
F/YR23/0555/O

Applicant: Mr R Humphrey

**Agent : Jordan Trundle
Peter Humphrey Associates Ltd**

Land North Of Longways 1, Back Road, Murrow, Cambridgeshire

Erect 1 dwelling (outline with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to Officer recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 17 August 2023

EOT in Place: Yes

EOT Expiry: 9 April 2024

Application Fee: £0

Risk Statement:

This application must be determined by 09/04/24 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1** A nearly identical application has been previously refused. The difference between that proposal and this proposal is a second access directly off of Murrow Bank.
- 1.2** This application seeks outline planning permission for the erection of one dwelling on land to the rear of 1 Back Road. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether the principle of development is acceptable in this location.
- 1.3** A new dwelling on the site would be classed as back land development and would be considered out of keeping with the character of the area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan 2014 and the aims and objectives of the National Planning Policy Framework 2021.
- 1.4** Therefore, the recommendation is for refusal.

2 SITE DESCRIPTION

- 2.1** The site is currently accessed along a dirt track to the side (west) of Longways No 1 Back Road. The site would be located to the rear (North) of Longways No 1 Back Road which lies on the edge of the built framework of Murrow. The site is currently

housing domestic use polytunnels. The site is separated from the agricultural land to the north by a linear drain stretching the northern boundary of the site, and to the south and east are detached bungalows. To the west of the site is Murrow Bank the B1187.

2.2 The site lies within Flood Zone 3 (High Risk) and within the Flood Warning Area.

2.3 The site lies within a great crested Newt Green Zone.

3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of a single dwelling. The application is made with all matters reserved.

3.2 The indicative plans submitted show a 1.5 storey dwelling with detached garage and parking and turning for 2 cars to the front. It also shows private garden space to the rear enclosed by 1.8m high close boarded fencing.

3.3 The main vehicular Access is shown to be off Murrow Bank down the steep bank with non-vehicular access shown from Back Road. The access from Murrow Bank would be ramped in line with gradients as follows:

- 5.0m wide access to LHA specification (metalled surface) and gradient not exceed 1 in 12 for minimum of 5.0m from the carriageway.
Leading to:
- Turning area – at +2.8m AOD
- Field access ramp – Gradient not to exceed 1 in 12
- Residential access – Gradient not to exceed 1 in 12

3.4 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

Application	Description	Decision	Date
F/YR22/0948/O	Erect 1 dwelling (outline with all matters reserved)	Refuse	16 Dec 2022

5 CONSULTATIONS

5.1 Parson Drove Parish Council

It was proposed for refusal for the access issues, drainage issues, the upkeep concerns of the drain, flood risk issues and to limit urban sprawl.

5.2 North Level Internal Drainage Board

I refer to the Boards previous comments with regard to this application, the contents of which still apply.

(North Level Internal Drainage Board comments received for application F/YR22/0948/O)

I have concerns with regard to the following points:-

- 1. The Boards Murrow Main Drain forms the northern boundary to the site and access to the Boards heavy plant machinery is required along the proposed driveway to the new property on an annual basis. Please see the attached plan with the access route highlighted in green. The proposed new driveway to the property must not cause problems in the future with regard to the Boards access.*
- 2. The bank to the rear of the property is owned by the Board and is currently rented to a tenant who also requires access along the proposed driveway to the new property.*
- 3. Whilst the plans show a clear 9 metre corridor along this drain, I must stipulate that this corridor remains clear at all times and the Boards byelaws apply to this easement.*
- 4. At the present time surface water is to be discharged via soakaway. Should any changes occur with regard to surface water disposal, the Boards consent may be required.)*

5.3 Cambridgeshire County Council Highways (15/08/23)

I note that this is an outline application with all matters reserved.

While I have no objections in principle to this development, insufficient information has been submitted to demonstrate that it would be feasible to construct an access that would have an acceptable impact on highway safety.

The applicant should be invited to demonstrate that suitable visibility splays (2.4m by 120m for a 40mph road) can be achieved at the junction, fully within the highway and/or land within the applicant's control. From the information I have available to me, it is unclear whether the verge on either side of the junction forms part of the public highway and it is therefore recommended that the applicant contact the County Councils Asset Information Highways Searches Team for confirmation of the highway extents, and that this be included on plan along with the visibility splays requested above.

