

F/YR12/0276/F

10 April 2012

Applicant : Arthur Gee (Thorney) Ltd

Agent : Mr R Swann

Swann Edwards Architecture

Land South Of Bank Farm House, Murrow Bank, Murrow, Cambridgeshire

Erection of 3 x 5-bed dwellings with detached garages

This proposal is before the Planning Committee due to the recommendation being at variance to the comments of the Parish Council.

This application is a minor application.

Site Area: 0.475 hectare

1. **SITE DESCRIPTION**

The site is located on the eastern side of Murrow Bank lying adjacent to but just beyond the established settlement of Murrow. The site is part of a larger agricultural field with an undefined boundary to the rear. Bank Farm House lies to the north of the site and is set back from Murrow Bank in line with rear boundary of the site as is Peartree House to the south. The boundaries with these properties are open, but the group of trees in the north west corner of the site and along the frontage will be retained. The site currently forms a gap between the established settlement to the north and a cluster of sporadic development to the south. There is a variety of dwelling styles in the vicinity of the site. Opposite the site to the west of Murrow Bank lies undeveloped farmland. The character of the site and immediate surroundings is undoubtedly countryside. The site lies within Flood Zone 3 and Murrow Bank is a Class B road.

2. **HISTORY**

Of relevance to this proposal is:

- |               |  |
|---------------|--|
| F/YR07/1077/F | - Erection of 4 x 4 bed detached houses with detached double garages, Land south of Bank Farm House, Murrow - Refused 15/11/2007 |
| F/YR06/1046/F | - Erection of 4 x 4 bed detached houses, Land south of Bank Farm House, Murrow - Refused 23/10/2006                              |

3. **CONSULTATIONS**

**Parish Council:**

We support this development and recommend approval.

***Local Highway Authority (CCC):***

The following conditions are recommended;  
Gates to be set back minimum of 5m and hung to be open inwards;  
Vehicular accesses to be set out to CCC specification;  
Parking and turning area to be provided and retained;  
Temporary facilities shall be provided clear of the public highway for construction vehicles;  
Existing access to Murrow Bank shall be permanently and effectively closed within 28 days of the bringing into use of the new access to plot 2;  
A 1.8m wide footway shall be provided along the frontage of the development site to run from the existing to the north up to and including the paired accesses to plots 2 and 3. It shall be constructed to CCC specification and completed prior to first occupation of the development.

***Environment Agency***

Awaited

***CCC Archaeology***

Site lies in an area of high archaeological potential. Important archaeological remains survive on site and these would be damaged or destroyed by the proposed development. The application area lays within a probable prehistoric through to Romano-British settlement area, defined by crop-marks. It is thought that these extend to within the current application area. It is considered that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer. The standard condition is recommended

***FDC Scientific Officer (Land Contamination):***

Attach contaminated land condition

***Local residents/interested parties:***

One letter of objection has been received from the neighbour to the south of the site. The following points have been raised:  
- The village does not require three

large 5 bed houses of an executive nature.

- It is not a safe position to build large family homes where small children would be close to the main, busy road through the village.
- New homes that have been built in the village which are suitable for families are either on less busy side roads or built back from Murrow Bank.

#### 4. POLICY FRAMEWORK

##### FDWLP Policy

- |     |   |
|-----|---|
| E8  | Proposals for new development should: <ul style="list-style-type: none"><li>- allow for protection of site features;</li><li>- have regard to amenities of adjoining properties;</li><li>- provide adequate access.</li></ul> |
| H3  | <ul style="list-style-type: none"><li>- To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other plan policies.</li></ul>                               |
| H16 | <ul style="list-style-type: none"><li>- Outside the DAB new dwellings must be justified as required for agricultural, horticultural or forestry operations.</li></ul>   |
| E1  | <ul style="list-style-type: none"><li>- To resist development likely to detract from the Fenland landscape</li></ul>  |

