

Parish:	Upwell	
Proposal:	Conversion of agricultural building to 2 x residential dwellings to include proposed works to adjacent building for conversion into a garage	
Location:	Long Beach Farm Thurlands Drove Upwell Norfolk PE14 9AP	
Applicant:	Long Beach Farm Ltd	
Case No:	23/02010/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 2 January 2024 Extension of Time Expiry Date: 12 January 2024

Reason for Referral to Planning Committee – Devolve Authority to Fenland District Council

Neighbourhood Plan: No

Case Summary

This is a cross-boundary application with an identical application ref: F/YR23/0937/F being processed with Fenland District Council. This report contains two elements: A) procedural issue regarding application ref: 22/01756/FM in accordance with the Local Government Act 1972 and B) response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F.

The land is approximately 0.59ha and comprises an agricultural building within a site known as Long Beach Farm. The county boundary between Cambridgeshire and Norfolk cuts across half of the proposed access/driveway from Thurland's Drove. Therefore approximately 0.08ha of the overall site area lies within King's Lynn and West Norfolk.

The application is for the conversion of agricultural buildings to two residential dwellings and to convert an adjacent building into a garage to serve the proposed dwellings.

Key Issues

- Cross-boundary Application
- Form and Character
- Impact on Neighbours
- Highway Safety
- Flood Risk and Drainage
- Other Material Considerations

Recommendation

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

B) If A) is accepted, it is also recommended that the comments raised by statutory consultees, interested parties, plus any additional views of the Planning Committee, are forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F and under application ref: 23/02063/CON.

THE APPLICATION

The land is approximately 0.59ha and comprises agricultural buildings within a site known as Long Beach Farm. The county boundary between Cambridgeshire and Norfolk cuts across half of the proposed access/driveway from Thurland's Drove. Therefore, approximately 0.08ha of the overall site area lies within King's Lynn and West Norfolk.

The application is for the conversion of agricultural buildings to two residential dwellings and to convert an adjacent building into a garage.

Recently, a Prior Approval application was made to, and approved by, Fenland District Council (FDC) for the change of use from an agricultural building to form two dwellings involving partial demolition of existing buildings (Class Q(a) and (b)) under ref: F/YR23/0191/PNC04. The Prior Approval application was made solely to FDC as the application site fell entirely within their District.

This planning application is now made to FDC and Borough Council of King's Lynn and West Norfolk (BCKLWN) as the proposal seeks to use an access within BCKLWN's land. The proposal also includes the conversion of another existing building to serve as a garage to the proposed dwellings: these fall entirely outside of BCKLWN.

SUPPORTING CASE

Planning Agent - *We do not feel we need to submit anything.*

PLANNING HISTORY

23/02063/CON: CONSULTATION BY FENLAND DISTRICT COUNCIL: Conversion of agricultural buildings to 2 x dwellings (2-storey 4-bed) and a detached garage/storage building, involving the demolition of existing lean-to and glasshouse

RESPONSE TO CONSULTATION

Parish Council: Upwell Planning Group have checked the Upwell PC Boundary Map, Long Beach Farm is most definitely and wholly out of our patch in Upwell, either all Fenland or part Outwell PC. Therefore, they are not inclined to comment.

Highways Authority: Having due regard to the existing class uses which the site presently enjoys, it would be difficult to substantiate an objection to the proposal on highway safety grounds.

Public Rights of Way: No objection on Public Rights of Way grounds as although Upwell Isle footpath 6 is in the vicinity, it does not appear to be affected by the proposals.

Middle Level Commission: The above application appears to involve development within the Board's 9m byelaw strip. Development within, over, or under a Board maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.

District Emergency Planning: Because of its location in an area at risk of flooding, suggests that the occupiers:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures eg isolating services and taking valuables etc
- Evacuation routes

REPRESENTATIONS

ONE OBJECTION summarised as follows:

- Track that accesses the proposal is single track and not designed for excessive amounts of traffic. Additional traffic would affect the quality of life for our and future generations.
- Impact on ecology, in particular bats. The removal of the barn to replace it with two dwellings would be a massive shame and impact the future breeding for these species.
- Impact on views as the front elevation would face neighbouring properties.
- Light pollution at night from the additional cars accessing the track leading to the property.
- Noise disturbance from demolition, construction, traffic, family/garden noise. Noise would impact wildlife.
- Pressure on local infrastructure and services.
- Will removal of asbestos be done safely and in the correct manner?
- Questions access to the site. Requests construction vehicles not use Thursland Drove
- The planning application can have an impact on mental health.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

