F/YR23/0990/PIP

Applicant: Mr Patrick Agent : Mrs Alexandra Patrick

Alexandra Design

Land West Of 37, Mill Road, Murrow, Cambridgeshire

Residential development of up to 3×3 dwellings involving the formation of 2×3 new accesses (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer

recommendation

1 EXECUTIVE SUMMARY

- 1.1. The proposal is an application for Permission in Principle to develop the site for up to 3 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:
 - (1)Location
 - (2)Use, and
 - (3)Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

- 1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.
- 1.3. The site lies to the west of the existing linear form of residential development that is part of the settlement of Murrow located along the south side of Mill Road. The application site forms part of an existing agricultural field, the site is relatively open in nature to the west side and bounded along the southern boundary by mature hedges and trees with agricultural fields beyond.
- 1.4. Policy LP3 clearly indicates that Murrow is a small village which is suitable for residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box and would not represent development of a limited nature.

- 1.5. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village e this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The site lies to the west of the existing linear form of residential development that is part of the settlement of Murrow located along the south side of Mill Road. The application site forms part of an existing agricultural field, the Agricultural Land Classification Map shows the land to be Grade 1 which is classed as 'excellent'.
- 2.2. Existing residential dwellings run along the north side of Mill Road opposite the site which are both two storey and single storey, immediately adjacent the site to the east is 37 Mill Road, a two-storey residential dwelling. The site is relatively open in nature to the west side and bounded along the southern boundary by mature hedges and trees with agricultural fields beyond.
- 2.3. The site lies within Flood Zone 3.

3 PROPOSAL

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of up to 3 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:
 - (1) location,
 - (2) use, and
 - (3) amount of development proposed
- 3.2. Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.
- 3.3. The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out has been submitted showing 3 detached dwellings each with a garage and two access points off Mill Road, one serving Plot 1 and the other serving Pots 2 & 3, this is indicative only and the application is solely for the erection of up to 3 dwellings in principle within the red lined site.

3.4. Full plans and associated documents for this application can be found at:

F/YR23/0990/PIP | Residential development of up to 3 x dwellings involving the formation of 2 x new accesses (application for Permission in Principle) | Land West Of 37 Mill Road Murrow Cambridgeshire (fenland.gov.uk)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR23/0796/PIP	Residential development of up to 9 x dwellings involving the formation of 5 x new accesses and extension of path (application for Permission in	Withdrawn	03/11/2023
	Principle)		

5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council (12/12/2023)

Recommend REFUSAL based on the following discussion: The Council noted the reduction in properties from that of application F/YR23/0796/PIP but still considered that any development in this location would go against LP3, LP12 and LP16 of the Fenland Local Plan; in that the development would be outside the main settlement of Murrow and would set a precedent of extending the boundary based on a similar dismissed appeal decision at Sandbank, Wisbech St Mary (F/YR22/0706/O). Councillors also noted concern that no further development should be undertaken on Mill Road which would result in more traffic until a footpath is installed. If Officers are minded to approve the PIP then the Parish Council recommend that a footpath is installed prior to commencement of development. They also noted concern regarding drainage and flooding.

5.2. CCC Highways (06/02/2024)

Recommendation

I have no objection in principle to the above from the highways perspective.

Comments Though the visibility of the proposed access appears to be acceptable, both the vehicle inter visibility and pedestrian visibility splays for the proposed accesses would need to be submitted for future reserve matters assessment.

As a core requirement for the above proposed development, I would need to be satisfied the proposed access is feasible. Reference to the submitted site boundary plan shows the proposed application access may be difficult to achieve given the strip of land (possibly third party) between highway boundary and depicted title limit (red line) for the development. Clarification of the site boundary limit in relation to proposed access and location, together with access dimension details must be submitted to facilitate the appropriate consideration for the development.

To address this issue, a verified copy of the highway boundary record can be procured from CCC's Searches team by following the instructions in the link below. If there is any third-party ownership between the applicant's landownership and the highway, the LPA should be satisfied that appropriate notice is served. https://www.cambridgeshire.gov.uk/business/highway-searches

It noted that the Parish Council has recommended that If Officers are minded to approving the PIP, then a footway should be installed prior to commencement of development. I would also expect the Applicant to extend the footway to the existing infrastructure which is due to be provided along the frontage of the (relatively) newly built four dwellings to the east.

