

**Application Number: F/YR13/0195/F
Minor
Parish/Ward: Waterlees Wisbech
Date Received: 21 March 2013
Expiry Date: 16 May 2013
Applicant: Mr R Sayer**

Proposal: Formation of a vehicular access ramp and footpath link, in association with change of use of agricultural land to open storage area for pontoons and cranes as submitted to Kings Lynn and West Norfolk Borough Council

Location: 41 – 43 Crab Marsh, Wisbech

Site Area/Density: 2.0234 hectares

Reason before Committee: For members to consider the recommendation to devolve decision making authority to Kings Lynn and West Norfolk Borough Council (KLWNBC) in respect of this “cross boundary” application. In addition part of the site is within the ownership of Fenland District Council (FDC)

1. EXECUTIVE SUMMARY/RECOMMENDATION

This cross boundary application relates to land known as Prins Field and is situated at Crab Marsh in close proximity to the eastern bank of the River Nene and to the north of Wisbech town centre. Osbourne Road runs to the east of the site boundary with the existing main access to the site from a private track (Crab Marsh) which is owned by Fenland District Council (FDC).

This application relates to the use of the existing access via Crab Marsh into a proposed extension to the Drake Towage business premises onto part of Prins Field. This field lies within the borough of Kings Lynn and West Norfolk and as a result is the subject of a simultaneous application lodged with that bordering authority. The application under consideration by KLWNBC seeks permission to form a new vehicular access onto Osbourne Road; a concrete ramp and footpath from the application site to the existing Drake Towage Yard and change of use of the land from agricultural use to open storage for pontoons and cranes.

The key issues to consider are those relating to the cross boundary application process and highway/footpath matters in respect of the Crab Marsh access.

Given the response to consultations, as documented in section 4, the recommendation is to devolve decision making authority to KLWNBC in respect of this cross boundary application. If this is accepted, KLWNBC is asked to take account of the comments raised by the following consultees in making a decision on the application;

Cambridgeshire County Council (CCC) Highway Authority
Wisbech Town Council
FDC Assets and Projects
CCC Countryside Access

2. HISTORY

Of relevance to this proposal is:

F/YR06/0072/F	Change of use of land from agricultural to light industrial storage and erection of a 2.0m high chain link fence	Granted 20 March 2006
F/YR01/0487/F	Erection of extension to existing warehouse	Granted – 13 July 2001
F/97/0794/F	Erection of 2 x 2-bed semi-detached 2 storey dwellings involving the demolition of existing building	Granted - 30 April 1998
F/97/0120/F	Erection of 2 x 2-bed semi-detached 2-storey dwellings involving demolition of existing building	Withdrawn – 29 September 1997
F/92/0089/F	Change of use of part existing premises to form 1 x 2-bed residential unit	Granted - 6 July 1992
F/87/2369/CU/F	Change of use of office block for residential use for site security purposes	Refused – 15 September 1987
F/87/2257/CU/F	Change of use of ex Anglian Water Depot to marine repairs and storage of dredging plant	Granted – 10 August 1987

3. PLANNING POLICIES

3.1 National Planning Policy Framework (NPPF):

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 19: Planning should operate to encourage and not act as an impediment to sustainable growth

Paragraph 32: Decisions should take account of safe and suitable access to the site

Paragraph 118: Local Planning Authorities should aim to conserve and enhance biodiversity through application of defined principles.

3.2 Fenland Local Plan, Core Strategy, Proposed Submission (Feb. 2013) (CS):

CS1: A Presumption in favour of Sustainable Development

CS6: Employment, Tourism, Community Facilities and Retail

CS10: Sustainability and no harm to the wide open character of the countryside.

