

**Application Number: F/YR13/0217/F**

**Other**

**Parish/Ward: Parson Drove/Wisbech St Mary**

**Date Received: 3 April 2013**

**Expiry Date: 3 July 2013**

**Applicant: Mr I Towler.**

**Agent: Mr C Walford, Peter Humphrey Associates Ltd.**

**Proposal: Removal of Condition 14 of planning permission F/YR10/0631/F (Erection of 10 x 3-bed semi-detached houses with associated garages, parking and vehicular accesses involving demolition of existing dwelling) in relation to the construction of footpaths.**

**Location: Land Fronting Back Road and 49, Front Road, Murrow.**

**Reason before Committee: The application has been called in by Councillor Booth due to concerns over highway safety.**

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks to remove a condition on a previous full application for 10 dwellings at Land fronting Back Road and Front Road in Murrow. The original approval for these dwellings was under planning reference F/YR10/0631/F and this application seeks to remove condition 14 of this, relating to the provision of footpaths.

The key issues to consider are:

- Highway Considerations

The key issues have been considered along with current Local and National Planning Policies and the Local Highway Authority's advice and the proposal is considered to be acceptable. Therefore the application is recommended for approval.

## 2. HISTORY

Of relevance to this proposal is:

- |     |                    |   |  |
|-----|--------------------|---|--|
| 2.1 | F/YR13/0214/NONMAT | Non-material amendment:<br>Amended materials for driveway,<br>amended water surface<br>discharge and removal of false<br>chimneys relating to<br>F/YR10/0631/F and related<br>conditions application<br>F/YR12/3046/COND. | Approved 19 <sup>th</sup><br>June 2013.      |
| 2.2 | F/YR12/3046/COND   | Details reserved by Conditions 6,<br>8, 9, 10, 11, 12, 13, 14 and 15<br>relating to planning permission<br>F/YR10/0631/F.   | Approved 14 <sup>th</sup><br>September 2012. |

- 2.3 F/YR10/0631/F                      Erection of 10 x 3-bed semi-detached houses with associated garages, parking and vehicular accesses involving demolition of existing dwelling.                      Granted 25<sup>th</sup> November 2010.

### 3. PLANNING POLICIES

#### 3.1 National Planning Policy Framework:

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

Paragraph 32: Safe and suitable access to the site can be achieved for all people.

#### 3.3 Fenland Core Strategy – February 2013:

CS16: Delivering and Protecting High Quality Environments across the District.

#### 3.4 Fenland District Wide Local Plan:

E8 – Proposals for new development.

### 4. CONSULTATIONS

#### 4.1 *Parish Council*

Object to the removal of condition 14 as the construction of footpaths will only enhance the village scene.

#### 4.2 *CCC Archaeology*

No archaeological requirements.

#### 4.3 *CCC Highways*

Has assessed the situation and the proposal is acceptable subject to the inclusion of new condition in relation to the provision of a passing bay.

*The full comments are included in Section 6 of this report.*

#### 4.4 *Police Architectural Liaison*

No comments to make in respect of crime prevention and fear of crime.

#### 4.5 *FDC Scientific Officer*

No objections to the removal of this condition.

#### 4.6 *North Level IDB*

No response received.

#### 4.7 *Environment Agency*

No objections to the removal of the condition.

4.8 **Local Residents:**

2 letters of objection received concerning (in summary):

- Back Road cannot take any more traffic without the construction of footpaths, passing bays, street lighting and an enforced speed limit.
- 10 more properties will be an eyesore.
- Concerns over the damage to the road from construction traffic.
- The road is already in a state and will deteriorate further.

**5. SITE DESCRIPTION**

5.1 The application site has planning permission, and is under construction, for 10 dwellings, which was approved under planning reference F/YR10/0631/F. The development involves the demolition of the existing dwelling on site and the erection of 10 dwellings, with 4 facing onto Back Road and 6 onto Front Road. All of the dwellings are semi-detached. The site is within the main settlement core of Murrow.

**6. PLANNING ASSESSMENT**

6.1 The key considerations for this application are:

- Highway considerations.

(a) Highway Considerations

As part of the 2010 planning permission a condition was imposed for the provision of footpaths. This was at the request of the Local Highway Authority.

Condition 14 of F/YR10/0631/F reads as follows:

- Prior to the occupation of the first dwelling on site a footpath shall be provided along the site frontages of both Front Road and Back Road, of a minimum width of 1.8m. The footpath is to include appropriate drainage and one street light and details of these should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

These details were subsequently approved under the condition compliance application which followed in 2012.