5.3. CCC Highways (06/02/2024)

The revised indicative drawing number no. 147/PIP/A showing a vehicle intervisibility splay for the proposed accesses is acceptable, however no details of adjoining footways expected to be constructed with the site accesses are shown on the drawing.

As a result of this, the required pedestrian visibility splay of 2m measured from the back of the footway and along the proposed accesses have not been presented on the drawing. The pedestrian splays should be 2m x 2m, measured to the rear of the proposed footway and not 1.5m as shown. It is preferable that the footways are shown now, but if the LPA prefers, it can be conditioned; or incorporated into a future reserve matter application.

Regarding the clarification on the possibility of third-party land between highway boundary and the depicted title limit (red line) for the development required to determine the feasibility for the provision of the proposed accesses; I am now content that this point has been addressed.

I have no further highway comments to make at this stage of the planning process.

5.4. Environment Agency (14/12/2023)

No objection to the proposed development. We have provided further details below.

Flood Risk

The development should be carried out in accordance with the submitted flood risk assessment (ref Ellingham Consulting Ltd. ECL1154/ALEXANDRA DESIGN dated November 2023) and the following mitigation measures it details:

- The finished floor level of the dwellings should be a minimum 0.3m above existing ground level
- A minimum of 0.3m of flood resilient construction above finished floor level.

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

5.5. North Level District I.D.B (07/12/2023)

No objection in principle.

5.6. FDC Environmental Health (06/12/2023)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality or be adversely affected by ground contamination.

In the event that Permission in Principle (PIP) is approved and a further application for the site is submitted, this service may recommend a condition on working time restrictions due to the close proximity to existing noise sensitive receptors.

Local Residents/Interested Parties

5.7. Objectors

5 letters of objection have been received from residents of Mill Road, Murrow which have raised the following summarised concerns:

- This strip of land is now the only main source of natural drainage for Mill Road
- There has been so much building that the road is now constantly flooded when it rains as drainage issues have not been addressed
- Mill Road is not suitable for any more housing
- There is no adequate street lighting, foot paths or drainage for such construction
- The 4.5 metre road is not wide enough to accommodate more dwellings & the traffic to come with it
- Increase in traffic as there is no public transport in Murrow
- The proposed dwellings would overshadow neighbouring properties
- Siting of proposed garages would restrict visibility at accesses
- Bats are present flying around the sit at nighttime
- Lorries delivering materials will increase the traffic within the surrounding area
- Loss of the field and hedgerow and views of this
- Lack of pedestrian footways

5.8. **Supporters**

33 letters of support have been received from residents of Murrow (5 from Back Road, and 1 each from Seadyke Bank, Front Road, Hooks Drove and The Pigeons), Wisbech (5 from 3 addresses), Wisbech St Mary (x2), Gorefield (10 from 3 addresses), Gedney Hill (x1), Parson Drove (x2), Tydd St Giles (x1), Elm (x1), Peterborough (x1) and Spalding (x1) which made the following summarised comments:

- Good for the village and elderly people wishing to down size
- Will make way for our local future residents and growing families in the houses that become available
- Would support the local businesses
- Would create affordable bungalow dwellings
- Good growth for the village, offering more residential opportunities
- This type of property is needed in the village
- Need for smaller 2-bedroom type properties within the local area. A number
 of larger properties have been built in the local villages, but they do not help
 people starting out on the property ladder who need affordable homes

6 STATUTORY DUTY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP12: Rural development

LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15: Facilitating a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments Across the District

LP19: The Natural Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

7.6. Supplementary Planning Documents/Guidance

Delivering & Protecting High Quality Environments in Fenland SPD (2014) Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- Location
- Use
- Amount of Development Proposed

Matters Raised During Consultation

9 BACKGROUND

9.1. Prior to the submission of this application, planning application F/YR23/0796/PIP was submitted to the council in September 2023, this application sought planning permission in principle for the 'Residential development of up to 9 x dwellings involving the formation of 5 x new accesses and extension of path'. The application was subsequently withdrawn in November 2023.