The access width appears disproportionate to and inappropriate for a single residential dwelling. It is noted that the plans are titled 'propose dwelling and stables, with plan 6586/PL02 detailing 'Paddock to go with potential development'; however the application makes no further reference in this regard with the paddock area shown not included in the red line boundary. The applicant should be invited to clarify the use of this access and either amend the application to include appropriate arrangements for the paddocks/stabling, or to amend the access arrangements accordingly to suit the modest development as currently proposed.

There appears to be a significant level difference between the existing ground level and the adjacent road. While it appears likely that this could be accommodated within the length of driveway shown, the applicant should be advised that the gradient must not exceed 1 in 12 for a minimum distance of 5 metres from the edge of the existing carriageway.

In principle the internal arrangements appear broadly acceptable, however for any future Reserved Matters application the applicant would be expected to comprehensively dimension plans including access widths, parking and turning areas to enable this to be fully considered.

Please let me know if the applicant is unwilling or unable to provide the additional information/amendment outlined above, so that I can consider making further

recommendations, possibly of refusal.

5.4 Cambridgeshire County Council Highways Authority (14/11/23)

On the basis of the information submitted, I continue to be concerned that suitable visibility can be achieved from this site and would recommend that amended drawings be requested of the applicant prior to determination of this application.

5.5 Cambridgeshire County Council Highway Authority (18/12/23)

5.6 Cambridgeshire County Council Highway Authority (04/03/24)

Based on the revised information, I have no objection to the proposed development.

On the presumption that that the retained agricultural land will be used for light agriculture / paddock use, access layout / gradients as shown on the drawing 6586/PL02D is acceptable.

However, it's unclear if the access track can be constructed without earthwork encroachment into the North Level Internal Drainage Board ownership. This does not impede upon highway safety so I do not object.

Please append the following Conditions and Informative to any permission granted:

Condition

Visibility Splays: Prior to commencement of the use of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 2125 metres measured along respectively the edge of the carriageway.

5.7 Environment Agency

Thank you for your consultation dated 12 July 2023. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following mitigations measures are followed as outlined within the submitted flood risk assessment (ref ECL0797b/PETER HUMPHREY ASSOCIATES, compiled by Ellingham Consultants Ltd, dated June 2023).

o Finished floor levels shall be set no lower than 0.3 metres above Ordnance Datum (AOD) with 0.3m flood resilient construction above the 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.

5.8 Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.

Due to previous site use and the close proximity of noise sensitive receptors, it is recommended that the following conditions are imposed in the event that planning permission is granted:

UNSUSPECTED CONTAMINATION

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

WORKING TIMES

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Local Residents/Interested Parties

Objectors

Four letters of objection received from residents of Back Road Murrow. Objections regarding:

- Against Neighbourhood plan
- Access/Highways safety
- Location/Backland development
- FZ3/ Inappropriate assessment
- Damage/ Weakening of Murrow Bank

Supporters

Seven letters of support received. Six letters received from residents of Murrow (4 from residents of Seadyke Bank, 1 from a resident of Back Road and 1 from a resident of Front Road) and one letter from a resident of Parson Drove (Main Road). Letters of support mention:

- Good location
- Sustainable Location
- Positive impact on local business

6 STATUTORY DUTY

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

National Planning Policy Framework (NPPF)

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 131 Achieving well-designed places

Paragraph 165 Development should be directed away from areas at highest risk of flooding.

Paragraphs 180 Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context – How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character

H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

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:

- Policy LP1 – Settlement Hierarchy
- Policy LP2 – Spatial Strategy
- Policy LP5 – Health and Wellbeing
- Policy LP7 – Design
- Policy LP8 – Amenity Provision
- Policy LP13 – Custom and Self Build
- Policy LP20 – Accessibility and Transport
- Policy LP22 – Parking Provision
- Policy LP24 – Natural Environment
- Policy LP25 – Biodiversity Net Gain
- Policy LP28 – Landscape
- Policy LP32 – Flood and Water Management
- Policy LP33 – Development on Land Affected by Contamination

Parson Drove Neighbourhood Plan 2020

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

Policy 3 – Affordable Housing

Policy 4 - Maintaining Separation Between Parson Drove and Church End

Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

- Principle of Development
- Character
- Residential Amenity
- Highways and Access
- Flood Risk