##### Core Strategy (Draft Consultation) July 2011

- |      |  |
|------|--|
| CS1  | <ul style="list-style-type: none"><li>- Spatial Strategy, The Settlement Hierarchy and the Countryside</li></ul>   |
| CS2  | <ul style="list-style-type: none"><li>- Growth and Housing</li></ul>   |
| CS10 | <ul style="list-style-type: none"><li>- Rural Areas Development Policy: New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to satisfy policies CS1 and CS2 as well as specific criteria:<ul style="list-style-type: none"><li>- Site is in or adjacent to the existing developed footprint of the village;</li><li>- Would not result in coalescence with neighbouring villages;</li></ul></li></ul> |

		<ul style="list-style-type: none"> <li>- Not have an adverse impact on the character of surrounding countryside and farmland;</li> <li>- Proposal is of a scale in keeping with the shape and form of the settlement;</li> <li>- The proposal will not adversely harm the settlements character and appearance;</li> <li>- Site retains and respects natural boundaries;</li> <li>- Not result in the loss of high grade agricultural land;</li> <li>- Not put people or property in danger from known risks and would not result in unacceptable nuisances to residents and businesses.</li> </ul>
	CS14	<ul style="list-style-type: none"> <li>- Delivering and Protecting High Quality Environments across the District.</li> </ul>
National Planning Policy Framework (NPPF)		
Achieving sustainable development	Paras 2 and 11	<ul style="list-style-type: none"> <li>- Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</li> </ul>
	Para 14	<ul style="list-style-type: none"> <li>- Presumption in favour of sustainable development.</li> </ul>
Core Principles	Para 17	<ul style="list-style-type: none"> <li>- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.</li> </ul>
Conserving and enhancing the natural environment	Para 109	<ul style="list-style-type: none"> <li>- The planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains where possible.</li> </ul>

## 5. ASSESSMENT

### ***Nature of Application***

This application seeks full planning permission for the erection of three dwellings.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications

- Design and Layout
- Other Matters

### ***Site History***

In 2006 and 2007 applications were refused on this site for the erection of 4 dwellings as the site lies beyond the defined settlement of Murrow.

### ***Principle and Policy Implications***

The site is located on the edge of the main settlement of Murrow where development becomes sporadic. Originally settlement boundaries were put in place to prevent sprawl and unnecessary encroachment of development into the open countryside.

The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is the general thrust of policies contained within the Local Plan and Core Strategy where new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside.

The adopted policies of the Fenland District Wide Local Plan also require consideration as the application site lies beyond the established settlement where new development should be resisted (H3) unless justified.

In terms of emerging policy the general good practice criteria set out in Policy CS10 of the Draft Core Strategy should be observed. As this document is still emerging only limited weight can be attached to the policy at this time, however, it is important to note the direction of travel of the emerging core strategy and its conformity to the policies of the NPPF in terms of the approach to rural housing and the requirement for sustainable development which is sensitive to the defining characteristics of the local area.

Given that the site lies outside the established settlement, the proposal is contrary in principle to Policy H3 of the Local Plan and the thrust of the NPPF and emerging Core Strategy policies which seek to provide sustainable development. Murrow is a village which has seen a considerable amount of growth in the recent past and as a result it is difficult to identify the core of the village. There is a danger that as the village has a predominantly linear form, new development will lead to the sprawl of the settlement which will be difficult to contain and as a result important undeveloped breaks in the residential frontage will be eroded.

It is acknowledged that Murrow has been identified as village which can accommodate growth of 2 to 3 dwellings in the emerging Core Strategy (CS1); however the position of the site along Murrow Bank fails to contribute to the sustainability of the village given its situation and relationship to the amenities located within the established settlement. The CCC Highways response states that the provision of a footpath would be required to link with the existing footpath to the north. The fact that a footpath would be necessary should permission be granted further demonstrates the unsuitability of the location of the site and that it has to be "made" sustainable rather than lying in a naturally sustainable location.

Policy E1 of the Local Plan aims to protect the open character of the Fenland Landscape and it is considered that this site along with the open fields on the

opposite side of the road mark an important gap which form a key feature of the edge of the village which is characterised by the presence of a mix of agricultural land and sporadic groups or individual dwellings. The approval of dwellings in this location will see the loss of an important area of open land which is classed high grade for agricultural purposes (Grade 2). The loss of high grade agricultural land is contrary to the emerging local plan policy CS10.