10 ASSESSMENT

10.1. Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount of development and these items are considered in turn below:

Location

- 10.2. Policy LP3 clearly indicates that Murrow is a small village which is suitable for residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box.
- 10.3. Part A of Policy LP12 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.
- 10.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:
 - Policy LP1, Part A identifies Murrow as a small village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C recognises frontage infill development, however in relation to this application would not be applicable as the development of the site would not respect the existing character and pattern of development and the site is at risk from flooding being located in Flood Zone 3. LP62 defines residential site allocations in Murrow and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Flood Risk and Drainage

- 10.5. The site lies in Flood Zone 3 and therefore at a high risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 10.6. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the built form of the settlement and proposes a scale and form of development beyond that envisaged under the settlement hierarchy, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.7. The application has been accompanied by a Flood Risk Assessment which states 'the proposed development benefits from defences on the tidal River Nene that protect against the 0.5% annual probability (1 in 200 chance each year) event including climate change and that the development passes the Sequential and Exception Test'. This is insufficient as both the National Planning Practice guidance and the SPD stipulate that existing defences should not be taken into account. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified, this has not been completed.
- 10.8. The application is accompanied by a Sequential Test which advises that the area of search is Murrow rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement of Murrow and as such the Sequential Test is considered to fail. However even if the settlement of Murrow was accepted as the area of search it is clear from a search of planning permissions which have yet to be implemented that there are sequentially preferable sites available which could accommodate the development proposed.
- 10.9. Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere. Within the FRA it states that the proposed development would contribute to meeting the district target of 11,000 new dwellings over the period of 2011 to 2031. This would not be considered as a wider sustainability benefit to the community that would outweigh flood risk.

Use

10.10. Policy LP12 ((i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.

- 10.11. Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside....including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category.
- 10.12. A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.
- 10.13. Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding users by reason or noise or disturbance or vice versa.

Amount of Development Proposed

10.14. The application seeks Permission in Principle for up to 3 dwellings on a site of 0.13ha which would equate to a density of approximately 4 dwellings per hectare. Whilst a site plan has been submitted, this is indicative. It is considered that the dwellings could be accommodated on-site without being an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

Matters Raised During Consultation

- 10.15. Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.
- 10.16. CCC Highways have been consulted throughout the lifetime of the application and commented 'no objection in principle from a highways perspective' in relation to the proposed development at the site. The Highways officer did state that no details of adjoining footways or pedestrian intervisibility splays for the proposed accesses have been submitted. It is considered that details of the proposed footways and pedestrian visibility splays could have been conditioned to an approval or brought forward within the technical detail's application. However, as the application is recommended for refusal the details have not been sought at this stage due to the application seeking permission in principle for the proposed development.
- 10.17. A number of the representations in support of the application make reference to the need for small dwellings or bungalows. However, the application is for Permission in Principle with no details included.

11 CONCLUSIONS

- 11.1. The application seeks permission in principle for the residential development of up to 3 dwellings at the site with matters of location, land use and amount of development proposed.
- 11.2. Policy LP3 clearly indicates that Murrow is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3

dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box and would not represent development of a limited nature.

- 11.3. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 11.4. Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 11.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse Permission in Principle; for the following reasons:

1. Policy LP3 of the Fenland Local Plan 2014 identifies that Murrow is a 'small village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined as "the development of a relatively small gap between existing buildings."

The proposed development of up to 3 dwellings at the site, which currently provides a large undeveloped gap of approx. 270m between existing dwellings would not represent "the development of a relatively small gap between existing buildings." As such the proposal is contrary to Policy LP3 of the Fenland Local Plan 2014.

