
F/YR21/0600/RM

Applicant: Mr Allen

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land North Of 135, Front Road, Murrow, Cambridgeshire

Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to appeal decision APP/D0515/W/18/3202467 (F/YR17/1148/O) to erect 4 x dwellings (2-storey 4-bed) and the formation of a new access

Officer recommendation: Approve

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This submission relates to the reserved matters pertinent to appeal decision APP/D0515/W/18/3202467 which was allowed by the Planning Inspectorate on 18.03.2019
- 1.2 Whilst the detailed elements of the scheme align with the original outline approval objection has been raised to the scheme on the basis that it fails to deliver the pedestrian infrastructure required by Policy 5 of the Parson Drove Neighbourhood Development Plan (which was made on 06 August 2020).
- 1.3 It is noted that the matter of a footpath was fully considered by the Planning Inspectorate as part of the appeal and a requirement to provide a footway did not ultimately manifest itself in a condition of the appeal as allowed. Against this backdrop it is not considered that a requirement for a footpath could be legitimately or reasonably pursued. Accordingly, the recommendation must be one of approval.

2 SITE DESCRIPTION

- 2.1 The site lies to the north of Back Road Murrow and whilst it is surrounded by open countryside to two sides, it is located midway along Back Road, which is generally developed with dwellings on each side. Despite the rural unbuilt nature of the site and the neighbouring agricultural land, Back Road is generally characterised by dwellings of a mix of architectural types and styles, with modest spacing between buildings that allow for glimpses of the open countryside that lay beyond the curtilage of each plot. Dwellings are delivered typically in a linear form although immediately to the north-eastern corner of the site is a modest barn conversion with associated workshop building which is set back from the highway.

- 2.2 The western and northern boundaries are formed by established landscaping with a managed hedge to the west and a tree belt to the north. There is lower level hedging to the eastern boundary.
- 2.3 The site is within a flood zone 1 location, with the section of paddock to the west of the site (excluded from this application and the earlier outline scheme) falls within Flood Zone 2.

3 PROPOSAL

- 3.1 This submission seeks approval of reversed matters relating to outline planning permission F/YR17/1148/O which was granted on appeal under reference APP/D0515/W/18/3202467. The outline approval was for a scheme of up to 4 dwellings and as such the submission aligns with this consent.
- 3.2 The detailed scheme shows a shared access to the eastern end of the site and excludes an area of paddock (at a depth of 30 metres tapering to 23 metres) along the Back Road frontage as per the original outline.
- 3.3 The scheme comprises 4 detached dwellings with Plots 1 and 2 being of the same design and Plots 3 & 4 being of an alternative design albeit handed.
- 3.4 Plots 1 and 2 each comprise a 4-bedroom dwelling with attached double garage, each has a maximum footprint (excluding garaging) of 12 metres wide x 11.6 (including a 2.2 metre forward projection); with an overall ridge height of 9.2 metres and an eaves height of 5 metres. The attached garaging is delivered as a single storey side projection with a footprint of 6.85 metres wide by 9 metres deep, the ridge height being 6.5 metres and eaves height 2.6 metres.
- 3.5 Plots 1 & 3 will be constructed of Vandersanden Flemish Antique Bricks with the roof being Redland Grovebury MK2 double pantiles finished in red. The windows will be white casement UPVC.
- 3.6 Plots 3 and 4 each comprise 4 bedroom dwellings with attached double garages. These properties are shown to have a maximum footprint of 14 metres wide x 10.250 metres deep; and feature a ridge height of 9.5 metres and an eaves height of 5.1 metres. The garaging element again is attached to the side of each dwelling and feature accommodation in the roof-space, the ridge height of these elements is 7.9 metres with an eaves height of 4.1 metres.
- 3.7 The main section of Plots 3 & 4 will be finished in Vandersanden Flemish Antique Bricks with the garaging clad in grey fibre cement cladding over a brick plinth. The roofs will be finished in Marley Modern Rooftiles in Old English red. Each property will have PV cells on the forward roof slope.
- 3.8 Landscaping proposals for the site are relatively modest with a number of specimen trees detailed along with a post and rail fence and hedging where the site meets Back Road. Most of the undeveloped land will be grassed with the access road, save where it meets the highway, finished in gravel. Between the individual plots there will be 1.8-metre high close boarded fencing which will drop to 1.2 metres in front of the plots

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

F/YR21/0248/F	Erect 4 x dwellings (2-storey 4-bed), the formation of 3 x new accesses and the temporary siting of 4 x mobile homes during construction	Pending
F/YR17/1148/O	Erection of up to 4no. dwellings (outline application with all matters reserved)	Refused 22.01.2018 Allowed on Appeal 18.03.2019

5 CONSULTATIONS

- 5.1 **Parish Council:** 'Councillors agreed their opinions for comment in that the Neighbourhood plan was agreed so that all new properties had a footpath as a condition outside the front of their property and this did not respect that plan'. Subsequent to their meeting it has been confirmed that the above represents an objection to the application.
- 5.2 **Cambridgeshire County Council Highways Authority:** Initially requested tapers to both sides of the access and noted that the shared access should be sealed and drained 5 m x 10m.
- Following submission of a revised drawing confirm 'no highway objections subject to [...] conditions.'
- 5.3 **North Level Internal Drainage Board:** 'North Level District IDB has no comment to make with regard to this application'.
- 5.4 **Environment & Health Services (FDC):** '[...] note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. I note that our response to the full application at this site, F/YR21/0248/F, includes a condition for unsuspected ground contamination. Therefore, I would also recommend the [unsuspected contamination] condition should be imposed.'
- 5.5 **Local Residents/Interested Parties:** None received

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)**
Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 10 - Presumption in favour of sustainable development

Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions

7.2 **National Planning Practice Guidance (NPPG)**

Use of Planning Conditions - Paragraph: 003 Reference ID: 21a-003-20190723

7.3 **National Design Guide 2019**

Context: C1 - Relationship with local and wider context

Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive

Built Form B2 - Appropriate building types and forms

Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities

7.4 **Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 **Parson Drove Neighbourhood Plan 2020**

Policy 5 – Road and Pedestrian Safety

8 **KEY ISSUES**

- **Principle of Development**
- **Appearance, layout and scale**
- **Materials**
- **Residential amenity**
- **Access and Highways**
- **Landscaping**
- **Other matters**

9 **BACKGROUND**

- 9.1 Outline planning permission was granted on appeal under APP/D0515/W/18/3202467 following refusal of F/YR17/1148/O; this submission having been refused for the following reasons:

(1) The proposed development would result in development located in the open countryside and does not constitute limited infilling. There will be moderate economic benefit, with some, albeit limited, opportunity for social cohesion. Any benefits would not outweigh the significant adverse environmental impacts arising from the limited services and facilities available in Murrow and the distance from the site to these. As such, the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF.