CS14: Responding to Climate Change and Managing the Risk of Flooding

3.3 Fenland District Wide Local Plan (FDWLP):

E1: Protection of the unique open character of the Fenland Landscape

E8: Landscape and Amenity Protection

EMP1: Proposals for the expansion of existing employment uses will normally be favoured providing that they do not give rise to conflict with other policies of the Development Plan

4. CONSULTATIONS

- 4.1 ***Town Council*** Recommend Approval but members have concerns regarding traffic and wish to monitor vehicular movement for further road construction.
- 4.2 ***Local Highway Authority (CCC)*** Access point proposed within Osbourne Road is outside the county of Cambridgeshire, but much of Osbourne Road is within the county therefore the traffic likely to use this access will use the county road network. Assume that currently all vehicular access to Drake Towage is via Crab Marsh. Concern expressed and additional information required.
- 4.3 ***Environment Agency:*** No objection subject to conditions relating to submitted Flood Risk Assessment.
- 4.4 ***Natural England*** Refer to standing advice
- 4.5 ***FDC Assets and Projects*** Do not object to the principle of the proposal or the expansion of the business, but object with regard to the provision of the new access to Osbourne Road and existing manoeuvring of HGV's along Crab Marsh.
- 4.6 ***FDC Environmental Health*** The Environmental Protection team note and accept the submitted information and have no objections to the proposed development. Given its location it is unlikely to have a detrimental effect on local air quality or the noise climate. No complaints have been received regarding the current use of the premises.
- 4.7 ***CCC Waste,
Harbour Master,
Ramblers,*** No response received within consultation period.
- 4.8 ***CCC Countryside Access*** Public Footpath no 3 Wisbech is the main access to the development site. It does not appear that the footpath will be affected, therefore no objection to the application. Request that informatives are attached to any consent granted.
- 4.9 ***Wildlife Trust*** No comments to make on application
- 4.10 ***Neighbours::*** No comments received

5. **SITE DESCRIPTION**

- 5.1 The site lies to the east of the existing Drake Towage site which is accessed from Crab Marsh. The River Nene lies to the west. At the point of access to this site Crab Marsh is a private road owned by FDC and a public footpath runs along it. The application site which will provide an extension to the Drakes Towage site forms part of Prins Field. This is currently in agricultural use and does not have its own access. It is proposed to provide a ramp from the higher level Drake Towage site into the application site to provide access and also form a new access via Osbourne Road (unclassified highway). The site will be bordered on the northern and eastern boundaries with 2.4m high green, mesh security fencing and additional native trees are proposed to be planted to along the southern boundary. A pond is proposed in the south western corner of the site to take the surface water from the new impermeable surfaces. It will create a habitat for wildlife whilst showcasing how bank edges can be protected. The site lies within Flood Zone 3.

It should be noted that the only part of the site within FDC is the existing access from Crab Marsh and a small portion of the ramp and footpath linking the existing premises with the proposed site extension.

6. **PLANNING ASSESSMENT**

6.1 Cross Boundary Application

The application affects both FDC and neighbouring KLWNDC. In accordance with the Planning Fees Regulations contained in Circular 04/2008 where an application site straddles one or more local planning authority boundary, it is necessary to submit identical applications to each planning authority identifying which part of the site is relevant to those authorities. This has been done and applications submitted to both FDC and KLWNBC.

- 6.2 The planning fee is payable to the authority of whichever are contains the largest part of the whole application site within the red line. In this case KLWNBC has by far the greater site area and has been paid the appropriate fee.

- 6.3 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 with the possibility of both imposing different conditions if approved or conflict in the decision making process if one application is refused and the other approved. This course of action is not recommended as it fails to promote a coordinated approach and may result in inconsistency which is at odds with government guidance to encourage cooperation and a joint approach between planning authorities. Case law has established that normally a cross border application should be resolved by agreement between the authorities concerned to avoid the threat of legal challenge. Accordingly it is recommended that FDC devolve powers in order that KLWNBC can determine the application in its entirety.

- 6.4 Section 101(1) of the Local Government Act, 1972 authorises authorities to discharge any of their functions jointly. Whilst this could be established through

a joint committee, in practice that type of arrangement is usually established for major applications or if there are several cross border applications under consideration. In this case the vast majority of the development site is under the control of KLWNBC with only the existing access point and a small portion of the new ramp and footpath within FDC. The application is classed as a minor development and its determination by KLWNBC is considered to fall within the scope of S 101 (1) of the Local Government Act, 1972.