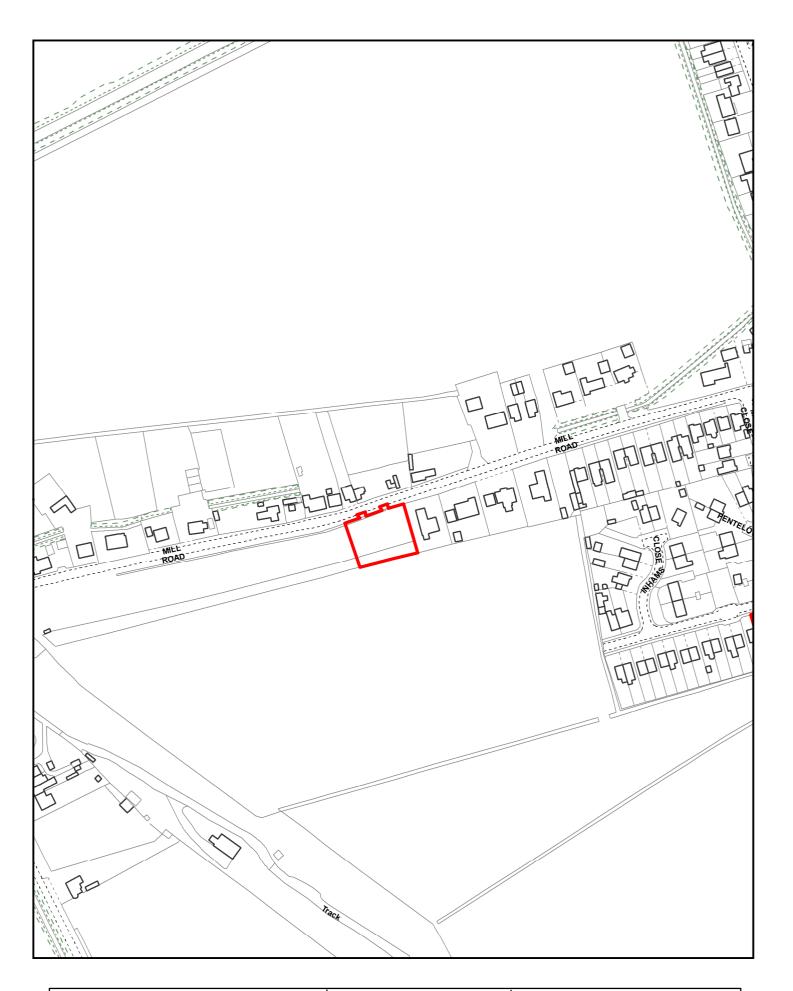
Policy LP12 of the Fenland Local Plan 2014 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) of the Fenland Local Plan2014 requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.

The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning

in Principle application fails.

The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.



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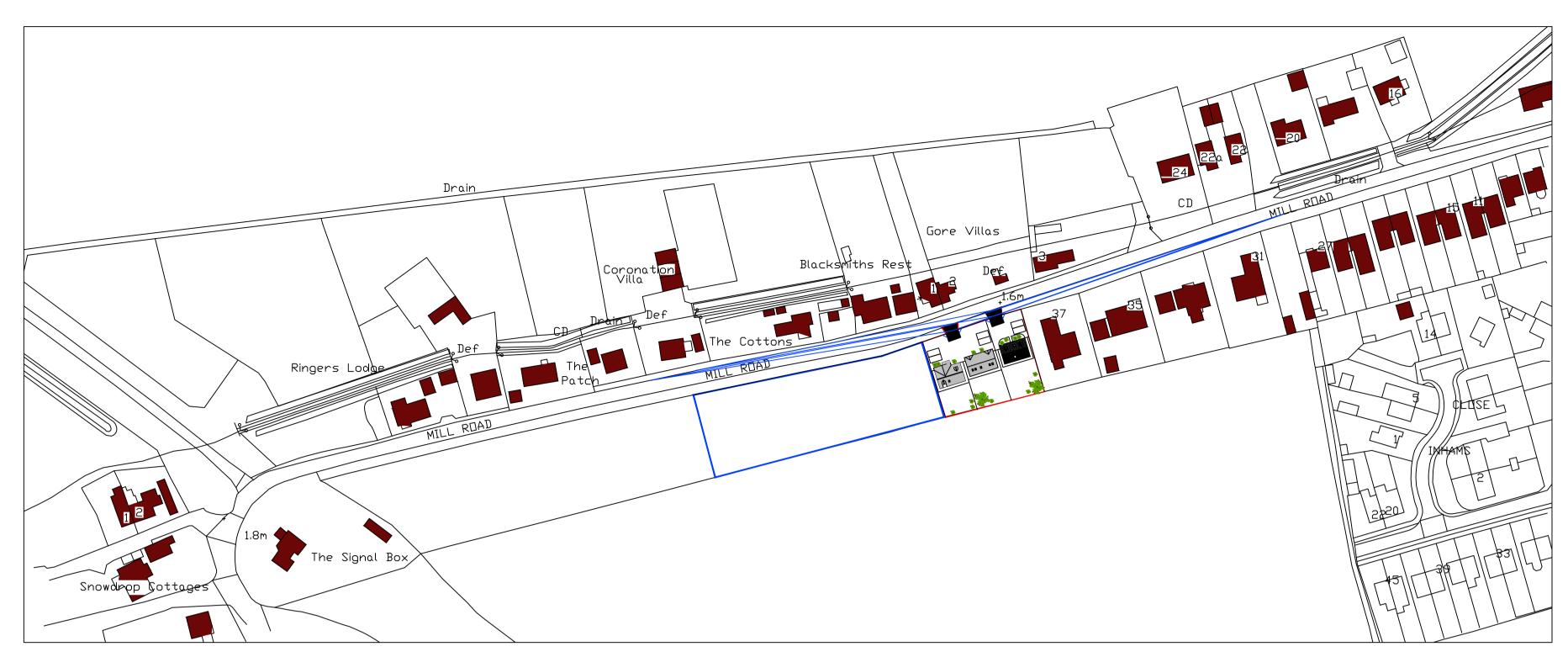
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F/YR23/0990/PIP