In order to be an acceptable, sustainable form of development the proposal must form a natural extension to the village and be in keeping with the shape and form of the settlement. The proposal whilst linear can be seen to be in keeping with the form of the village, however the provision of large five bed dwellings will dwarf those nearby in terms of scale (see next section) and the proposal fails yet again to accord with the provisions of existing and emerging policy.

### ***Design and Layout***

The application is for full planning permission for three dwellings and detailed plans have been submitted to show large, 5 bed properties in spacious plots. Each has been individually designed and incorporates gym/office facilities. The style and scale of the proposed dwellings is not typical of the existing development in Murrow. Plots 1 and 3 have garages attached to the side of the properties and plot 2 has a detached garage to the rear. In terms of comparison of the scale of the existing and proposed dwellings plot 1 has a ground floor area (excluding the garage) of approx 203 square metres whilst Peartree House, to the south of the site which is a detached family house, has a ground floor area of 72 square metres. This equates to a 182% increase in ground floor area between the existing and proposed properties. Peartree House is typical of the scale of development in the area and plot 1 is typical of the proposed plots. As a result it is difficult to see how the proposed dwellings can be seen to be of a scale in keeping with the shape and form of the settlement as required by policy.

It appears that the dwellings and plot sizes have been inflated in size to fit the site in an attempt to accord with the emerging policy of the Core Strategy. This indicates that small groups of two or three dwellings may be acceptable. In order to try and to comply with this policy the proposal fails to comply with the provisions of Policy C S10 which require the proposal to be of a scale in keeping with the shape and form of the settlement and not adversely harm the settlements character and appearance.

In terms of hard and soft landscaping there is additional landscaping depicted on the submitted plans but specific details have not been provided as to the species and amount of planting. Gravel driveways are proposed with individual access to plot 1 and a shared access point to plots 2 and 3. There is no detail on the submitted plans relating to the provision of the footpath along the front of the site although the Design and Access statement indicates a footpath will be provided. CCC Highways have indicated that the footpath is a necessary in order to ensure the scheme is acceptable in highway safety terms.

## ***Other Matters***

Wisbech St Mary Parish Council has commented in support of the application, however, has given no reasons for their support despite the proposal being a departure from the adopted Development Plan.

One letter of objection has been received from the neighbouring resident to the south of the site stating that the type of houses proposed are not needed in Murrow and the location is not ideal in terms of safety. These comments have been noted. Officers note that the positioning of the proposed dwellings in front of the existing dwellings to the north and south will result in a poor relationship in terms of residential amenity, especially between plot 3 and Peartree House. A landscaping belt is proposed between the dwellings in order to try and improve the relationship between them, but until established the amenity of occupiers of the existing and proposed properties will be extremely poor with a total of 13 sets of glazing, including gym and bedroom windows/doors overlooking the approach and front elevation of Peartree House.

The safeguarding of residential amenity for existing and proposed occupiers is a core planning principle of the NPPF and should be given weight in the determination of this application. It is considered that the proposal will produce an environment which fails to provide a good standard of amenity for existing and future occupants of land and buildings and as a result the proposal is contrary to advice contained in the NPPF.

## ***Conclusion***

The site is located beyond the established settlement of Murrow in an area which is characterised as open countryside with sporadic residential development. The proposal adjoins the established built settlement, but does not comply with the adopted or emerging development strategy for the area nor does it contribute to the sustainability or vitality of the community.

The proposal is for development on high grade agricultural land and is not of a scale in keeping with the shape and form of the settlement. As a result the proposed dwellings will adversely harm the settlements character and appearance and would detract from the character and appearance of the local area and the visual amenities of the open countryside. The development is, therefore, contrary to E1 and E8 of the Fenland District Wide Local Plan, the policies contained within the emerging core strategy and the principles of the National Planning Policy Framework. For these reasons it is recommended that planning permission is refused.

