints & tree removals 22/10/2021 greenwillows associates (Received 11/10/2021)

SEMH Outline Planting Plan FEC-LEA-00-00-DR-L1003 Rev P09 Date 18.01.22 Livingstone Eyre Associates (Received 19/01/2022)

Ecological Impact Assessment (Version 002) date 19/01/2022) greenwillows associates (Received 19/01/2022)

Statement of Sustainable Design and Construction September 2021 Revision A (Received 11/10/2021)

SEMH Parking FEC-LEA-00-00-DR-L-1006 Rev P04 Date 15.09.2021) (Received 11/10/2021)

Site Waste Management Plan Date 04/10/2021, bre (Received 11/10/2021)

Health Impact Assessment October 2021 Strutt and Parker (Received 11/10/2021)

SEMH Routes and Security zones FEC-LEA-00-00-DR-L-1005 Revision No. P06 Date 17.12.2021 Livingstone Eyre Associates (Received 04/01/2022)

GROUND FLOOR PLAN FEN-FSA-02-00-DR-A-1100 Rev P12 date 02/09/2021 Frank Shaw Associates Limited (Received 11/10/2021)

GA Elevations (Sheet 1 of 2) FEN-FSA-02-XX-DR-A-2000 Rev P08 Date 08/10/2021 Frank Shaw Associates Limited (Received 11/10/2021)

GA\_ELEVATIONS (Sheet 2 of 2) FEN -FSA -SM -XX -DR - A -2001 Rev P07 Frank Shaw Associates date 08/10/21 (Received 11/10/2021)

Strategy Roof Plan FEN-FSA-02-RF-DR-A-1120 Rev P01 date 02/09/21 Frank Shaw Associates Limited (Received 11/10/2021)

Electrical Services Layout FEC-BCE-00-00-DR-E-0800 Rev P1 date 11.08.21 BCE Bannerman Consulting Engineers (Received 08/02/2021)

Schedule of Materials Revision P03 date 08.02.2022 Livingstone Eyre Associates (Received 08/02/2022)

Reason: To define the permission and protect the character and appearance of the locality in accordance with policies LP1, LP2, LP3, LP7, LP8, LP13, LP14, LP15, LP16, LP18 and LP19 of Fenland District Council Local Plan 2014.

#### 4. Construction and Demolition Works

All construction, demolition, enabling or earthworks, including the operation of plant and construction related deliveries shall only take place between the following permitted hours, as restricted by Condition 5 below:

- 0800 hours to 1800 hours Monday to Friday;
- 0800 hours to 1300 hours on Saturdays;
- and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of adjoining properties and control the construction and demolition hours, without impacting on the delivery of the project, in accordance with policies LP2, LP15 and LP16 of Fenland District Council Local Plan 2014.

#### 5. Construction Delivery Hours

No construction related deliveries to or from the site or removal of waste or materials from the site shall take place except between the hours of:

- 09.30 and 16.00 Monday to Friday;
- 0800 and 1300 on Saturdays;
- and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of adjoining properties and control the construction hours, without impacting on the delivery of the project, in accordance with policies LP2, LP15 and LP16 of Fenland District Council Local Plan 2014.

#### 6. Piling

Piling shall not commence for the development hereby approved until a construction and vibration impact report has been submitted to and approved in writing by the County Planning Authority. The reports shall be in accordance with the provisions of BS5528:2009 – Code of Practice for Noise and Vibration Control on Construction and Open Sites Part 1 (or as superseded) and shall include full details of any piling and mitigation measures to be taken to protect local residents from noise and vibration.

The piling shall be carried out in accordance with the approved details.

Reason: To protect the amenity residential properties without impacting on the delivery of the project, in accordance with policy LP2 of Fenland District Council Local Plan 2014.

#### 7. Environmental Management Plan

The construction of the development hereby permitted shall be implemented in full compliance with the Environmental Management Plan dated 10/09/2021 Kier (Received 11/10/2021).

Reason: To protect the amenity of nearby properties, in accordance with policies LP2, LP15 and LP16 of Fenland District Council Local Plan 2014.

#### 8. Traffic Management Plan

The development hereby permitted shall only be implemented in full compliance with the Traffic Management Plan Drawing Number 001 Rev A dated 19/11/21 Kier (Received 29/11/2021).

Reason: To protect the amenity of nearby properties, in accordance with policies LP2, LP15 and LP16 of Fenland District Council Local Plan 2014.