(2) Policy LP16 (d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely

impact on the street scene, settlement pattern or the landscape character of the open countryside. The development proposal would result in development that would be out of keeping with the rural location and the would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan and aims and objectives of the NPPF.

(3) The proposal would not constitute limited infill, nor be of a shape and in a location that is in keeping with the core shape of the settlement and would therefore be harmful to its character and appearance. The proposal would therefore be contrary to the provisions of Policy LP12.

- 9.2 The Inspector allowed the appeal as it was considered that the site was sustainable in a rural village context and constituted infill development that would not be detrimental to the character of the area. It is also noted that the Inspector discounted the request by the LHA that a footway condition be imposed.
- 9.3 It is noted that there is a pending application relating to the site, which includes the area of paddock that was previously excluded from the outline application site red line. This submission has been superseded by the current proposal as following an objection from the Parish Council, and guidance from the LPA that the matter of footway provision would have to be revisited as part of a full submission the agent/applicant decided to revert back to the original outline and submit a reserved matters scheme as the issue of a footway had previously been discounted by the Planning Inspector; it is against this backdrop that the current application must be considered.

10 ASSESSMENT

Principle of Development:

- 10.1 The principle of development has been firmly established by virtue of outline planning permission and it is on this basis the scheme details are considered. It is however necessary to assess matters of access, appearance, landscaping, layout and scale in accordance with Local Plan policies LP2, LP12 and LP16 and the NPPF and NDG.

Appearance, layout and scale:

- 10.2 Considering firstly matters of scale it is noted that 115 Back Road Murrow has an overall height of 8.35 metres, with its neighbour 117 to the east being circa 8.7 metres to ridge. There is an intervening dwelling situated between 115 and Plot 4 this is a single storey barn conversion set back some 45 metres from the back edge of the Back Road carriageway, thereby occupying a secondary position in the street scene.
- 10.3 Given the separation achieved between the existing and proposed dwellings no concern is raised relating to scale in so far as it relates to height, whilst the proposed dwellings will be taller than the neighbouring properties the set back of the dwellings is such that this may be absorbed without adverse consequence to the street scene.
- 10.4 Similarly the overall mass in terms of the individual widths of the dwellings proposed aligns with other properties along Back Road when considering the

main sections of the properties. Whilst the garaging elements do result in increased widths these adopt a lesser ridge height thereby reducing the overall mass and do not appear disproportionate with other dwellings along the Back Road frontage when viewed in the context of the individual plots.

- 10.5 Overall, the scheme is considered compliant with Policy LP16 in terms of its design and how it will sit within the locality as such a favourable recommendation may be forthcoming in this regard as compliant with Policies LP12 and LP16 of the FLP (2014)

Materials

- 10.6 The materials selected are appropriate to the setting noting that terracotta and red hues are evident within the immediate locality.

Residential Amenity:

- 10.7 The dwellings are delivered on a linear alignment and whilst Plots 1 & 2 will have a window in the first floor of their flank elevations this will serve en-suite accommodation. There are no first-floor flank windows in either Plots 3 & 4.
- 10.8 Whilst there will be a level of overlooking with regard to Plot 4 and the barn conversion to the north-east which has windows serving its lounge and kitchen in the rear elevation this will be at a very oblique angle and as such not significant in terms of impact.
- 10.9 Each plot makes provision for private amenity space in accordance with the minimum standards specified under LP16(h). No mention is made of bin collection provision and it is clear that the travel distance of the refuse bins will exceed the distances specified in the RECAP guidelines however there is an extant outline planning permission in place and suitable space adjacent to the highway on which refuse bins could be placed on collection days.
- 10.10 No issues are identified with regard to residential amenity and as such the scheme is deemed compliant with Policies LP2 and LP16 of the FLP (2014).

Access and Highways

- 10.11 The access details have been accepted by the LHA and appropriate provision is made for parking within each plot to accord with Appendix A of the FLP as such the scheme complies with Policy LP15 of the FLP.
- 10.12 It is noted that Policy 5 of the Parson Drove Neighbourhood Development Plan requires that schemes should make provision for adequate footways, and especially highlights Back Road, Murrow as an area where there is a deficit in such provision. However this matter was clearly addressed in the Appeal decision with the Inspector noting that whilst *'The Highway Authority [had] requested a condition requiring the provision of a footway along Back Road, however, on the information before me and given the relatively small scale of the scheme, I do not consider that this meets the test of necessity in this instance'*; against this backdrop and mindful that this is a reserved matters submission it is not considered that this matter may be reasonably revisited.
- 10.13 Although in more general terms it could be argued that consideration of 'means of access' should include the wider links external to the site to established

infrastructure officers are mindful of the appeal decision issued by the Planning Inspectorate which fully considered the provision of such a footpath in response to the recommendations of the Local Highway Authority as part of the appeal process.

- 10.14 Should the Planning Inspectorate not have explored this element of the proposal as part of their consideration of the appeal there may have been a legitimate opportunity to do so as part of this submission; however as this is not the case such a condition is considered to fail the tests outlined in Para 55 of the NPPF in terms of necessity and reasonableness.

Landscaping:

- 10.15 Appropriate landscaping is proposed in the context of the development noting that the existing landscaping is shown to be retained.

Other matters:

- 10.16 The standard reserved matters conditions formed part of the appeal decision relating to approval of reserved matters, submission timings and start date (conditions 1 – 3). There was also a requirement that no development would commence until a scheme of hard and soft landscaping was agreed and directing implementation of the landscaping (condition 4).
- 10.17 Similarly, there was a requirement for on-site parking details and delivery together with access construction and visibility (conditions 5 & 6)
- 10.18 It is noted that the conditions as recommended by the LHA relating to access, parking and visibility are already in place by virtue of conditions 5 & 6; and that the recommended condition relating to unsuspected contamination is again a component of the appeal decision (condition 7) as such these conditions do not need to be reimposed.
- 10.19 Finally the outline approval conditioned the appropriate response to unsuspected contamination (condition 7) and as such this condition does not require reimposition.