9 BACKGROUND

9.1 The previous outline application, for permission for a single dwelling on site was refused for the following reasons:

1. *The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).*
2. *The proposal is considered unacceptable as the submitted drawings clearly indicate the access point to the site from Back Road at its junction with Murrow Bank is unsafe and the Local Highway Authority has recommended refusal based on an unsafe access/exit point. Therefore, there is no safe access to the site identified and the proposal is considered contrary to Policy LP15 of the Fenland Local Plan 2014.*
3. *The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The sequential test that accompanies the application fails to demonstrate that there are no such sites available by virtue of existing reserved matters permission for 4 plots, and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.*

During the consideration of this proposal highways safety and access concerns were discussed with the Highway Authority and revisions made to the proposals.

10 ASSESSMENT

Principle of Development

- 10.1 This outline application seeks the principle of residential development for a single dwelling at this location with all detailed matters reserved.
- 10.2 Policy 2 of the parson Drove Neighbourhood plan states that development should be supported as long as it is supported by the Parish Council. Parson Drove Parish Council recommend refusal of the application for multiple reasons as set out above.

- 10.3 The Fenland Local Plan Policy LP3 defines a settlement hierarchy for the district and seeks to steer development to the most sustainable locations. The settlement hierarchy specifies that the majority of new housing should take place in the four market towns. Murrow is a small Village, one of nine such settlements in the fourth level of the hierarchy where policy LP3 states that “In these settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity”.
- 10.4 On the basis of the above, and due to its location to the rear of Longways No 1 Back Road, the principle of the construction of a single new dwelling within this location in Murrow is considered to be contrary to policy LP3 of the Fenland Local Plan 2014 as the site is not infill development and does not represent a small business opportunity.

Character

- 10.5 The dwelling is indicated as being 1.5 storey and to the rear of Longways, indicating back land development. Dwellings fronting Back Road are bungalows meaning that the indicated dwelling at this position and height within the site would appear to be back land development, be incongruous and out of character with local area. Accordingly, the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road contrary to Policy LP12 of the Fenland Local Plan (adopted 2014).
- 10.6 The proposed engineering works and creation of the access from Murrow Bank are considered to harm the visual amenity of the rural location owing to the raising of the land from the site to Murrow Bank. This raised access would be visually prominent and incongruous in the rural location which is characterised mainly by the raised land at Murrow Bank and lower land to the east and would appear as an alien feature in the landscape.
- 10.7 Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).

Highways and Access

- 10.8 Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all and car and cycle parking appropriate to the amount of development proposed, ensuring that all new development meets the Councils defined parking standards as set out in Appendix A. The application is for outline permission only so it is necessary to assess whether it would be possible for safe access to be constructed to the site.
- 10.9 There is an existing track to the site for agricultural vehicles from Back Road. An application for a dwelling on the site was previously refused. One reason for the previous refusal was the Junction between the track, Back Road and Murrow Bank being considered unsafe and the consultation response from the Local Highway Authority recommending refusal based on the unsafe access/exit point.
- 10.10 Drawing 6586/PL02 Rev D states that the existing track from Back Road will not be used for vehicular access to the site. However, it does not propose to close off

this access point. Therefore, it is considered that the track could still be used to access the site should a dwelling be permitted, and the previously raised concerns remain. However, it could be conditioned for this access not to be used by the vehicles accessing the application site.

- 10.11 Drawing 6586/PL02 Rev D shows a new access proposed off Murrow Bank. The revised drawing states the (decline/incline) gradients that are considered acceptable by the Highway Authority. The Highway Authority have no remaining objection. It is however unclear at this point whether the IDB exclusion zone can be maintained whilst achieving the necessary access gradients. This would need to be confirmed and conditioned at Reserved Matters Stage.
- 10.12 Therefore, the proposal is acceptable in terms of highways safety under policy LP15 of the Fenland Local Plan 2014.

Flood Risk

- 10.13 The site is located within Flood Zone 3 and within the Flood Warning Area. To the north of the site, running parallel with the northern boundary of the site is an IDB drain. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary.
- 10.14 The submitted Flood Risk Assessment sets out within the sequential test the approved planning applications in Murrow as of the date of the FRA being completed and states whether the development has either been completed or is under construction. This has been compared to Fenland District Council records. The detail submitted is unfortunately now out of date and applications have been granted since the submission, on land considered at lower risk of flooding than the application site. Therefore, the sequential test is not passed.
- 10.15 The Flood Risk Assessment has been accepted by the Environment Agency who have no objection subject to the flood mitigation measures as set out in the Flood Risk Assessment being implemented.
- 10.16 Owing to the above the proposal is considered contrary to policy LP14 of the Fenland Local Plan 2014.