## **6. RECOMMENDATION**

### **i) Refuse**

- 1. The proposal is positioned outside the established settlement boundary and fails to represent sustainable development, contrary to H3 of the Fenland District Wide Local Plan and the general principles of the National Planning Policy Framework.**

2. **By virtue of the location of the proposal, within the countryside, the proposed dwellings would represent an incongruous feature which would detract from the open character of the landscape, contrary to E1 of the Fenland District Wide Local Plan. Furthermore the positioning of the proposed dwellings in relation to existing development and the lack of landscaping is considered to give rise to a development which fails to provide a good standard of amenity for the future occupiers of the building. As a result the proposal is contrary to the provisions of the National Planning Policy Framework**
  
3. **The proposed development, which is located outside the established settlement boundary, will be situated within open countryside which forms the rural character of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape. As a result the proposal is contrary to the provisions of the National Planning Policy Framework, Policies E1, H3 and H16 of the Fenland District-wide Local Plan and policy CS10 of the emerging Core Strategy.**

7. **UPDATE FROM 27<sup>th</sup> JUNE 2012 COMMITTEE**

This matter was considered by the Planning Committee on 27th June 2012 where it was deferred to enable discussion with the applicant on submitting amended plans for a better quality design of the dwellings and entering into a Section 106 Agreement.

**Amended Plans**

The discussions at the last committee centred around securing a better quality of design which complements the countryside. Amended plans have been submitted which have reduced the bulk and linked nature of the dwellings to allow glimpses of the open countryside beyond and whilst it is acknowledged that the designs have lessened the issues associated with the massing of the proposal there are still concerns that the overall designs have not improved to an extent where they complement their countryside setting. Further discussions are taking place with the applicant on the matter of design and will be reported via an update at the meeting.

A footpath is to be provided within the application site and its provision can be secured via a planning condition. This has been shown on the latest submitted plans.

The Parish Council and neighbours have been consulted on the revised plans and their responses are awaited.

**Section 106 Agreement**

Policy CS3 of the Core Strategy (Draft – July 2011) is the most appropriate to apply to this application and this requires an affordable



housing contribution or on site provision on sites of up to 9 dwellings. As the proposed site does not meet the threshold no affordable housing contribution will be sought via a S106 agreement in this case.

## CONCLUSION

The agent has provided amended plans which fail to comprehensively overcome all the objections to the proposal. It is accepted that the massing of the development has been improved and the provision of a footpath aids the sustainability of the site, however there are still concerns around the detailed design of the dwellings and their failure to complement their countryside setting. It is considered that the designs are overly detailed with a mix of architectural features and materials which appear fussy and more suburban than rural.

As a result the recommendation is to refuse the application as the amended designs have not fully addressed the issues highlighted for improvement at the last meeting.

## RECOMMENDATION

8.

- 1. The proposed development, which is located outside the established settlement boundary, will be situated within open countryside which forms the rural character of this part of the village and it is considered that the scale and form of development will be visually intrusive and will fail to assimilate into the rural landscape. As a result the proposal is contrary to the provisions of the National Planning Policy Framework, Policies E1, H3 and H16 of the Fenland District-wide Local Plan and policy CS10 of the emerging Core Strategy.**

F/YR12/ 0276/F

PC DATE: 25.07.12

APPLICATION NO: \_\_\_\_\_

SITE LOCATION: Land South of Bank Farm House, Murrow Bank, Murrow

### UPDATES

#### Amended plans

The agent has submitted amended plans showing a revised design. The garages have been detached and the elevations have been modified in order to improve the overall appearance of the development and allow views of the open countryside beyond the application site. The plans have been incorporated into the presentation.

#### Section 106 contributions

Policy CS3 of the emerging Core Strategy should be applied to this application. As the site area is over 0.50 hectare 30% of the dwellings should be affordable.

The policy allows that in exceptional circumstances a financial contribution of broadly equivalent value may be made to enable the provision of the affordable housing elsewhere within the District. This would appear applicable in relation to this site.