11 CONCLUSIONS:

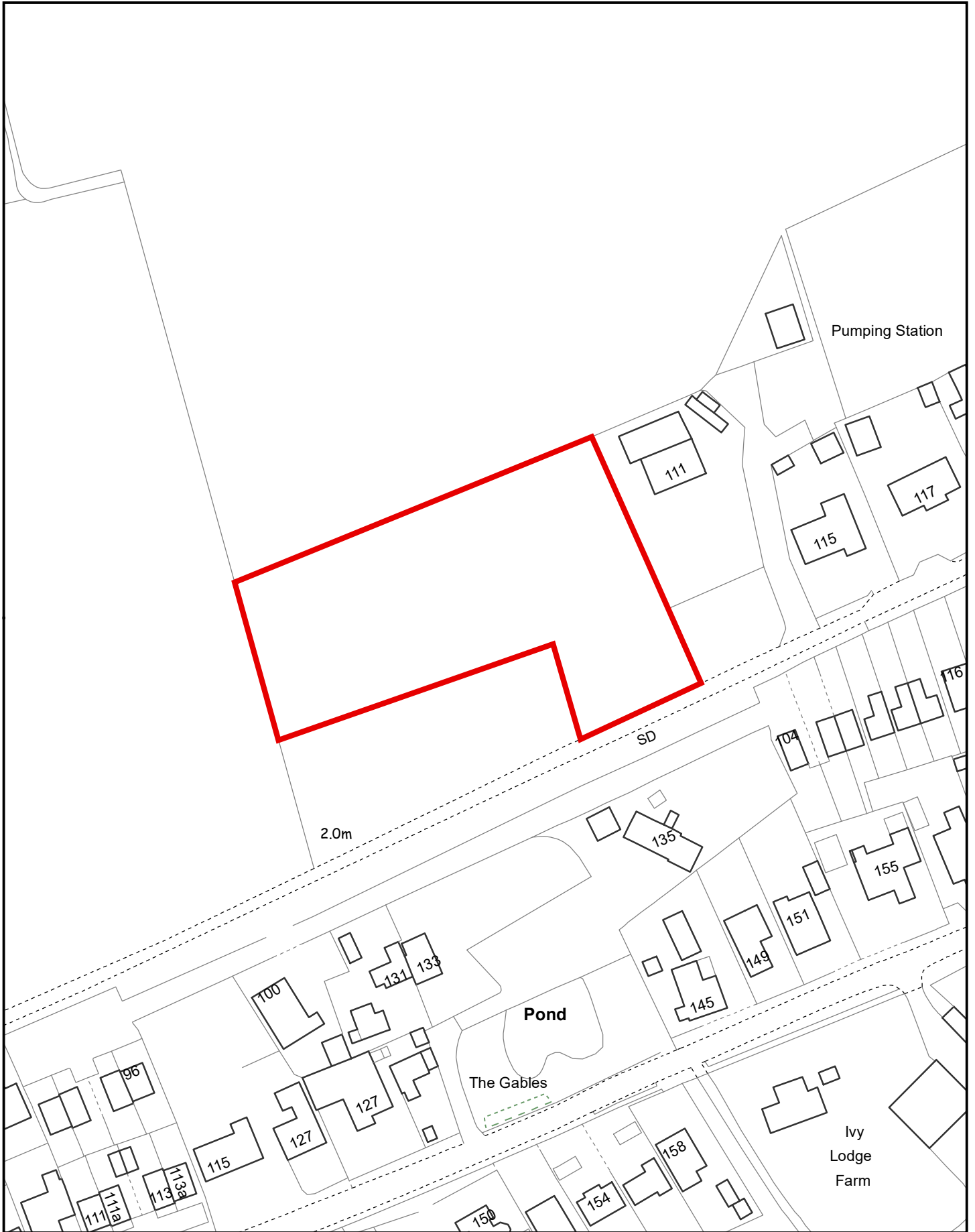
- 11.1 Overall, the proposal creates a development which responds to the opportunities and constraints of the site and to relevant planning policies. The development is not considered to have a detrimental impact upon the neighbouring dwellings and is acceptable in terms of highway safety and will provide a good quality residential environment.
- 11.2 Whilst the scheme is at conflict with the Parson Drove Neighbourhood Development Plan with regard to the provision of a footway it must be noted that the original outline appeal decision predates this document and it is considered unreasonable to place this obligation on the developer; especially given that the matter of a footway link was specifically addressed and found un-warranted in the Planning Inspector's decision.
- 11.3 The proposal aligns with the policies of the Local Plan and the NPPF. There are no other material planning considerations which would lead to the conclusion that

the proposal is unacceptable. It is therefore recommended that reserved matters approval be granted subject to conditions.

12 RECOMMENDATION: Grant

Conditions

1	<p>Before the development hereby approved is first occupied, the proposed first floor en-suite windows in the eastern elevations of the dwellings situated at Plots 1 & 2 shall be glazed with obscure glass and fixed shut to a height of no less than 1.7 metres above the floor level of the room within which it is installed and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities of the occupants of the adjoining dwelling in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
2	Approved Plans