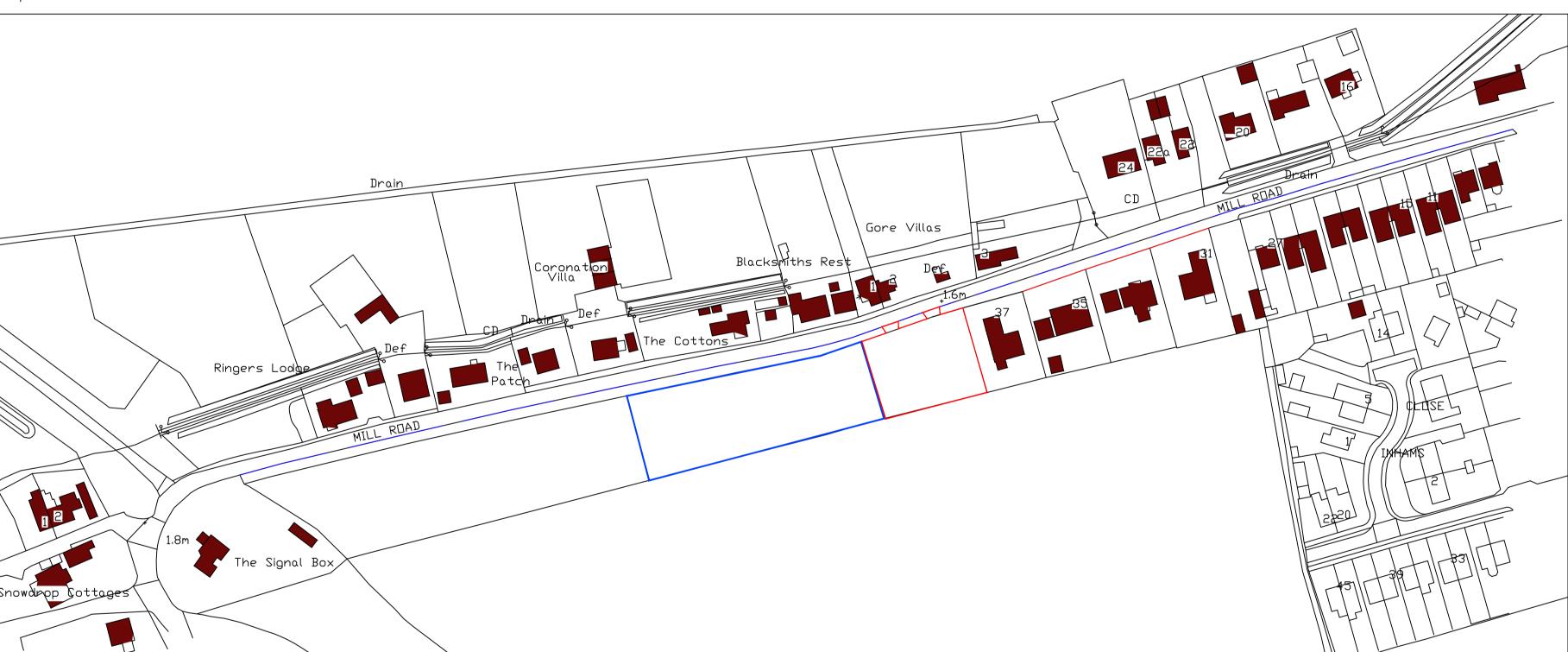
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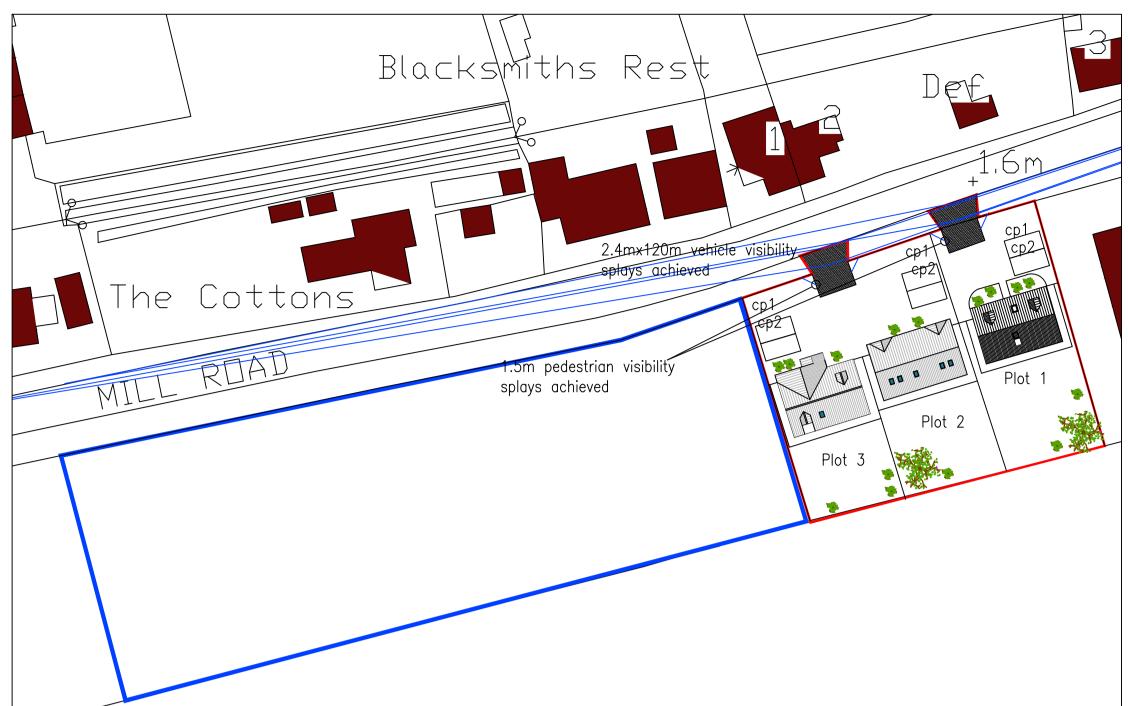