#### 9. Highway Works

Prior to the occupation of any part of the development hereby permitted, the highway works, as shown on plans:

- Proposed Access Simple Priority Junction – 60mph FEC-PDL-XX-ZZ-DR-C-1604 Rev P8 Date 26.01.2022 Peter Dann Associates (Received 27/01/2022).
- Proposed Footway Link in Barton Road Sheet 1 – Overview Plan – FEC-PDL-XX-ZZ-DR-C-1600 Rev P8 Date 26.01.2022 Peter Dann Consulting Engineers (Received 27/01/2022).
- Proposed Footway Link in Barton Road General Arrangement (Sheet 1 of 3) – FEC-PDL-XX-ZZ-DR-C-1601 Rev P7 Date 26.01.2022 Peter Dann Consulting Engineers (Received 27/01/2022).
- Proposed Footway Link in Barton Road General Arrangement (Sheet 2 of 3) FEC-PDL-XX-ZZ-DR-C-1602 Rev P4 Date 26.01.22 Peter Dann Consulting Engineers (Received 27/01/2022).
- Proposed Footway Link in Barton Road General Arrangement (Sheet 3 of 3) FEC-PDL-XX-ZZ-DR-C-1603 Rev P4 Date 26.01.2022 Peter Dann Consulting Engineers (Received 27/01/2022).
- Proposed Traffic Calming in Barton Road FEC-PDL-XX-ZZ-DR-C-1615 Rev P8 Date 26.01.2022 Peter Dann Consulting Engineers (Received 27/01/2022).

shall be fully implemented and operational and maintained in accordance with such plans.

Reason: To protect the amenity of adjoining properties and in the interests of highway safety, in accordance with policies LP15 and LP16 of Fenland District Council Local Plan 2014.

#### 10. Construction Noise and Vibration Management

The development hereby permitted shall be implemented in compliance with the Construction Noise and Vibration Management Plan undated, Kier Construction Received 11/10/2021 prior to the occupation of the development hereby approved.

Reason: To protect the amenity of nearby residential properties from the potential impacts of noise from plant, in accordance with policy LP2 of Fenland District Council Local Plan 2014.

#### 11. Unexpected Contamination

If during the construction of the development hereby permitted unexpected contamination is encountered, which has not previously been identified, works shall immediately cease on site until the County Planning Authority has been notified and the additional contamination has been fully assessed and the following remediation approved in writing:

- A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors;
- A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters; and

- A schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

The remediation strategy shall be implemented as approved to the satisfaction of the County Planning Authority prior to the first occupation of the development hereby permitted.

Reason: To minimise any risk from land contamination associated to the current and future users of the land, groundwater, the natural environment or general amenity in accordance with NPPF (February 2019) paragraph 170 (f) and policies LP14 and LP16 of Fenland District Council Local Plan 2014.

#### 12. External and Security Lighting

The external lighting shall be implemented in accordance with the details as shown in the document title Installation: External Car Park Calculation date 01.10.2021 Whitecroft Lighting received 11/10/2021 and the External Lighting Layout Plan drawing no. 25745-DWG-EX-00001 Revision 00 Date 01.10.2021 (Received 11/10/2021) and shall be switched off between 22.00 hours and 07.00 hours.

The external lighting hereby approved shall be implemented prior to the occupation of the building and only be operated in accordance with the details hereby approved.

Reason: To ensure there is a high quality lighting scheme in place and to ensure there is no impact on residential amenity or biodiversity in accordance with policies LP2 and LP18 of Fenland District Council Local Plan 2014.

#### 13. School Travel Plan

Within 9 months of the first occupation of any part of the development hereby permitted as identified through Condition 2, an updated School Travel Plan shall be submitted to and approved in writing by the County Planning Authority. The approved School Travel Plan shall include mitigation measures; an implementation timetable; and details relating to its annual review.

The approved School Travel Plan shall be implemented in full in accordance with its approved timetable.

Reason: To ensure the safe and efficient operation of the highway and promote sustainable travel policies in accordance with policies LP13 and LP15 of Fenland District Council Local Plan 2014.

#### 14. External Facing, Roofing and Fencing Materials

Within 1 month of the date of the decision notice for the development hereby approved details of the external facing brick, aluminium cladding roofing materials and boundary fencing shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual appearance in accordance with Policy LP16 of Fenland Local Plan 2014.