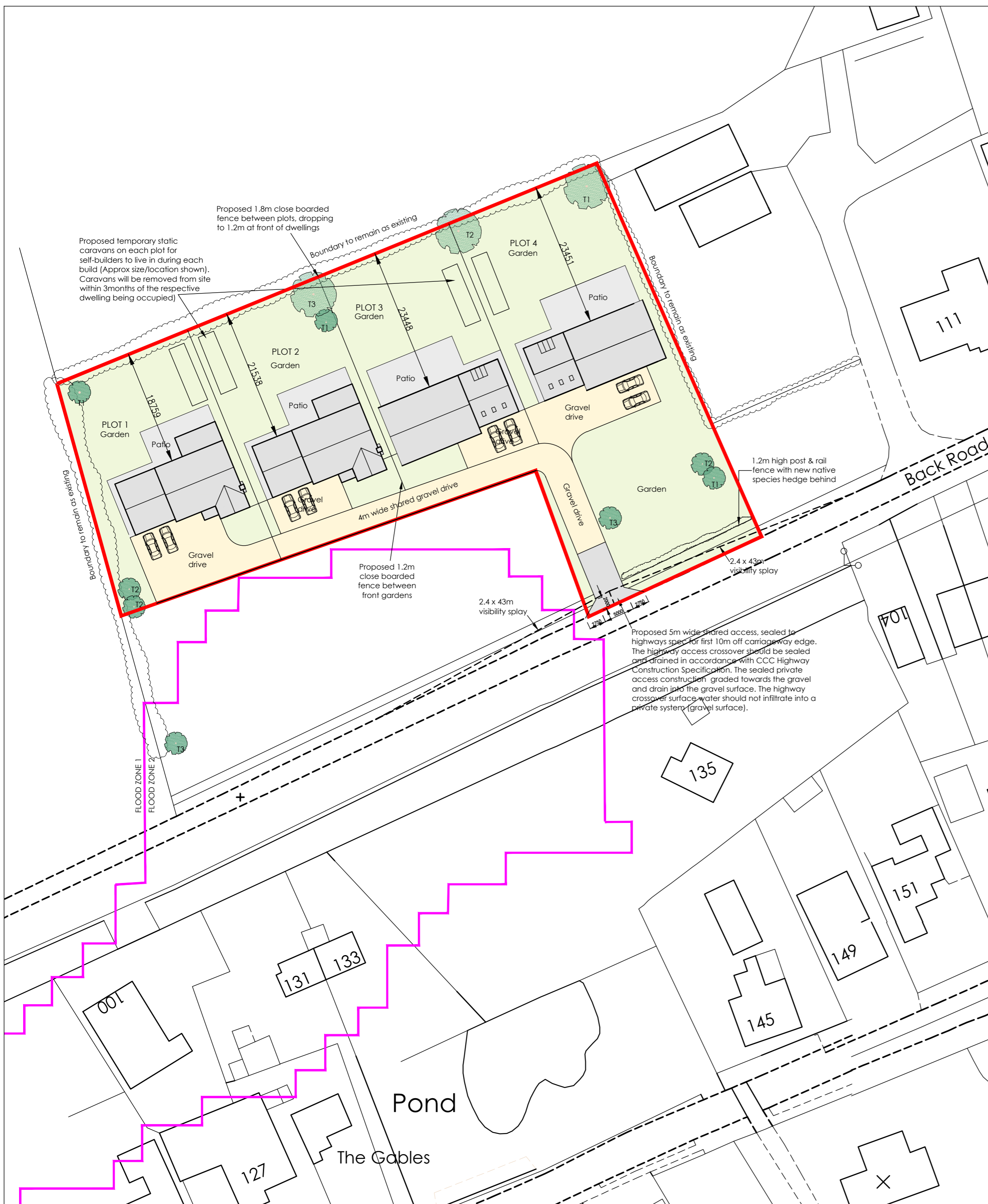
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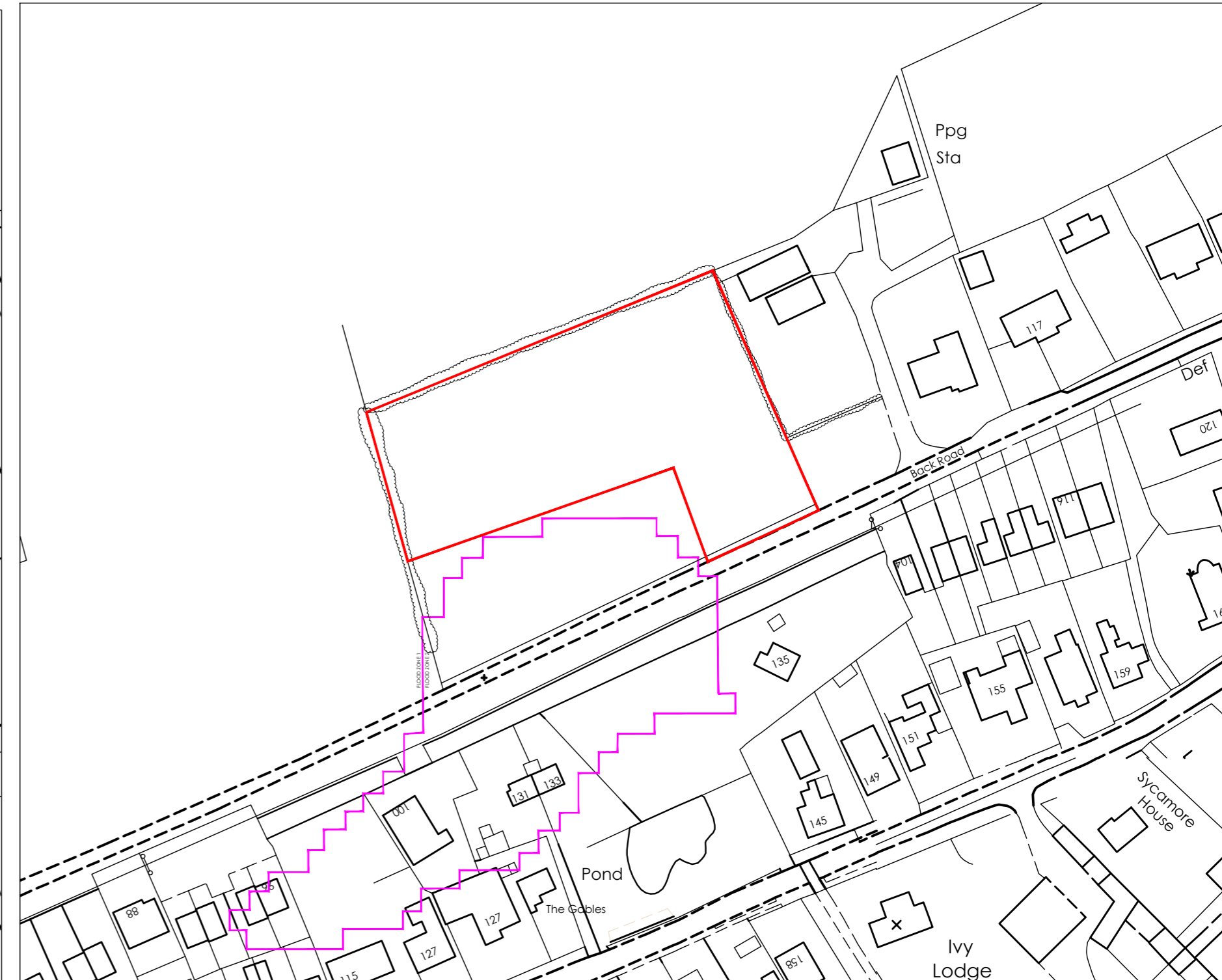
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Scale = 1:1,250