11 CONCLUSIONS

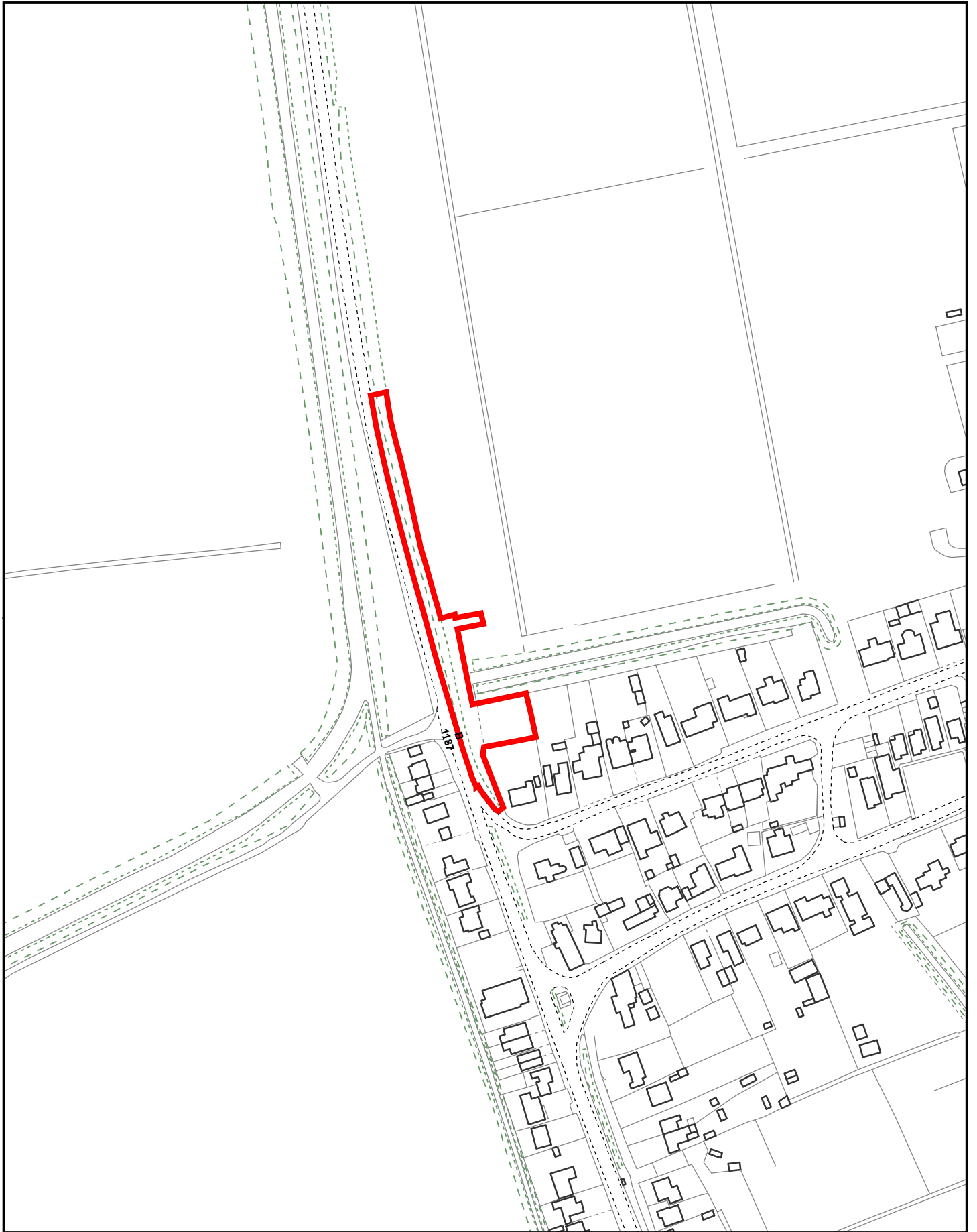
- 11.1 The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Murrow Bank, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).
- 11.2 The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The

sequential test that accompanies the application fails to demonstrate that there are no such sites available and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).
2	The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The sequential test that accompanies the application fails to demonstrate that there are no such sites and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.