15. Cycle, Car and Minibus Parking

Prior to the occupation of any part of the development hereby permitted the car parking spaces as shown on SEMH Parking Plan drawing No. FEC-LEA-00-00-DR-L-1006 Revision No. P04 date 15.09.21 Livingstone Eyre Associates (Received 11/10/2021) shall have been demarcated, levelled, surfaced, drained and provided in their entirety. Thereafter they shall be retained in their entirety for their specific use.

Reason: To manage parking arrangements on site and to protect the amenity of nearby properties in accordance with policy LP15 of Fenland District Council Local Plan 2014.

16. BREEAM Pre-Construction

Within 6 months of the commencement of development hereby permitted as identified by Condition 1, the following information shall be submitted to and approved in writing by the County Planning Authority:

Evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings scheme, or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of no less than 6 credits in the Energy category (Ene01 – Ene08), and no less 2 credits in the Water category (Wat01 – Wat04) of the relevant BREEAM assessment within an overall BREEAM rating of 'Very Good', noting that a completed pre-assessment estimator will not be acceptable; and

ii) Where the design stage certificate shows a shortfall in credits for BREEAM 'Very Good', a statement shall be submitted identifying how the shortfall will be addressed.

Reason: In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and to ensure the building is sustainable and makes efficient use of energy, waste and materials in accordance with policies LP14, and LP16 of Fenland District Council Local Plan 2014.

17. BREEAM Post-Construction Review

Within 12 months of the first occupation of the development hereby permitted as identified by Condition 2, a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of no less than 6 credits in the Energy category (Ene01 – Ene08), and no less than 2 credits in the Water category (Wat01 – Wat04) of the relevant BREEAM assessment within an overall BREEAM rating of 'Very Good' shall be submitted to, and approved in writing by, the County Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of use of energy, water and materials in accordance with policies LP14, and LP16 of Fenland District Council Local Plan 2014.



## 18. Photovoltaic Panels

Within 3 months of the commencement of development as identified by Condition 1, details, showing elevational and layout plans indicating the precise location of the photovoltaic panels and specification details of the photovoltaic panels, shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented in full and the photovoltaic panels shall be operational prior to the first occupation of the development hereby permitted. Thereafter they shall be retained for that specific purpose and maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and efficient use of buildings in accordance with policies LP14, and LP16 of Fenland District Council Local Plan 2014.

## 19. Detailed Surface Water Drainage Scheme

No development other than the laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Drainage Strategy report prepared by Peter Dann Consulting Engineers (ref: FEC-PDL-ZZ-XX-RP-S-003) dated January 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Temporary storage facilities if the development is to be phased;
- f) A timetable for implementation if the development is to be phased;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- i) Full details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- k) A maintenance plan for the pumping station is provided.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

The surface water drainage approved shall be maintained in accordance with the approved details thereafter.

Reason: To ensure the surface water drainage infrastructure is delivered in accordance with the approved scheme and to prevent flooding in accordance with policies LP14, and LP16 of Fenland District Council Local Plan 2014.

20. Landscape and Ecological Management Plan (LEMP)

Prior to the completion of the approved landscape scheme as shown on the Outline Planting Plan EC-LEA-00-00-DR-L-1003 Revision No. P09 Date 18/01/2022 (Received 19/01/2022) an updated Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall include a management and monitoring scheme for biodiversity net gain as detailed in the Biodiversity Net Gain Updated Feasibility Report Version 001 (January 2022) Greenwillows Associated Limited (Received 19/01/2022) and an implementation programme which should include details of the dates the monitoring reports shall be submitted for years 1, 3, 5 and every 5 years thereafter and any remedial actions shall be implemented in full.

The LEMP shall be implemented in full for a minimum of 30 years (or until the habitats have met target conditions).

Reason: In the interests of the visual appearance and to ensure there is a net gain in biodiversity in accordance with policies LP16 and LP18 of Fenland District Council Local Plan 2014.

21. Construction Environmental Management Plan (Biodiversity)

Prior to the commencement of ground works, a Construction Environment Management Plan for biodiversity shall be submitted to and approved by the County Planning Authority. The Construction Environmental Management Plan should follow the recommendations set out for construction works in the approved Ecological Impact Assessment Version 002 Greenwillows associates Date 19/01/2022 (received 19/01/2022).

Reason: To ensure the protection of biodiversity on site during the construction works in accordance with policy LP18 of Fenland District Council Local Plan 2014.