PROPOSED SITE PLAN 1:500



LOCATION PLAN 1:1250

LANDSCAPING NOTES:

SP = SHRUB PLANTING TO INCLUDE
 BARBERRY (BERBERRIS) GUELDER ROSE (VIBURNUM)
 BUDDLEIA DAVIDI, FORSYTHIA X INTERMEDIA LYNWOOD
 MOCK ORANGE (PHILADELPHUS) SNOWY MESPIUS (AMELANCHIER)
 C3 POT SIZE
 PLANTING SIZE 40-60cm
 PLANTED AT 750mm cts

GC = GROUND COVER PLANTS
 COTONEASTER HORIZONTALIS,
 HEDERA HELIX, LAVANDULA SPICA
 6 PLANTS PER METRE SQ.

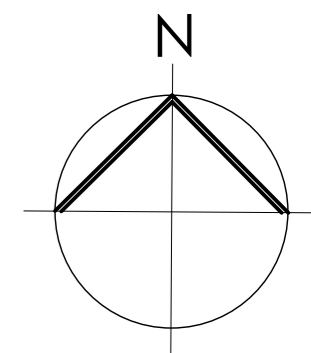
T? = TREE PLANTING
 T1 CHERRY LAUREL-PRUNUS LAURCERASUS
 T2 ROWAN-SORBUS ACUPARIA
 T3 CRAB APPLE-MALLUS SLYVISTRIS
 TREE'S PLANTED TO BE 1.800m HIGH

H = HEDGE
 HAWTHORN HEDGE - PLANTS TO BE 60-80CM HIGH BARE-ROOTED, PLANTED IN TWO STAGGERED ROWS 300MM APART AND AT 450MM CRS IN EACH ROW

NOTE:
 Undertake soft landscape works generally in open weather conditions, typically mild, dull and moist. Do not undertake planting seeding or turfing when the temperature is below 4°C and falling, when the ground is covered in snow, in frozen or waterlogged ground or in drought conditions.

Planting should be undertaken between November and March when the plants are dormant and planted at centres shown above. Plants should be set at the same root depth as they were at the nursery and should be well firmed in and guards fitted. Remove any damaged shoots during planting. A 75mm layer of bark mulch (Landscape Bark Madingley Mulch or equivalent) should be applied over the planting bed to reduce weed competition.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place unless the Local Authority gives written consent to any variation.



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 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 Residential Development
 West of 111
 Back Road
 Murrow
 PE13 4JW
 CLIENT
 Mr Allen

DRAWING TITLE
 Planning Drawing 1 - Site Location Plan

DATE Nov 2020 SCALE AS SHOWN JOB No 6223/01K

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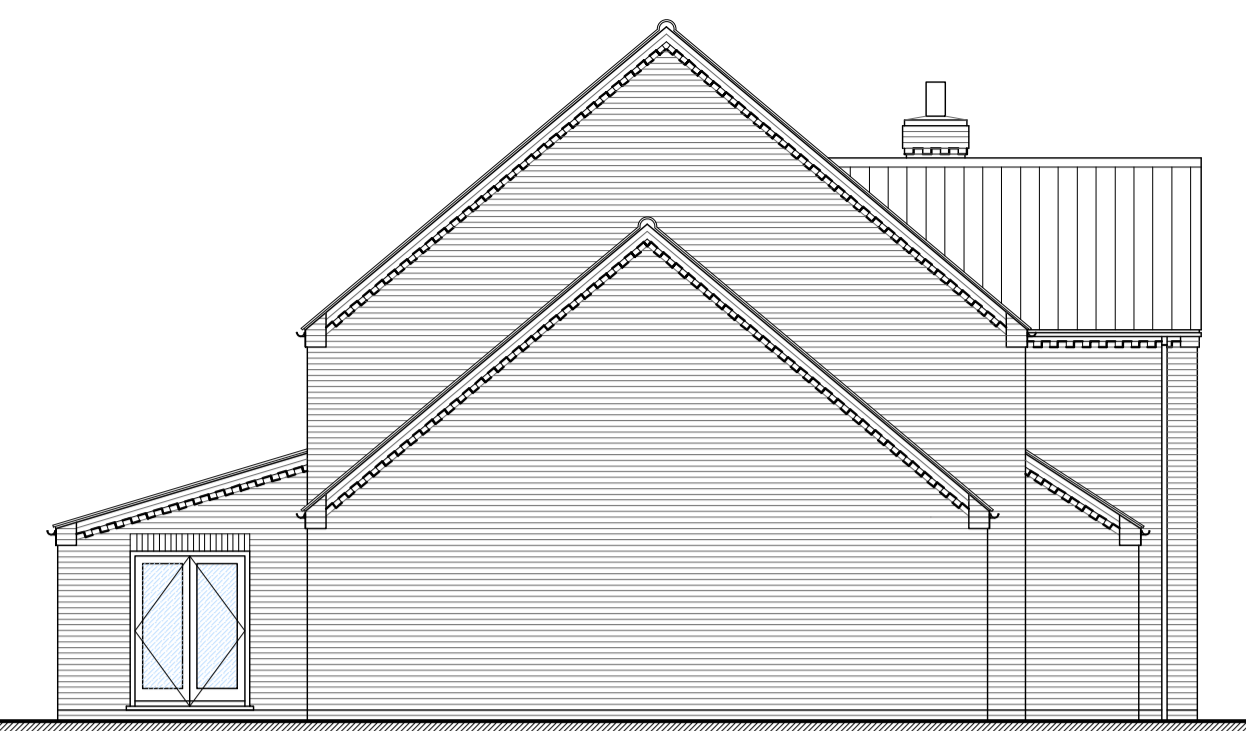
PROPOSED FRONT ELEVATION 1:100