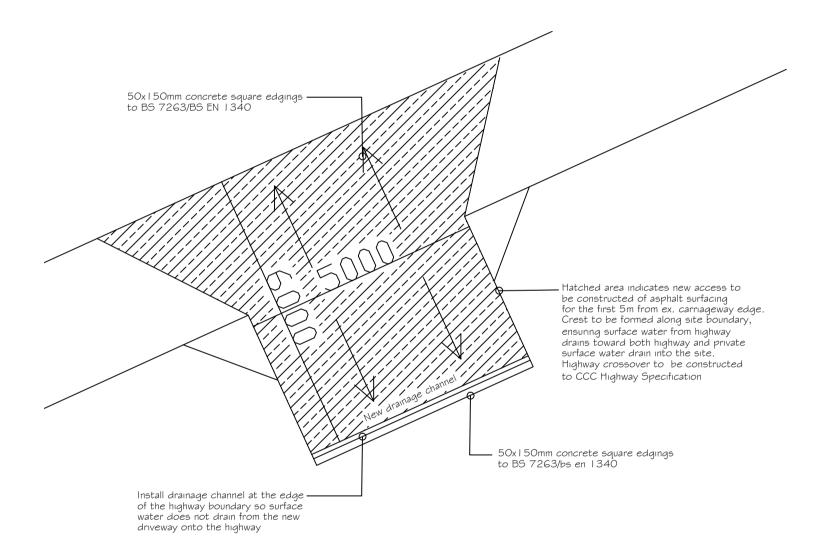


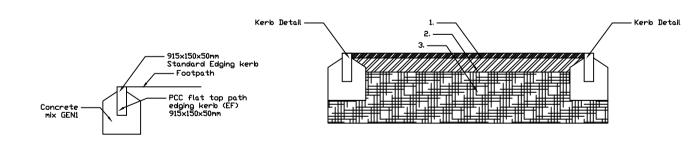
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Existing Location Plan 1:1250

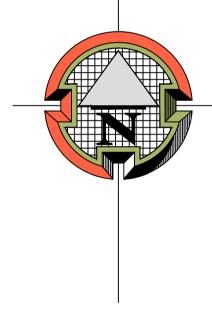






Asphalt Access Area Section Detail 1:20

	LAYER	SPECIFICATION	THICKNESS
	1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
ACCESS	2. binder course	AC 20 dense bin to BSEN13108—1 and PD6691 with 50 pen binder.	90mm
AC	3. sub-base	Granular sub—base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub—base.	365mm



Reference: 147/PIP/A	Pages: 1
Scale:	
as shown	

Project:
Planning in Principle application for 3x chalet style residential dwellings and 2 new access (INDICATIVE ONLY)

Site Address:

Land adjacent 37 Mill Road Murrow Wisbech Cambs

Client:

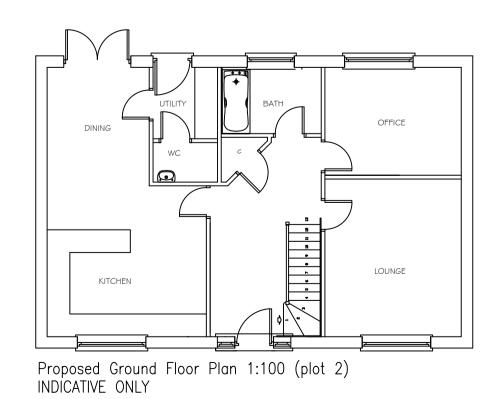
Mr Patrick

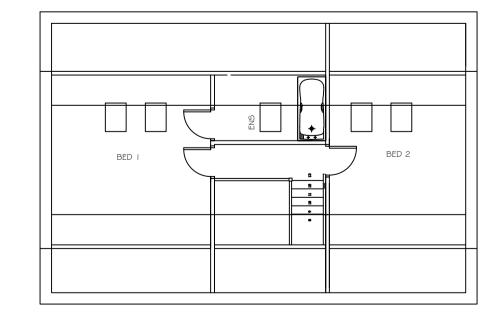


Southfork Farm Seadyke Bank Murrow Cambridgeshire PE13 4SD

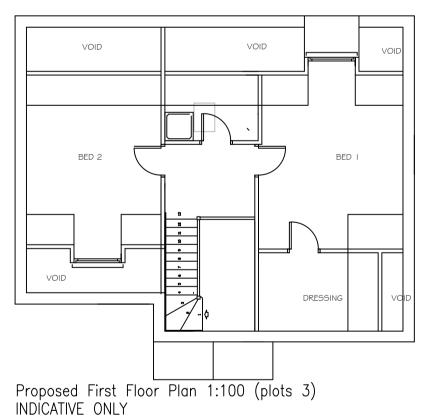
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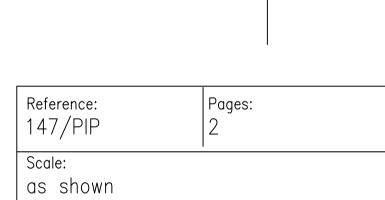






Proposed First Floor Plan 1:100 (plot 2) INDICATIVE ONLY





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