6.5 Highway Issues

Both CCC Highways and FDC Valuation and Estates Officer have raised concerns with regard to the access and the use of Osborne Road for vehicular traffic associated with the business. This mainly relates to the nature of Osborne Road, being residential, there being potential for noise and disturbance issues, and the road not being as wide or as robust in construction as the industrial road network to the south. In addition concerns have been raised by FDC Valuation and Estates Officer in relation to vehicles reversing down Crab Marsh and this application being a missed opportunity to improve the situation.

6.6 Following the above comments, the agent has responded as follows: *'The access from Osborne Road will mostly be used for delivery and collection of boats and pontoons and to avoid the need to back arctic's out along Crab Marsh. I estimate on average this will amount to one to two lorries a day and only one way traffic.....The anticipated two deliveries of boats/pontoons per day will enter the site using the proposed Osborne Road access, and then exit the site via Crab Marsh, thus creating a one way traffic route on site. The proposal will also eliminate the current occurrence where large lorries carrying boats/pontoons have to reverse the length of Crab Marsh to find a suitable turning area.'*

6.7 The comments from consultees and the planning agent have been noted and it is considered that the application should be considered comprehensively in order to deal with all matters arising. It is, therefore, recommended that KLWNBC, who have the vast majority of the site within their control, are the single determining authority for this application.

7. **CONCLUSION**

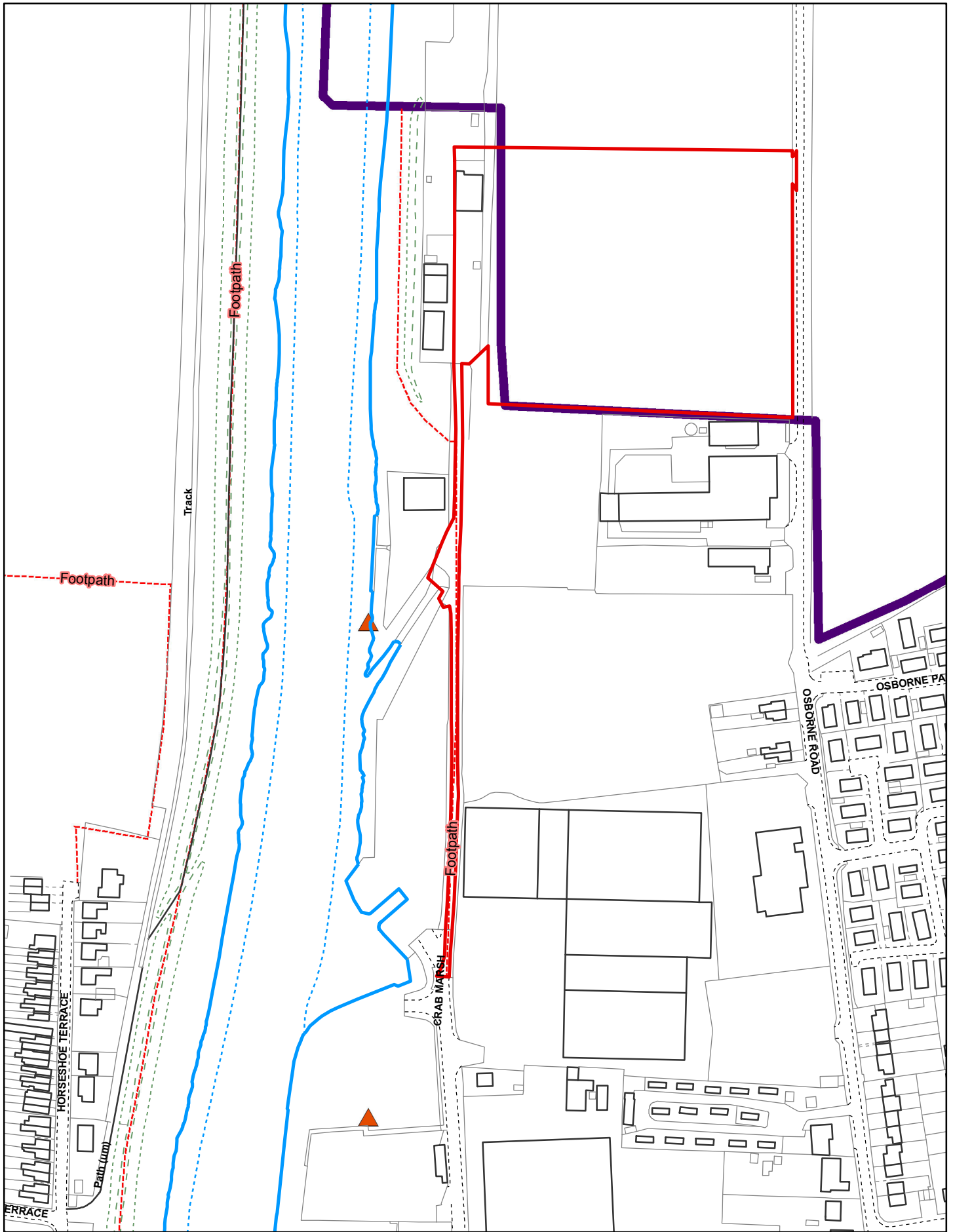
7.1 Notwithstanding the highway related issues raised by CCC Highway Authority, FDC Assets and Projects and Wisbech Town Council it is recommended that in accordance with Section 101 (1) of the Local Government Act, 1972 the Planning Committee delegates its development management powers to KLWNBC in respect of application F/YR13/0195/F. This would allow a single determining authority for the application with KLWNBC having the vast majority of the application site in their area.