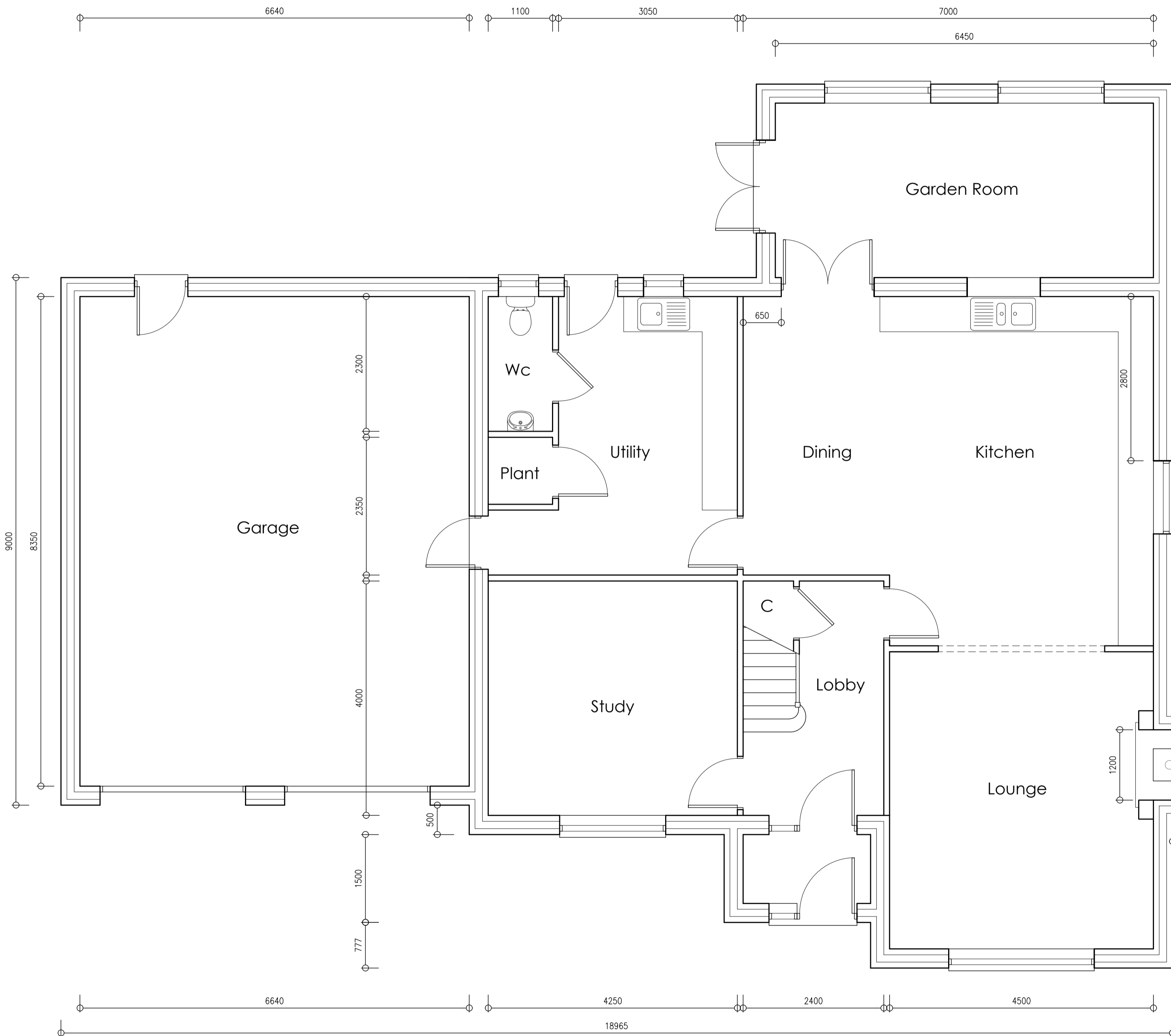
PROPOSED SIDE ELEVATION 1:100



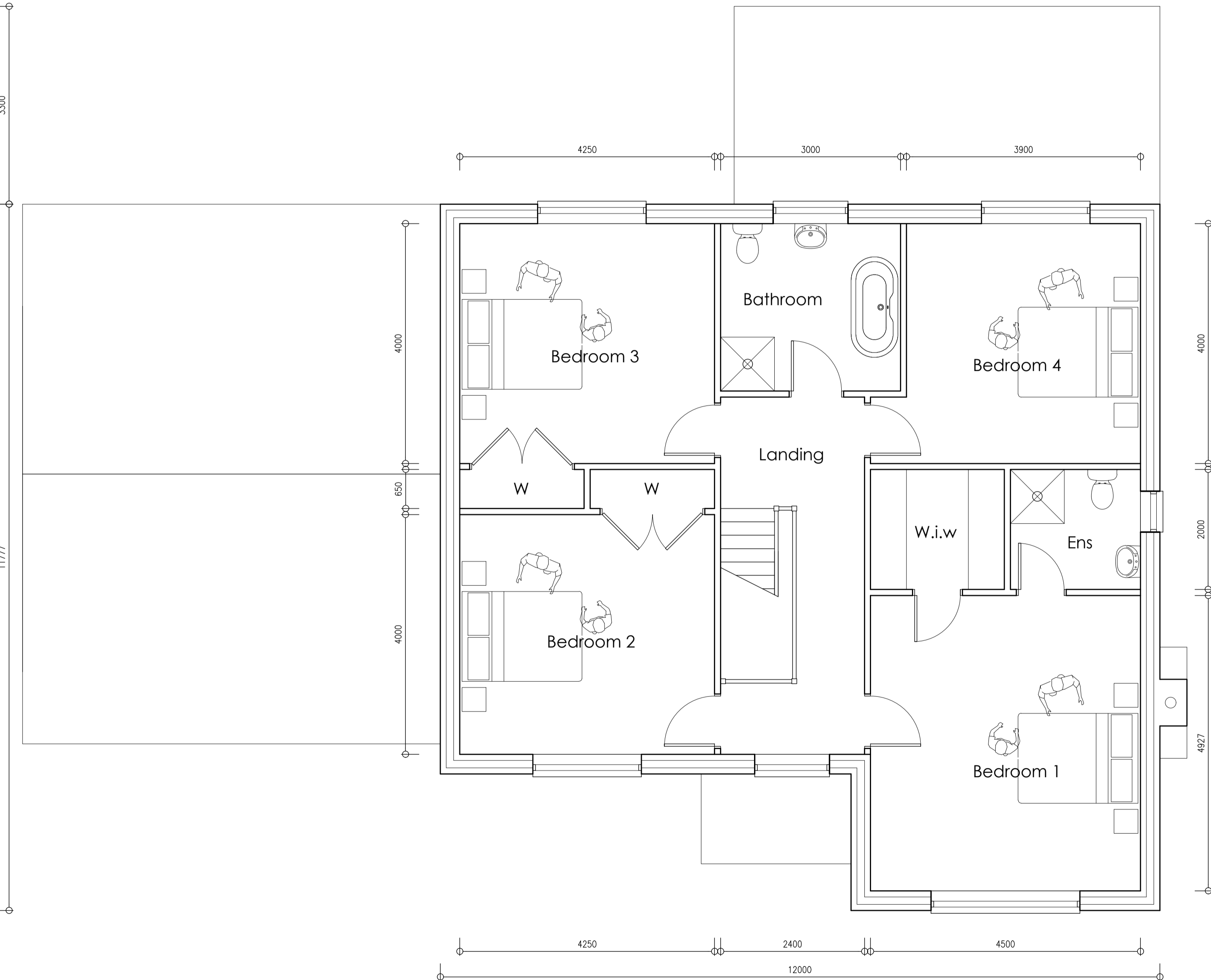
PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50

