

Parish:	Walsoken	
Proposal:	Erection of 1 x 3 bed and 1 x 2 bed two storey semi detached dwellings and 1 x 1 bed single storey dwelling	
Location:	Rowan Close Wisbech Cambridgeshire PE13 3RW	
Applicant:	Insynthesis Ltd	
Case No:	23/00096/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 9 February 2023

Reason for Referral to Planning Committee – Cross-border application

Neighbourhood Plan: No

Case Summary:

The application is full planning permission for the construction of a pair of semi-detached dwellings. The dwellings are proposed to be oriented in-line with the neighbouring dwellings to the west. The front elevations of the dwellings will be full two-storey, but to the rear the dwellings will have a 1.5 storey appearance with reduced eaves as the site lies in very close proximity to the rear boundaries of neighbours to the south.

The vast majority of the application site is within Fenland District Council and the only part of the site which is within BCKLWN is a small approx. 0.6m wide strip of land the runs along the eastern edge of the application site.

Key Issues

- Cross-boundary applications
- Neighbour Amenity
- Other material considerations

Recommendation

- a) Delegate development control powers to Fenland District Council in respect of this application.
- b) This council forwards the comments of other consultees to Fenland District Council for them to take into account in the decision making process, as well as the comments of officers on the planning merits of the case as set out in this committee report.

THE APPLICATION

The application is full planning permission for the construction of a pair of semi-detached dwellings. The dwellings are proposed to be oriented in-line with the neighbouring dwellings to the west. The front elevations of the dwellings will be full two-storey, but to the rear the dwellings will have a 1.5 storey appearance with reduced eaves as the site lies in very close proximity to the rear boundaries of neighbours to the south.

The majority of the application site is within Fenland District Council and the only part of the site which is within BCKLWN is a small approx. 0.6m wide strip of land the runs along the eastern edge of the application site. The strip also falls within an easement area associated with a drain at the rear of the site.

PLANNING HISTORY

19/01267/O: Devolved Authority to Neighbour Auth: 04/09/19 - Outline Application with All Matters Reserved - construction of single detached dwelling - Land Adjacent 16 Rowan Close, Wisbech

RESPONSE TO CONSULTATION

Parish/Town Council: NO COMMENTS

Highways Authority: Defer to Cambridgeshire in relation to highway considerations

Internal Drainage Board: NO OBJECTION

Land drainage consent is required.

Environmental Quality: NO OBJECTION

The ground investigation report provides limited site history. It is not clear why a metals screen is required and no previous reports are referenced in the document. Other contaminants are not seen to be considered, further information is required. We recommended conditions to ensure the site is sufficiently characterised and any necessary remediation carried out.

REPRESENTATIONS None received

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

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NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Cross boundary applications
- Form and character
- Impact on neighbour amenity
- Any other matters requiring consideration prior to determination of the application

Cross boundary applications:

The application affects both the Borough Council of King's Lynn and West Norfolk (BCKLWN) and the neighbouring Fenland District Council. National Planning Practice Guidance indicates that where an application site is contained within two or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority. Approximately 98.5% (608sqm) of the site lies within Fenland, and approximately 1.5% (9.2sqm) within West Norfolk. As such, a substantial majority of the site lies within Fenland District Council.

There is a potential with cross-border applications to result in two separate determinations from each authority, imposing different conditions on the permissions, or it could lead to a conflict in the decision making (approve / refuse). Although there is no set guidance on dealing with such applications, a potential conflict is not desirable as it does not promote a co-ordinated approach to development control and may result in inconsistency.

Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of functions by any other local authority. For BCKLWN, this would mean that the Council can delegate its development control function to Fenland District Council in respect of this cross boundary application.

Form and character:

The proposed dwellings would be situated in the corner of a cul-de-sac and oriented parallel with the dwellings to the west. The proposal comprises a pair of two-storey semi-detached dwellings. It is considered the proposed dwellings would appear cramped in appearance with limited private amenity space and juxtaposed in relation with their neighbours. The site would not be easily visible within the Borough Council and therefore it is considered the development would not have any significant adverse impacts on the character and appearance of any BCKLWN areas. However, it is considered the development may have an impact on the character and appearance of Rowan Close, although that will be considered by Fenland District Council

Neighbour Amenity:

The proposed two-storey dwellings would be situated approximately 2m to the north of the boundary with the neighbours Nos. 43 and 45 Wisteria Road which are located within BCKLWN. It is considered No. 45 would not experience any significant overbearing impact

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due to being situated further to the east of the proposed dwellings. However, due to the siting of the two-storey dwelling 2m away from their fence, No. 43 would experience detrimental overbearing and feeling of enclosure within their rear garden which would be detrimental to their amenity.

The proposed dwelling includes first floor windows on the west elevation of the gable. It is considered the rear bedroom window on this elevation would have a detrimental overlooking impact on the rear garden of No. 16 Rowan Close to the West. Lastly, Plot B would have very limited outlook from its front elevation due to the proximity of the south elevation of No. 18.

Other material impacts: Yes

Contamination issues set out by the Environmental Quality team can be addressed by condition and remediation.

There is an alley leading from Wisteria Road to the south east and up through the application site. The submitted plan does not make it clear whether this informal walkway is to be retained or closed. The alley was originally sited to allow for access to garages on the land which have since been demolished. Alternative footpath provision to connect Rowan Close and Wisteria Road exists to the west, however the remaining dead-end alley would not be desirable in terms of crime and disorder. Fenland District Council may wish to consider provision within the site for maintaining this route which has become established through the passage of time. Alternatively, the route should be closed at the point of access with Wisteria Road to prevent a situation which results in a dead-end.

RECOMMENDATION:

A) In accordance with Section 101(1) of the Local Government Act 1972, the BCKLWN delegates its development control powers to Fenland District Council in respect of the application.

B) That this council forwards the comments of other consultees to Fenland District Council for them to take into account in the decision making process, as well as the comments of officers on the planning merits of the case as set out in this committee report.