The current application has been submitted to seek the removal of this condition as the draft S278 requires the applicant to pay a sum of £38,122.26 to Cambridgeshire County Council Highways as a security payment. On top of this a further payment is required for the construction of the footpaths which totals £35,017.00 with a further £3,465.66 supervision fee.

As this is a small scale development the applicant does not have the available funds to meet these requirements and as such it would result in works being stopped and a partially constructed site remaining in a prominent position in the centre of Murrow. In addition, the applicant questions the need for the footpaths as there are no footpaths on either side of Back Road and only on the opposite side of Front Road therefore the proposed footpath would not link up with any existing provision and would remain as an isolated stretch of path.

The Local Highways Authority have carefully considered the request for the removal of this condition that they originally requested and have made the following comments:

*I have reviewed the original requirement for footways on consent F/YR10/0631/F. The content of this application has been the subject of discussions and a site meeting with the developer and the agent.*

*With regard to Front Road, given that a footway exists on the southern side of the carriageway and that the adjacent frontage is almost entirely built-up, there is little or no prospect of a continuous footway ever being secured along this frontage; accordingly, upon review, I consider that the facility adds little to the locality in terms of safe pedestrian provision where no real demand can be seen to exist and where no prospect exists for the comprehensive extension of the facility.*

*Accordingly, where it has been demonstrated that pedestrians from the development can access conveniently the footway on the south side of Front Road from the new site accesses, with modest footway linkage, I have no objections to the removal of the condition.*

*In respect of Back Road, similarly, the street frontage on the south side is virtually comprehensively developed. The nearest section of footway is approximately 500m to the east. Without substantial public funding coming forward there is again little or no prospect of the new footway linking meaningfully to any adjacent infrastructure. I am also conscious that a discreet length of footway would add little to the semi-rural nature of the street scene.*

*Notwithstanding the above, Back Road is materially different in character to Front Road, having a very narrow carriageway with limited opportunity for cars to pass other vehicles/ pedestrians or cyclists.*

*In this context the revised scheme which provides for a further discreet passing facility, which would also enable vehicles to pass at low speeds, and afford pedestrians and cyclists a refuge on this narrow length of Back Road. The proposed provision is considered appropriate in this context.*

*Finally, I appreciate that this approach may be somewhat controversial locally; however, in considering the imposition of such requirements on developers we must be mindful that the infrastructure is reasonable, and ultimately defensible in the event of any subsequent appeal to the Planning Inspectorate. In this instance I am unable to conclude that the requirement is indeed reasonable for the reasons stated.*

*Please append the following Condition to any consent granted:*

- *Before the dwellings are occupied, the access footway and passing bay infrastructure shown on the Drawing 4354-02 Rev D shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA, and such a scheme shall include levels, forms of construction and drainage.*

- *Informative:*

*This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

Given the assessment of the site by the LHA above it is considered that this application for the removal of Condition 14 can be supported in this instance, with the new condition relating to the passing bay being imposed in its place.

## **7. CONCLUSION**

- 7.1 The proposal has been assessed fully by the Local Highways Authority and Local Planning Authority and given the lack of the existing footpaths for much of the site frontage and the resultant inability to link the proposed footpaths with any existing/likely provision the removal of the condition is considered to be acceptable in this instance. Therefore it is recommended to approve the application with the replacement condition and informative.

## **8. RECOMMENDATION**

**Grant – Subject to the following conditions.**

- 1. Before the dwellings are occupied, the access footway and passing bay infrastructure shown on the Drawing 4354-02 Rev D shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA, and such a scheme shall include levels, forms of construction and drainage.**

**Reason – In the interests of highway safety.**

- 2. Approved Plans**

**Plus informatives as requested by the LHA and linking this permission to the original approval.**



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Scale = 1:1,250







Location Plan 1:1250

19/08/2013 - Amended after meeting with Highways, REV D  
 26/07/2013 - Amended in accordance with Highways comments, REV C  
 19/08/2010 - Amended for resubmission, REV B  
 14/07/2010 - Amended for resubmission, REV A

**Peter Humphrey Associates Ltd.**  
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT: PROPOSED DEVELOPMENT  
 SITE: 49 FRONT ROAD  
 MURROW  
 WISBECH  
 CAMBS  
 PE13 4JQ

DRAWING: PROPOSED SITE PLAN  
 CLIENT: Mr I Towler

DATE: Dec 2009 SCALE: As Shown@A1 JOB No: 4534/02D

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