22. Landscape and Biodiversity

Prior to the first occupation of the development hereby permitted details of the hard and soft landscaping and biodiversity enhancements referred to on the Outline Planting Plan EC-LEA-00-00-DR-L-1003 Revision No. P09 Date 18/01/2022 (Received 19/01/2022) shall have been carried out in their entirety.

The landscaping and biodiversity measures shall thereafter be retained and maintained in accordance with Condition 20

Reason: To ensure a high quality landscaping scheme for the development, and ensure there is a net gain in biodiversity, in accordance with policies LP2, LP16 and LP19 of Fenland District Council Local Plan 2014.

23. Tree Removal

The tree removal for the development hereby permitted shall be implemented in accordance with the Early Tree Removal Works Method Statement, Revision number 001 Date 8th Dec 2021 Kier received 14/01/2021 and the tree works completed in their entirety.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019) and policies LP19 Fenland District Council Local Plan 2014.

24. Replacement Planting and Seeding

If within a period of five years from the date of the planting any tree, shrub, hedging or seeding fails or is removed other than in accordance with the approved details, that tree, shrub, hedging or seeding, or any planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place, unless the County Planning Authority has given prior written consent for any variation.

Reason: To ensure there is a high quality landscape scheme and a net gain in biodiversity and in the interests of the visual appearance in accordance with policies LP2, LP16 and LP19 of Fenland District Council Local Plan 2014.

25. Protective Tree Fencing

Within 1 month of the development hereby permitted details with regards to the method and implementation of tree protection measures shall be submitted to and approved by the County Planning Authority. The erection of tree protective fencing for the protection of retained trees, shall be carried out in accordance with the requirements of the approved details and BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored in any fenced area.

Reason: To ensure existing trees are safeguarded and adequately protected during the construction period in accordance with policies LP2, LP16 and LP19 of the Fenland Council District Plan 2014.

26. Bat Protection

Prior to the commencement of development, the erection of the protective fencing as shown on plan Vehicle Access Bat Protection drawing no. FEN-FSA-01-XX-DR-A-0011 Rev P02 dated 03/02/2022 Frank Shaw Associated Limited (received 04/02/2022) shall have been

carried out. The bat fencing shall be retained in accordance with the details until such time as the barn has been demolished. The fencing should be checked daily and if the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing should be stored in the fenced area.

Reason: To ensure the suitable bat mitigation measures in accordance with the Conservation of Habitats and Species Regulation 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981 (as amended) in accordance with policy LP18 of Fenland Council District Plan 2014.

## 27. Bat Mitigation Strategy

Within 3 months of the date of the decision notice for the development hereby approved a bat mitigation strategy as detailed in the Ecological Impact Assessment Version 002 date 19/01/2022 greenwillows associates (received 19/01/2022) shall be submitted and approved in writing by the County Planning Authority. The bat mitigation strategy shall include the methodology for removing the bat roost, specifications and location details for the bat hibernation box, bat house, bat roost features, and include confirmation that the structures will be felted with Bitumen 1F felt and a timetable for implementation.

The detailed bat mitigation scheme shall be implemented in full under the supervision of a licenced bat ecologist and maintained in accordance with the approved details.

Reason: To ensure the suitable bat mitigation measures in accordance with the Conservation of Habitats and Species Regulation 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981 (as amended) in accordance with policy LP18 of Fenland Council District Plan 2014.

## 28. Bat Mitigation Strategy – Implementation

Prior to the occupation of the development hereby approved, a report confirming that all measures as set out in condition 27 Bat Mitigation Strategy have been implemented shall be submitted to and approved by the County Planning Authority. The report should be produced by a licenced bat ecologist.

Reason: To ensure the suitable bat mitigation measures in accordance with the Conservation of Habitats and Species Regulation 2017 (as amended) and Section 9 of the Wildlife and Countryside Act 1981 (as amended) in accordance with policy LP18 of Fenland Council District Plan 2014.

## 29. Archaeology

Within 1 month of the date of the decision notice for the development hereby permitted, the applicant, or their agents or successors in title, shall implement a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- A) the statement of significance and research objectives.
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c)The timetable for the field investigation as part of the development programme;
- d)The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019) and policies LP19 Fenland District Council Local Plan 2014.

30. Footpath No. 1 (The Still) - Pre-Dilapidations Survey

Within 1 month of the date of the decision notice of the proposed development hereby permitted a pre dilapidations survey of the proposed vehicle construction route access from The Still shall be submitted and approved in writing by the County Planning Authority.