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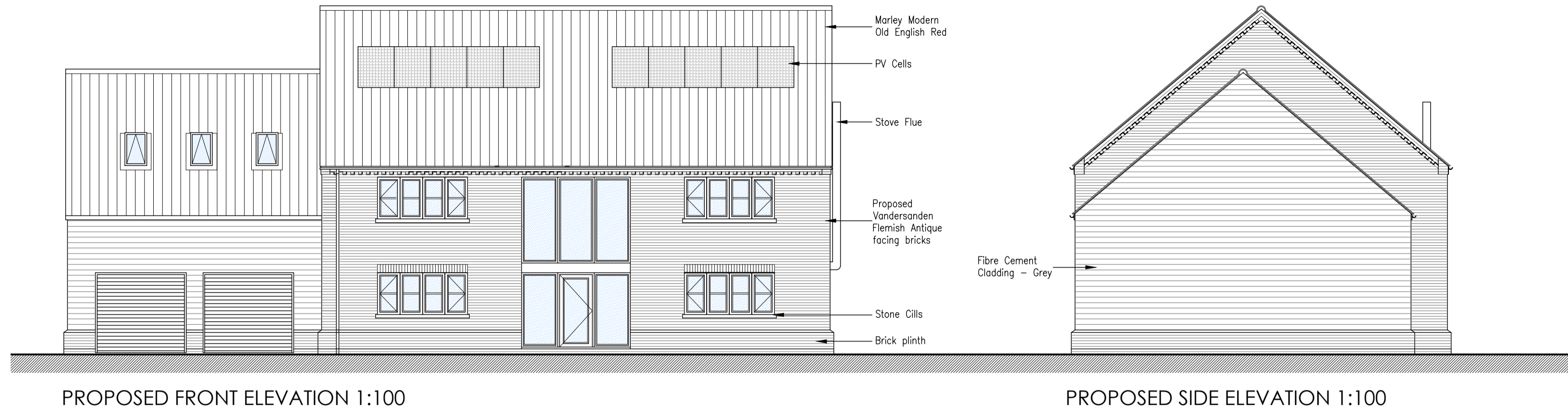
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DRAWING TITLE
Planning Drawing 2 - Plot 1&2
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PROPOSED FRONT ELEVATION 1:100

PROPOSED SIDE ELEVATION 1:100

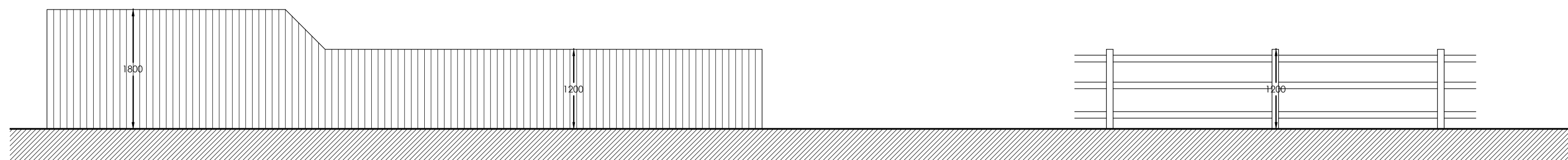


PROPOSED REAR ELEVATION 1:100

PROPOSED SIDE ELEVATION 1:100



PROPOSED STREET SCENE 1:200



PROPOSED SIDE BOUNDARY FENCE DETAIL 1:50

PROPOSED FRONTAGE FENCE DETAIL 1:50

PLOT 4 (PLOT 3 SAME BUT HANDED)