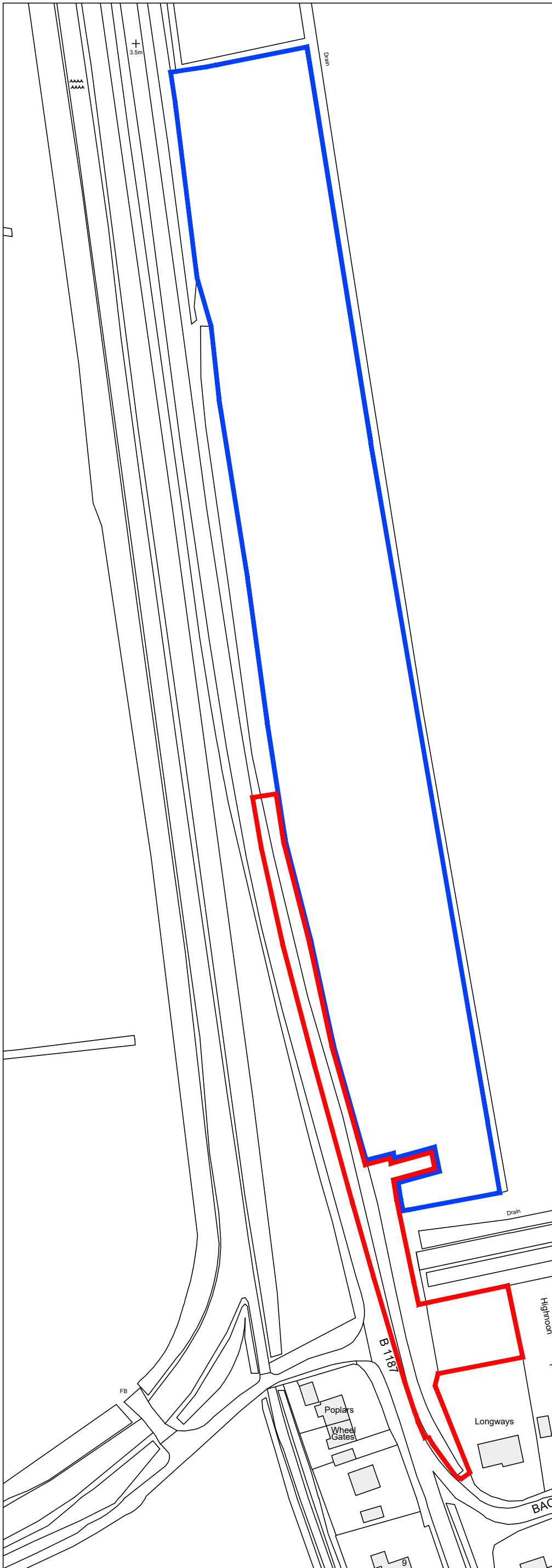
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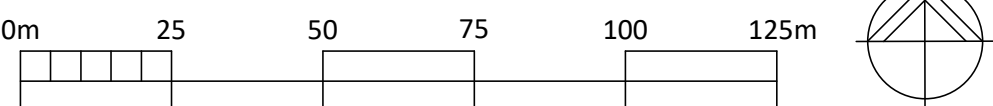
F/YR23/0555/O

Scale = 1:2,500





LOCATION PLAN 1:1250



LOCATION PLAN KEY

- Planning Application Area
- Area of Applicant Interest/Control

E - 19.02.24 - Amendments to plan following LPA comments.
D - 02.01.24 - Amendments to plan following client comments.
C - 02.01.24 - Amendments to plan following client comments.
REVISIONS