8. **RECOMMENDATION**

Devolve decision making authority

8.1 **It is recommended that the Planning Committee devolves its decision making authority to Kings Lynn and West Norfolk Borough Council in respect of this cross boundary application.**

8.2 If 8.1 is accepted, Kings Lynn and West Norfolk Borough Council is requested to take account of the comments made by CCC Highway and Countryside Access teams along with those comments made by FDC Assets and Projects and Wisbech Town Council when making a decision on the application.



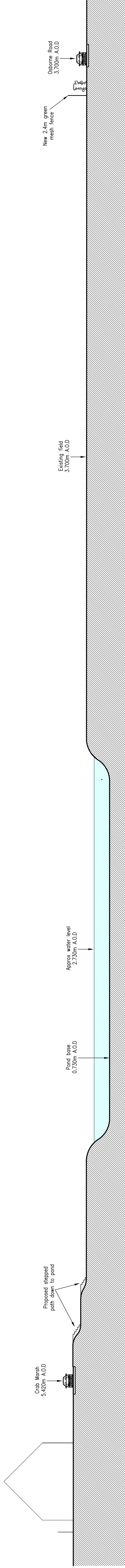
Created on: 04/04/2013

© Crown Copyright and database rights 2013 Ordnance Survey 10023778

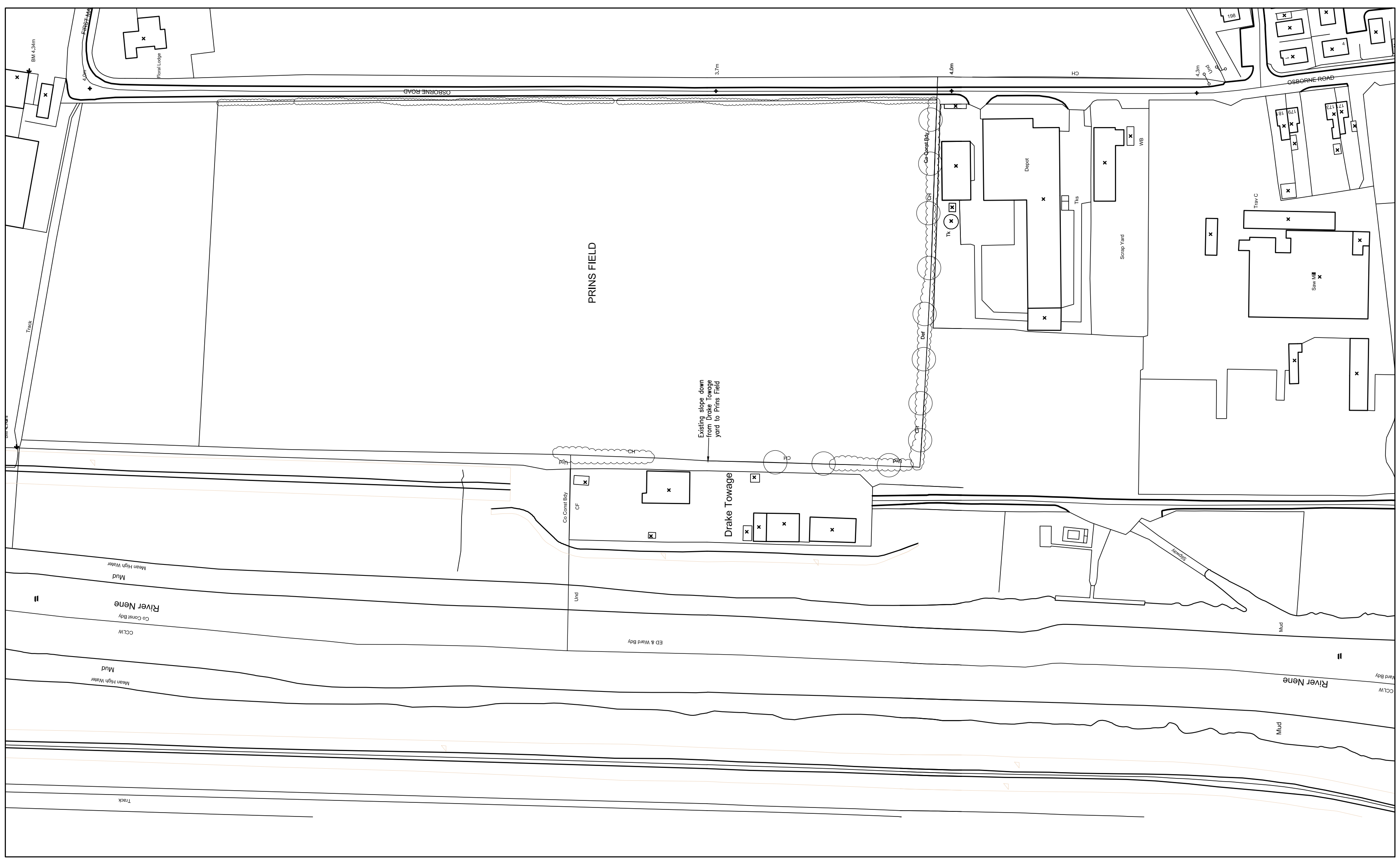
F/YR13/0195/F

Scale = 1:2,500

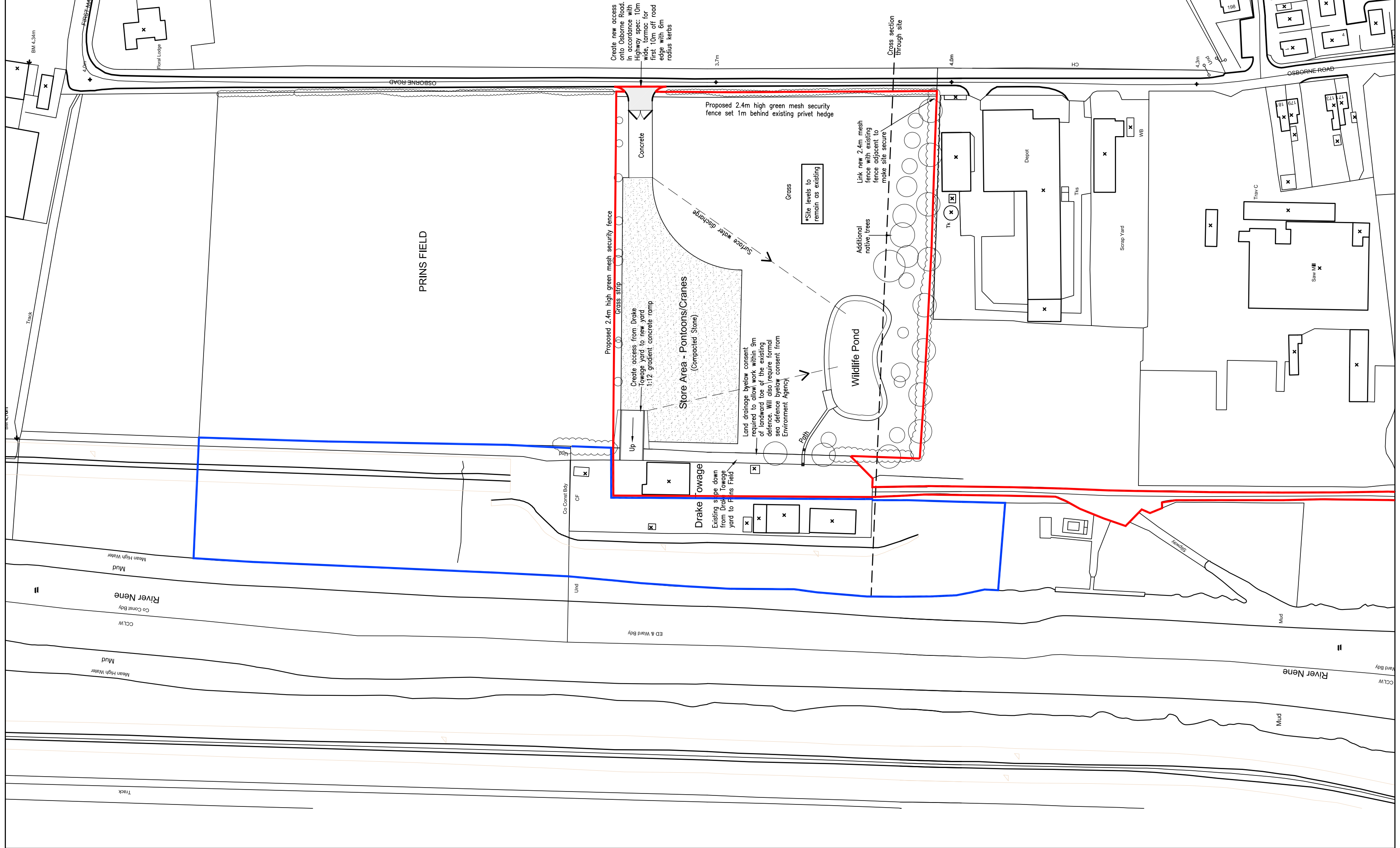




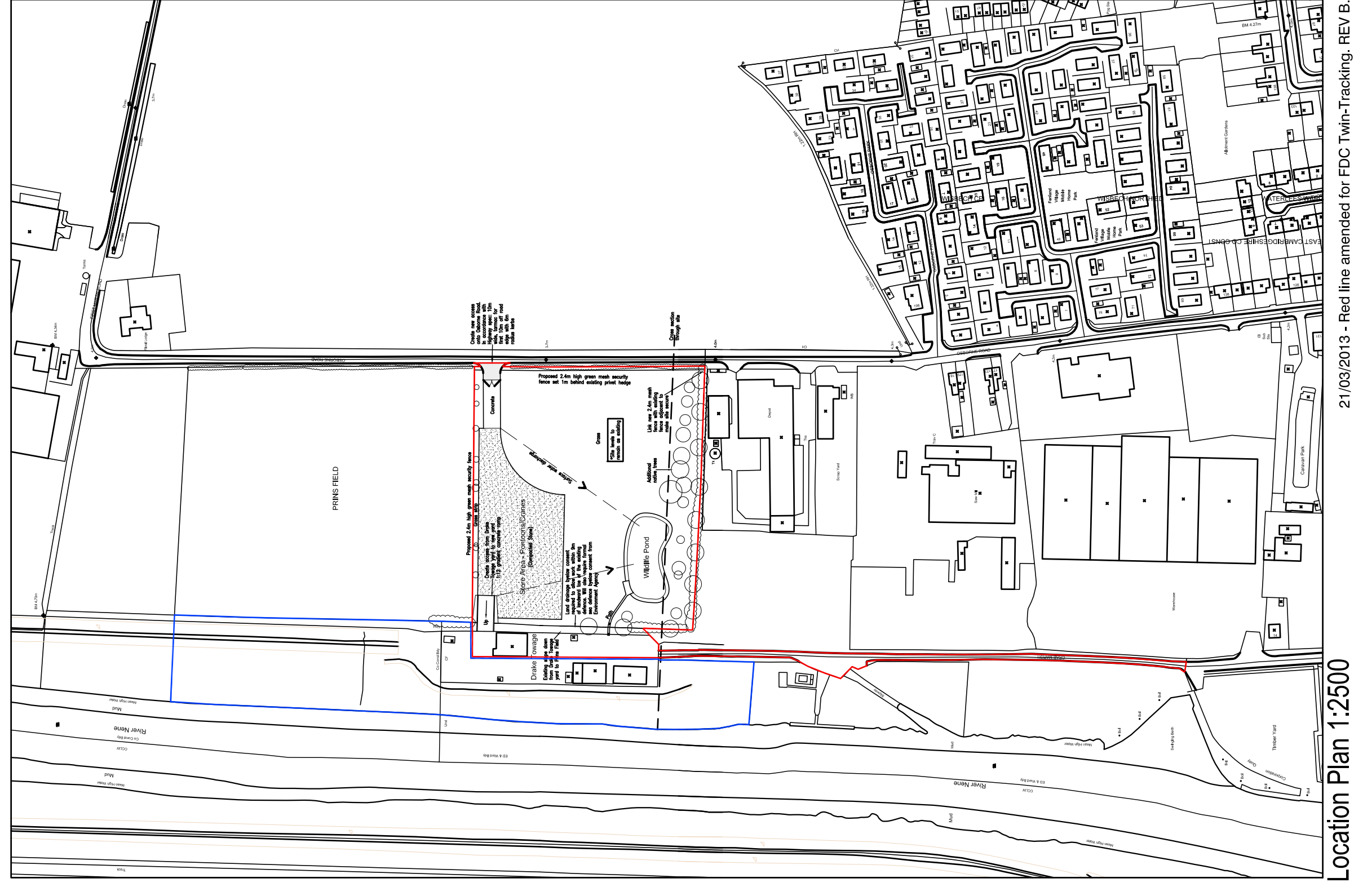
Proposed Cross Section Through Site 1:250



Existing Site Plan 1:1250