Planning Committee
9 January 2024

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Cross-boundary Application
- Form and Character
- Impact on Neighbours
- Highway Safety
- Flood Risk and Drainage
- Other Material Considerations

Cross-boundary Application:

The application affects both King's Lynn and West Norfolk Borough Council (KLWNBC) and the neighbouring Fenland District Council (FDC). In accordance with National Planning Practice Guidance (Paragraph: 011 Reference ID: 14-011-20140306) where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case FDC has the greater site area (i.e., 80%) and has been paid the appropriate fee.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision-making process (approve/refuse).

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

Planning Committee
9 January 2024

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

Given that 86% of the application is in FDC area and only the access is within KLWN, Members are recommended to devolve decision-making to FDC.

Form and Character:

As the proposal seeks to use an existing access, with no works proposed to the access, the impact on form and character would be as existing.

The agricultural buildings subject to the planning application would not be easily visible within BCKLWN and therefore it is considered the development would not have any significant adverse impacts on the character and appearance of any BCKLWN areas.

In terms of form and character, the proposal would meet Policy CS06 and CS08 of the Core Strategy 2011, and Policy DM15 of the SADMPP 2016.

Impact on Neighbours:

The access to the proposed dwellings is immediately north-east of Tye Cottage along Thurlands Drove. The access is an existing access serving the agricultural unit to the north. The use of the access for residential use for two dwellinghouses is not considered to cause harm on neighbour amenity.

A third-party comment raised concerns regarding noise and disturbance from the headlights of cars using the access. Tye Cottage is screened from the access by an approximate 1.8m closed boarded fence in between Tye Cottage's dwelling and garage. Therefore, disturbance from the use of the access is considered to be minimal.

In terms of neighbour impact, the proposal would meet Policy DM15 of the SADMPP 2016.

Highway Safety:

The proposal seeks to use an existing access to the south of Long Beach Farm and along the north of Thurlands Drove. The Local Highway Officer and Public Rights of Way raised no objections as the proposal does not affect the public right of way known as Upwell Isle footpath 6 or affect highway safety given its current use.

A third party raised comments regarding the use of the access for excessive traffic related to the proposal. Considering the scale of the proposal, for two dwellings, the use of the access is considered low, especially considering the access is currently used in association with farmland to the north.

In terms of highway safety, the proposal would meet Policy DM15 of the SADMPP 2016.

Flood Risk and Drainage:

Although the Middle Level Commission nor Internal Drainage Board (IDB) are statutory consultees for this application, they have commented. As the application appears to involve

Planning Committee
9 January 2024

development within the Board's 9m byelaw strip, the applicant must apply for written consent from the relevant drainage bodies. No development is proposed to take place for the proposal within the boundary of BCKLWN.

Irrespective, land drainage consent is a separate legislative regime from Planning covered by the Land Drainage Act (1991) and therefore it is not pre-requisite for this application. It would not be appropriate to duplicate the requirements.

Furthermore, BCKLWN's District Emergency Planner has suggested that future occupiers of the site should sign up to the Environment Agency's flood warning system and prepare a flood evacuation plan. The proposed dwelling falls entirely within Fenland's district and the Emergency Planner's comment is recommended to be passed to FDC for their consideration.

In terms of drainage and flood risk, the proposal would meet Policy CS08 of the Core Strategy 2011.

Other Material Considerations:

Third party comment raised concerns regarding ecology, views, light pollution, noise disturbance, pressure on local infrastructure, removal of asbestos, and impact on mental health.

These comments are not material to the application within BCKLWN area. It is recommended all comments made to the application is passed to Fenland District Council to consider in the determination of their planning application.

CONCLUSION

It is recommended that, in accordance with Section 101(1) of the Local Government Act (1972), the Planning Committee devolves its development control powers to Fenland District Council in respect of Application 23/02010/F. This would allow a single determining authority for the application, with Fenland District Council having the majority of the site in their area.

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

RECOMMENDATION:

- A)** The Assistant Director (Environment & Planning) recommends that the Planning Committee devolves its decision-making authority to Fenland District Council in respect of this 'cross-boundary' application.
- B)** If A) is accepted, it is also recommended that the comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F and under application ref: 23/02063/CON.

Planning Committee
9 January 2024