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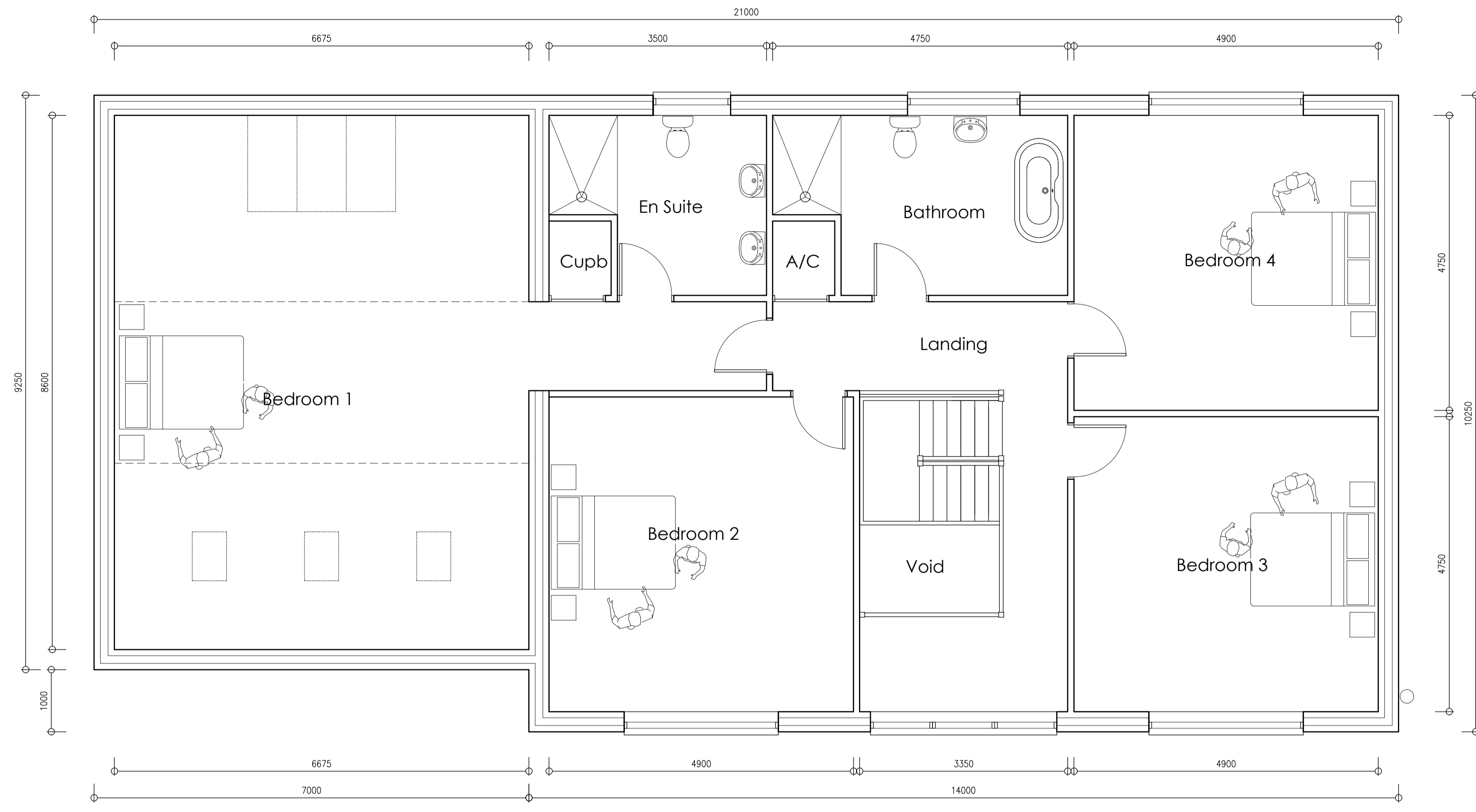
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DRAWING TITLE
Planning Drawing 4 - Plot 3 & 4 part 2

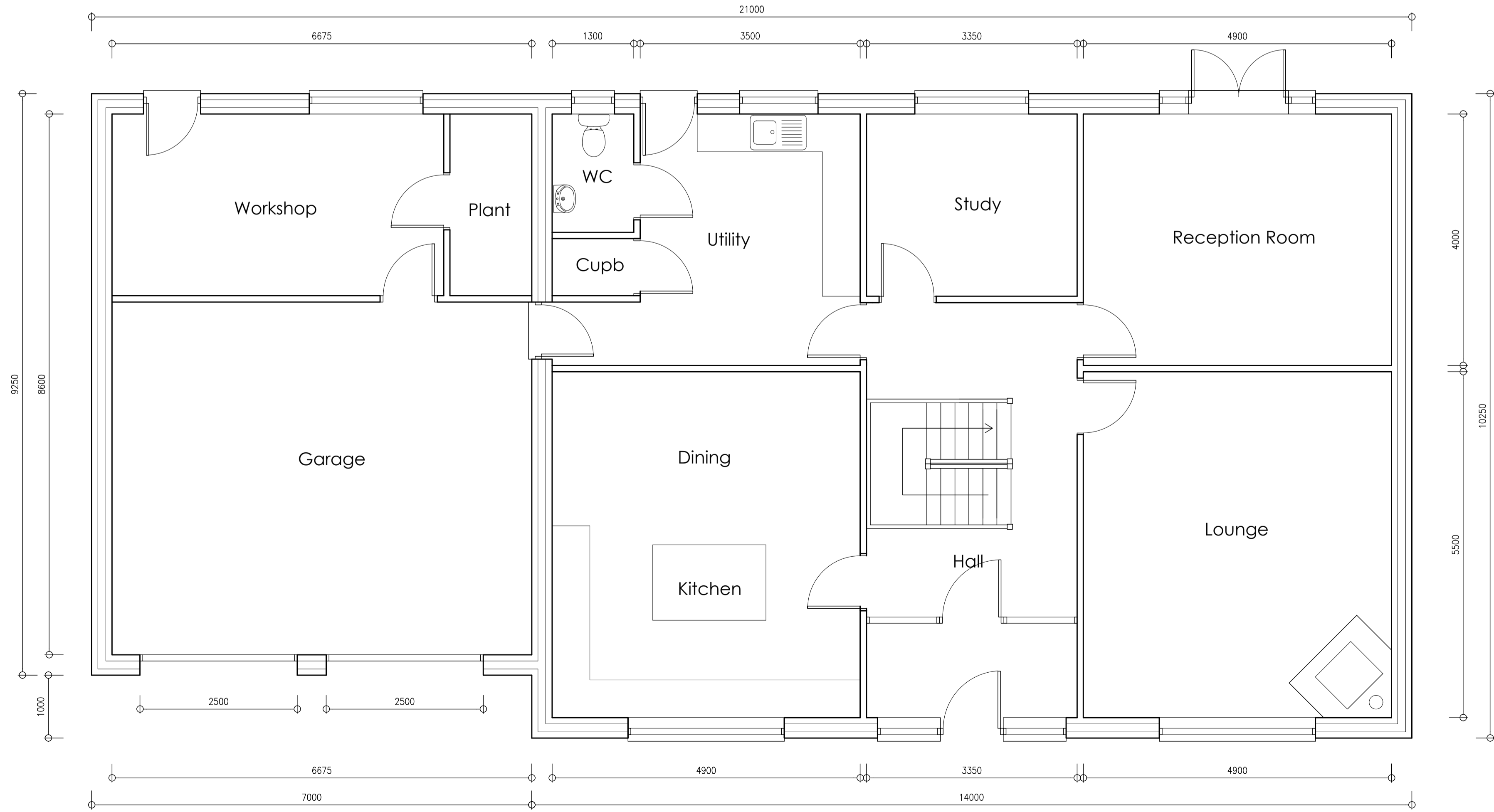
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PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED GROUND FLOOR PLAN 1:50

PLOT 4 (PLOT 3 SAME BUT HANDED)



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Residential Development
West of 111
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Planning Drawing 3 - Plot 3 & 4 part 1
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