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CLIENT

MR R HUMPHREY

PROJECT

PROPOSED DWELLING

SITE

LAND NORTH OF LONGWAYS
MURROW BANK
MURROW
CAMBS
PE13 4JW

DRAWING

LOCATION PLAN

JOB NO.	PAPER SIZE	DATE
6586/L01E	A3	JUNE 2023

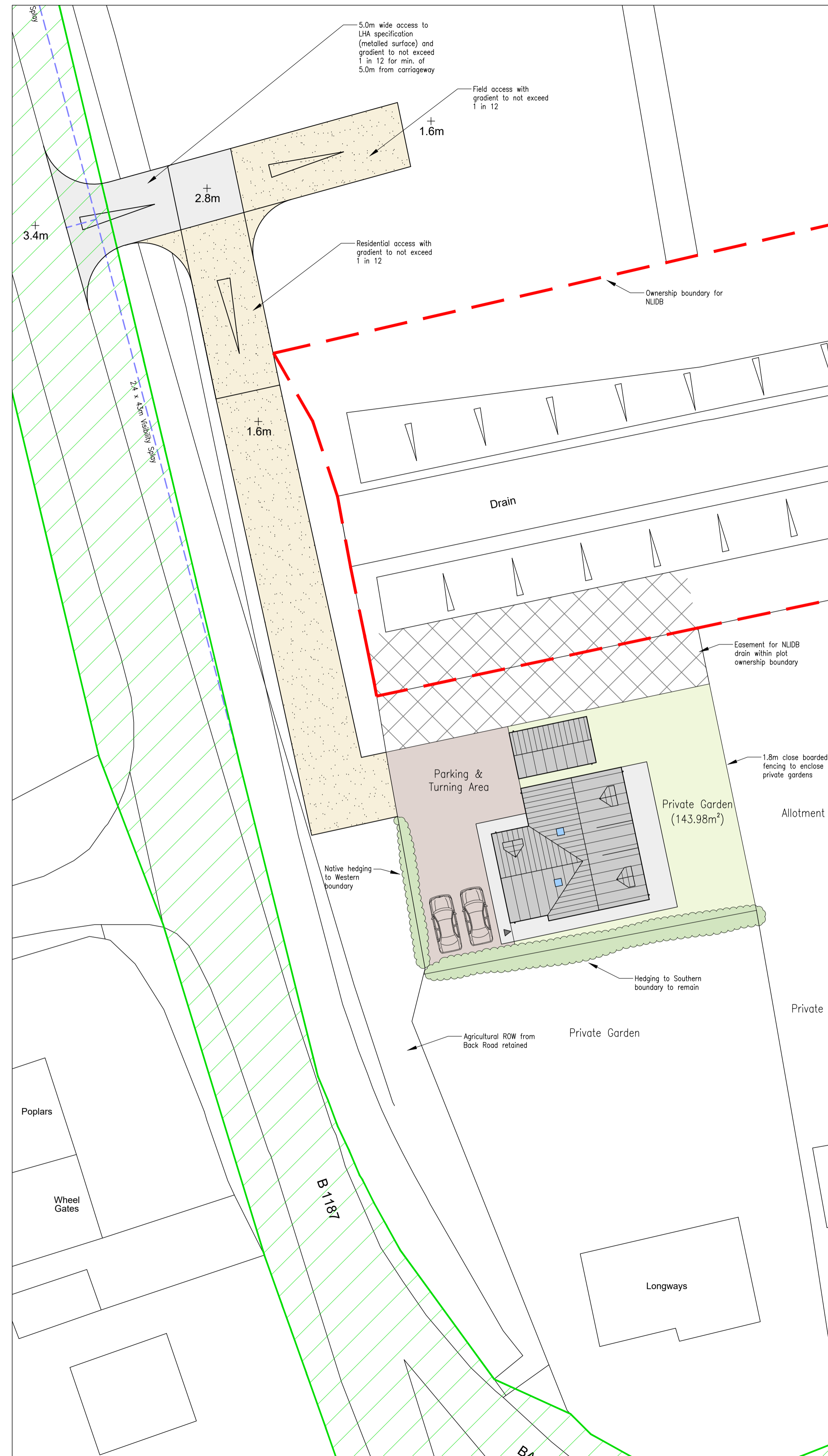
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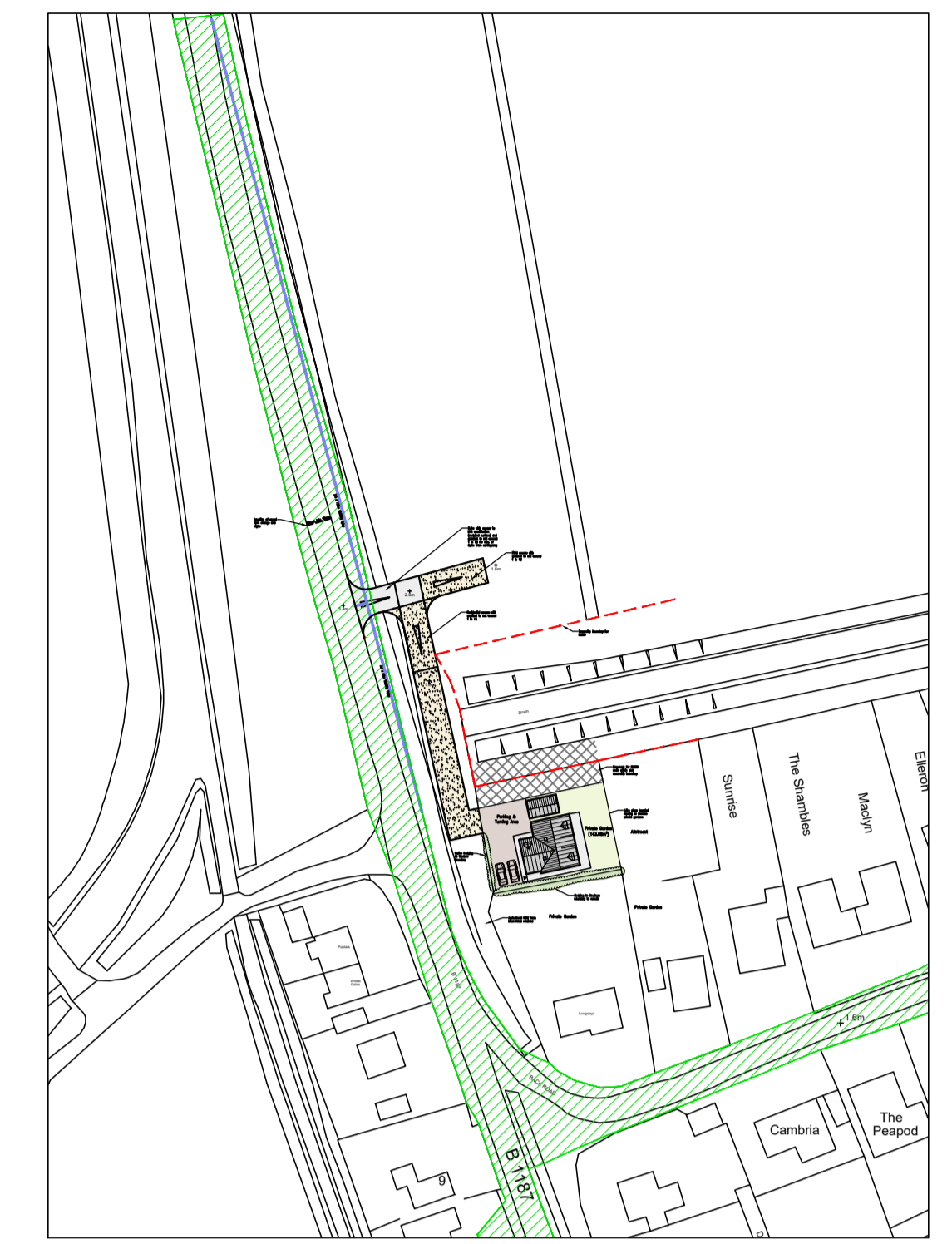
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EXISTING SITE PLAN 1:200



INDICATIVE SITE PLAN 1:200



VISIBILITY PLAN 1:1250

SITE PLAN KEY

- Access to CCC Specification
- Permeable Hard Surface
- Gravel Surface
- Paving (Indicative)
- Lawned Grass (Seeded or Turf)
- ▼ 1.8m Gate
- ⊗ 9.0m IDB Maintenance Strip
- Highway Boundary
- 2.4m x 120m (North) & 43m (South) Visibility Splay

0 - 18.02.24 - Amendments to plan following highway comments.
 1 - 19.01.24 - Amendments to plan following client comments.
 8 - 21.12.23 - Amendments following meeting with client.
 REVISIONS



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CLIENT

MR R HUMPHREY

PROJECT

PROPOSED DWELLING

SITE

LAND NORTH OF LONGWAYS

MURROW BANK

MURROW

CAMBS

PE13 4JW

DRAWING

PLANNING DRAWING 2

JOB NO.	PAPER SIZE	DATE
6586/PL02D	A1	JUNE 2023

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