Reason: In the interests of highway and pedestrian safety and in accordance with policies LP15 and LP16 of the Fenland District Council 2014 Local Plan.

31. Footpath No. 1 (The Still) – Post Dilapidations Survey

Within 1 month of the date of the occupation of the development hereby permitted a post dilapidations survey of the construction vehicle route access from The Still shall be submitted to and approved in writing by the County Planning Authority. The post dilapidations survey should include a remedial list and method statement for remediation. Any remedial works shall be implemented in accordance with the approved details and completed within 28 days of the approval of the remedial list. All works shall be completed in full to the satisfaction of the County Planning Authority.

Reason: In the interests of highway and pedestrian safety and in accordance with policies LP15 and LP16 of the Fenland District Council 2014 Local Plan.

32. Footpath No. 1 (The Still) - Bollard

Within three months of the date of this decision notice of the development hereby approved details of the specification and location of the proposed bollard to be erected at the southernmost access point of Footpath No. 1 (The Still) shall be submitted to and approved in writing by the County Planning Authority. The bollard shall be installed prior to the occupation of the development and retained in accordance with the approved drawings.

Reason: In the interests of highway and pedestrian safety and in accordance with policies LP2, LP15 and LP16 of the Fenland District Council 2014 Local Plan.

### 33. Cycle Specification

Within three months of the date of this decision notice of the development hereby approved details of the cycle rack cover and specification shall be submitted to and approved in writing by the County Planning Authority. The approved cycle rack cover and specification shall be installed prior to the occupation of the development.

Reason: In the interests of promoting sustainable travel modes to the school, and highway and pedestrian safety and in accordance with policies LP2, LP15 and LP16 of the Fenland District Council 2014 Local Plan.

#### Informatives

##### 1. School Travel Plan

- In order to assist with the requirements of Condition 13 it is recommended that a school travel plan champion is appointed and the County Council's Modeshift STARS system is used to update the School's Travel Plan, based on the plan provided with this application. It is also recommended that the plan is updated on an annual basis in order to help schools quickly and effectively address any school travel issues that may arise on an ongoing basis. Modeshift STARS: <https://modeshiftstars.org>

##### 2. Fire Service

- The applicant's attention is drawn to the Fire Service's response dated 09/11/2021 and their related duties under separate Building Regulations approval.

##### 3. Anglian Water (See Anglian Water Response Dated 10 December 2021)

- Connection to the public sewer or surface water disposal advice - If the applicant intends to connect to the public sewer notification of intention to connect is required under S106 of the Water Industry Act and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- Protection of existing assets – a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- Building near to a public sewer – no building will be permitted within the statutory easement width of 3 metres without agreement from Anglian Water.
- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), the developer should contact the Development Services Team on 0345 606 6087. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

##### 4. Archaeology

- Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.
- Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

## 5. Protection of Nesting Birds

- There shall be no removal of hedgerows, trees, or shrubs between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a detailed check of vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the County Planning Authority for their records. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended and policies LP18 and LP19 of Fenland District Plan 2014.

## 6. Right of Way (Asset Information Team)

- The applicant must submit an application to the Highways Authority for barrier authorisation under section 66 of the Highways Act 1980 for the bollard which is to be placed on Public Footpath No. 1
- Public Footpath No. 1, Wisbech must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- Public Footpath No. 1, Wisbech must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)
- No alteration to the footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

## 7. S278 Highway Works

- The granting of a planning permission does not constitute a permission or licence to a developer/contractor to carry out any works within, or disturbance of, or interference

with, the public highway, and that a separate permission must be sought from the Highway Authority.

### **Compliance with paragraph 38 of the National Planning Policy Framework (July 2021)**

Officers have worked with concerns raised have been given full consideration and addressed through consultation with statutory consultees and the applicant in a positive and creative way to ensure that all land use planning where required that appropriate mitigation measure are in place. The final proposal has sought to ensure that the economic, social and environmental conditions of the area are maintained. The amendments made by the applicant have ensured the support of all statutory consultees in order to facilitate the delivery a new SEMH School in Wisbech.

<b>Source Documents</b>
Link to the National Planning Policy Framework (July 2021): <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97832/nppf-2021.pdf">National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk)</a> Fenland District Council Local Plan (2014) <a href="#">Fenland Local Plan - Adopted Web</a>