**RESOLUTION – Grant subject to appropriate conditions and a S106 Agreement to secure the provision of affordable housing.**

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.
3. Any gate or gates to the vehicular accesses shall be set back a minimum 5.0m from the near channel line of the carriageway of Murrow Bank. Any access gate or gates shall be hung to open inwards.
4. Prior to the first occupation of the development the vehicular accesses where they cross the public highway (new footway) shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
5. Prior to the first occupation of the development sufficient space shall be provided within each plot to enable vehicles to park clear of the public highway and enter, turn and leave the site in forward gear. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
6. Prior to the commencement of the development temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
7. The existing access to Murrow Bank shall be permanently and effectively closed in accordance with a scheme to be agreed with the LPA within 28 days of the bringing into use of the new access to plot 2.
8. A 1.8m wide footway shall be provided along the frontage of the development site to run from that existing to the north up to and including the paired accesses to plots 2 and 3. Such footway and any associated drainage to be constructed to the specification of the County Council and completed prior to first occupation of the development.
9. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
  - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study.

The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

10. No development or preliminary groundwork of any kind shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

11. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
- a) means of enclosure
  - b) hard surfacing, other hard landscape features and materials
  - c) existing trees, hedges or other soft features to be retained
  - d) planting plans, including specifications of species, sizes, planting centres number and percentage mix
  - e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - g) management and maintenance details.
12. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.
14. The development hereby approved must be carried out in accordance with approved plans.

**APPLICATION NO:** \_\_\_\_\_**SITE LOCATION** Land south of bank Farm House, Murrow Bank, Murrow**UPDATES**

This application was considered by the planning committee on 25th July 2012 with regard to a revised design and affordable housing provision through a section 106 agreement. The application was approved subject to appropriate conditions as set out above and a section 106 agreement for the provision of an affordable housing contribution.

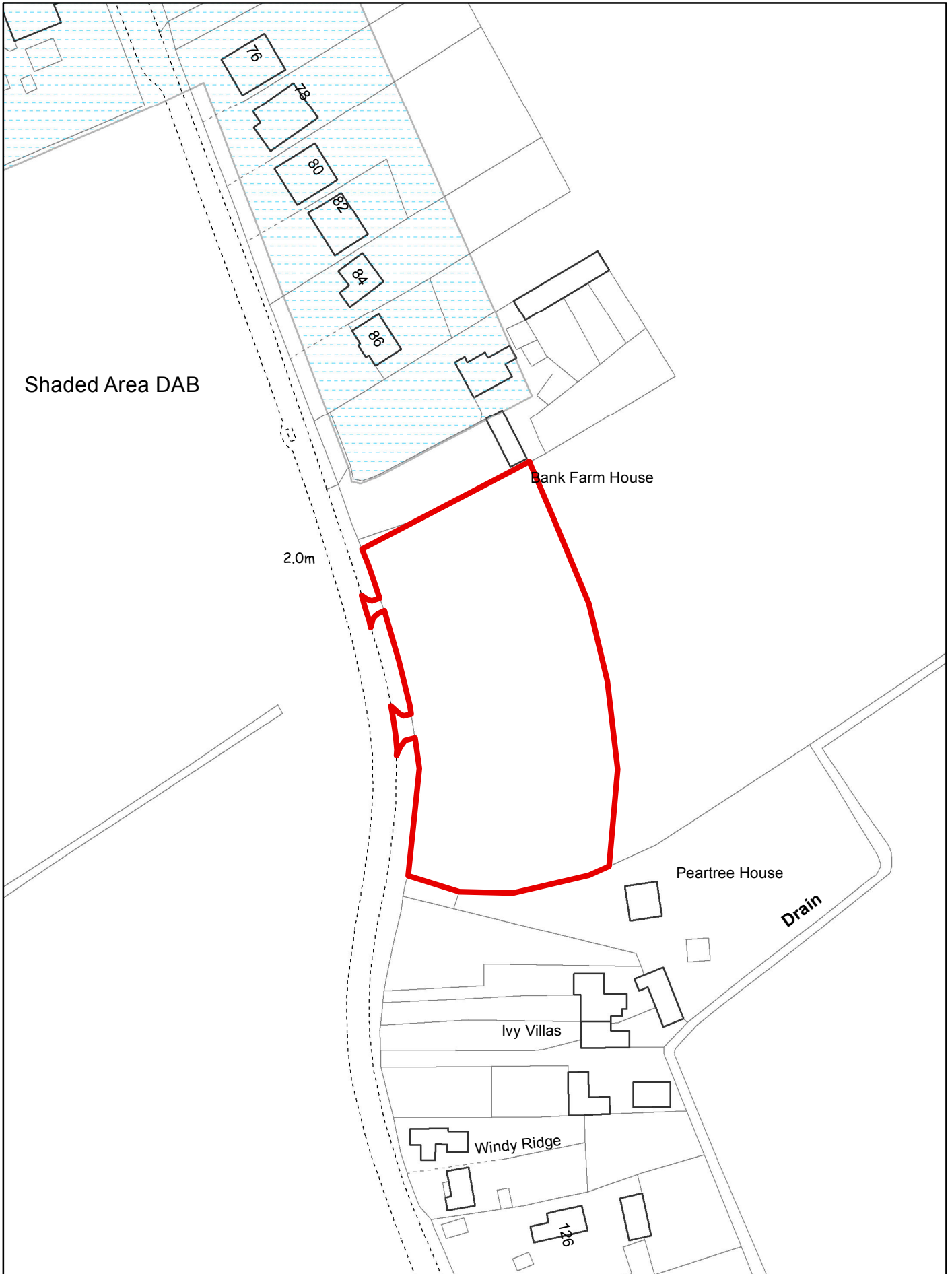
**Section 106 requirement regarding the provision of affordable housing**