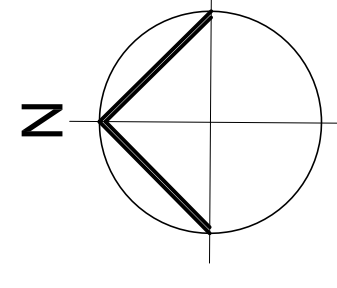


Proposed Site Plan 1:1250



Location Plan 1:2500

Peter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING
 PROJECT: PROPOSED CHANGE OF USE
 AGRICULTURAL LAND TO OPEN STORE
 SITE: PRINS FIELD
 OSBORNE ROAD
 WISBECH
 PE13 3JQ
 DRAWING: PROPOSED
 CLIENT: DRAKE TOWAGE - Mr R Sayer
 DATE: Oct 2012 SCALE: As Shown JOB No.: 4893/01B
 DO NOT SCALE FROM THIS DRAWING
 COPYRIGHT: THIS DRAWING MUST NOT BE ISSUED, LOANED OR COPIED
 WITHOUT THE CONSENT OF PETER HUMPHREY ASSOCIATES
 Peter Humphrey Associates
 ARCHITECTURAL DESIGN AND BUILDING
 TELEPHONE: 01945 466 966
 FAC: 01945 466 433
 EMAIL: P.H.A@PETERHUMPHREYASSOCIATES.CO.UK
 30 OLD MARKET, WISBECH, CAMBS, PE13 1NE
 Building
 Peter Humphrey Associates
 30 Old Market, Wisbech, Cambs, PE13 1NE
 01945 466 966
 Peter Humphrey Associates Ltd.



See location plan for full extent of red line