Subsequent to this and as a result of recent clarification from the policy team regarding the application of policy CS3 – Meeting Housing Need (Fenland Communities Development Plan, Draft Core Strategy, July 2012) it is considered that provision for affordable housing cannot be sought on this site.

The policy states that it should only be applied to development sites of 5 dwellings or more and this proposal is for 3 x 5 bed dwellings with detached garages.

As the principle of development and the design of the dwellings have already been agreed on this site the matter for consideration relates solely to the s106/affordable housing position.

**RESOLUTION – Approve subject to the conditions set out above, but without the requirement for a section 106 Agreement in relation to the provision of affordable housing.**



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**F/YR12/0276/F**

Scale = 1:1,250

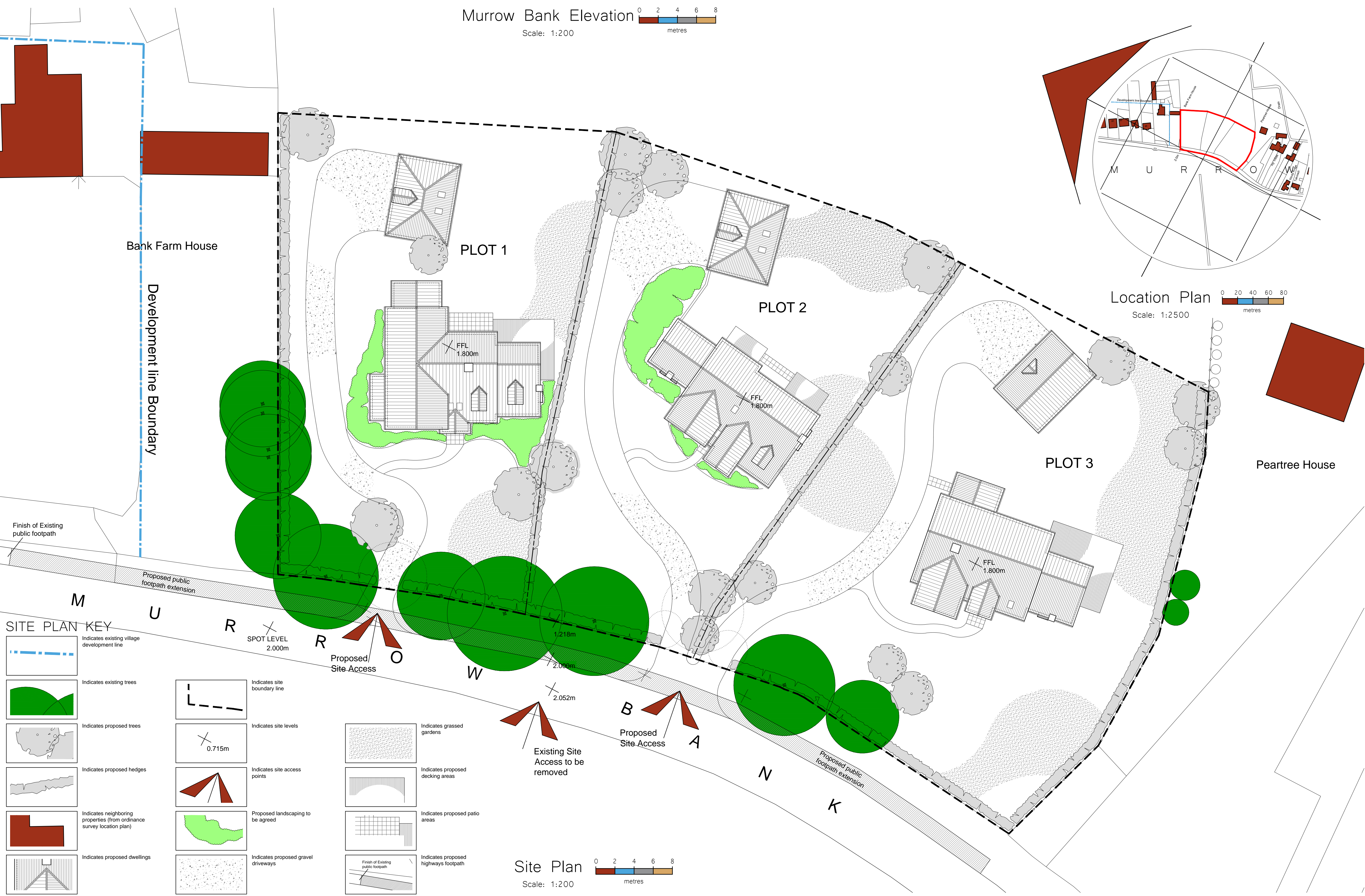




**General Notes**  
 1. This drawing shall not be scaled, figured dimensions only to be used.  
 2. All dimensions are shown in "mm" unless otherwise stated.  
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 5. Any discrepancies are to be brought to the designers attention.



Murrow Bank Elevation  
 Scale: 1:200  
 metres



Location Plan  
 Scale: 1:2500  
 metres

**SITE PLAN KEY**

	Indicates existing village development line		Indicates site boundary line
	Indicates existing trees		Indicates site levels
	Indicates proposed trees		Indicates site access points
	Indicates proposed hedges		Indicates grassed gardens
	Indicates neighboring properties (from ordinance survey location plan)		Indicates proposed decking areas
	Indicates proposed dwellings		Indicates proposed patio areas
	Indicates proposed dwellings		Indicates proposed gravel driveways
	Indicates proposed dwellings		Indicates proposed highways footpath

SPOT LEVEL 2.000m  
 1.218m  
 2.052m  
 Existing Site Access to be removed  
 Proposed Site Access  
 Proposed Site Access

Site Plan  
 Scale: 1:200  
 metres

Revisions

A	June 2012	Proposed Highways Footpath Added
B	July 2012	Layout Revised Street View Added Sizes of Units Reduced
C	July 2012	Roof Lines Revised

**SWANN EDWARDS ARCHITECTURE**  
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Job Title	Date	Scale
Proposed Executive Dwellings Murrow Bank, Murrow for Arthur Gee (Thorney) Ltd	March 2012	Var Sheet Size A1
Drawing Title	Job No.	Drawn by
Scheme Drawing Site and Location Plans	SE-057	RS
	Dwg No.	Revision
	10	C