

**Application Number: F/YR13/0481/EXTIME
Minor
Parish/Ward: Parson Drove/Wisbech St Mary
Date Received: 24 June 2013
Expiry Date: 19 August 2013
Applicant: Mr J Scrimshaw
Agent: Mr N Lowe, Peter Humphrey Associates Ltd.**

**Proposal: Erection of 3 dwellings (Renewal of planning permission F/YR10/0200/O)
Location: Land North of 69 – 79, Back Road, Murrow**

Site Area: 0.23 hectares

Reason before Committee: The Parish Council recommendation is contrary to Officer recommendation.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks to extend the time limits on an application originally approved in 2010. The application relates to the erection of 3 detached dwellings on land to the rear of 69 – 79 Back Road in Murrow. The site is within the main settlement of Murrow and sits adjacent to existing residential development.

The key issues to consider are:

- Current Policy
- Site History
- Layout
- Highway Safety and Access

The key issues have been considered along with current Local and National Planning Policies 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/YR11/0514/RM | Erection of a 2-storey 4-bed dwelling (Plot 2 only) | Approved 30 th August 2011 |
| 2.2 | F/YR10/0200/O | Erection of 3 dwellings | Granted 29 th July 2010 |
| 2.3 | F/YR02/0619/O | Residential development (0.47ha) | Granted 12 th December 2002 |

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

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

Section 6: Delivering a wide choice of quality homes.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

3.2 Fenland Core Strategy (February 2013):

CS1: Presumption in favour of sustainable development.

CS3: Spatial strategy, the Settlement Hierarchy and the Countryside

CS4: Housing

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

3.3 Fenland District Wide Local Plan:

H3 – Settlement Development Area Boundaries

E8 – Proposals for new development.

4. CONSULTATIONS

4.1 *Parish Council*

Object to the application as Back Road is inadequate in width and condition for any further development.

4.2 *FDC Tree Officer*

No objections to the development as the planning application was revised to ensure the long-term potential of all the trees present.

4.3 *Environment Agency*

No objection in principle subject to a foul water drainage condition being attached to any permission given. Provides advice in relation to flood risk and resilience and foul and surface water drainage to be forwarded to the applicant.

4.4 *Middle Level Commissioners*

Will not be commenting on the application.

4.5 *FDC Scientific Officer*

No objections. Contaminated land is not considered to be an issue.

4.6 *CCC Highways*

There have been no material changes in circumstance from a highway point of view in the intervening period since the original planning permission, therefore no objections to a further period of consent.

4.7 *Local Residents:*

1 letter of objection received concerning (in summary):

- The area concerned has a large living tree that has been listed.

- The area will require a new Environmental Study, to be done at night for bats.
- Back Road cannot sustain any more traffic in its current state. The current construction is base course and wearing directly on to the site and when patched up is done directly onto the mud.
- There is only room for one more property but this location is on a junction and could pose a danger to road users.
- Until Back Road is upgraded to a minimum width of 3.6m with passing bays I will continue to object.
- Bat roosts and barn owl nests have already been lost as a result of poor environmental statements, and frogs, water voles and newts have been lost through the piping of dykes.
- Fully developed trees have been cut down to make way for developments.
- Heavy machinery has already damaged the highway.
- The Council and Developer have a duty to ensure that Environmental Surveys are accurate.

5. **SITE DESCRIPTION**

- 5.1 The application site is located to the rear of 69 – 79 Back Road in Murrow. The site is adjacent to an existing dwelling at 75 Back Road. The area is predominantly residential with a mix of old and new dwellings and a number of building plots with extant permissions can be found along Back Road also. Open agricultural land sits to the North and East of the site. The site falls within the existing built up settlement of Murrow.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Current Policy
 - Site History
 - Layout
 - Highway Safety and Access

Site History

Permission was granted on this site for the erection of 3 dwellings, approved under planning permission reference F/YR10/0200/O. This application seeks to extend this consent and the plans and proposal remains the same as submitted for the 2010 application. The extension of time procedure can only be used once.

Following the 2010 Outline consent a Reserved Matters Application was submitted and approved in relation to Plot 2 only. This gave consent for a 2-storey 4-bed dwelling and this is currently under construction. No Reserved Matters or Full applications have been submitted in relation to Plots 1 or 3 and therefore this extension of time application has been submitted to retain the outline permission for the remainder of the site. The application was received prior to the expiry of the 2010 permission in accordance with the regulations.

Current Policy

Since the granting of the 2010 outline permission on this site there has been significant changes to both Local and National Policy. This has involved the removal of the Planning Policy Statements (PPS) and the introduction of the National Planning Policy Framework (NPPF) as well as the introduction of the Fenland Local Plan Core Strategy February 2013, which, although not formally adopted, carries some weight by virtue of its consistency with the spirit of the NPPF. As a result of these policy changes this application has been assessed against the new criteria, with the extant permission being taken into consideration also.

With the 2010 permission, as well as the 2011 Reserved Matters approval for Plot 2, the key considerations were the layout and design of the proposal, the impact on the character of the surrounding area, impacts on residential amenity and highway safety. These areas are now covered within Policies CS1, CS3, CS4 and CS16 of the Core Strategy, as well as the continuing Policies of the 1993 Local Plan. Policy CS16 states that development should make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, reinforce local identity and not impact on, in terms of design or scale, the street scene, settlement pattern or landscape character.

The general considerations and overall spirit of the new Policies reflect those of the previous and ongoing Local Plan Policies and therefore the application has been assessed in accordance with the previous key considerations.

Layout

The layout of the site utilises the land to the rear of 69 – 79 Back Road and adjacent to 75 Back Road. The layout is indicative only, however the proposed dwelling on Plot 2 has been approved under the 2011 Reserved Matters and is under construction. No details have been committed in respect of the layout of plots 1 and 3. Provision has been made for rear gardens and parking and turning to the front of the dwellings. The final layout of Plots 1 and 3 will be sought under a subsequent Reserved Matters application, however the indicative layout submitted demonstrates that 3 dwellings can be accommodated on the site.

Highway Safety and Access

The proposed access arrangements are indicative only and will need to be committed in a reserved matters application, however the proposed access will be largely governed by the access arrangements approved under the 2011 Reserved Matters for Plot 2. This showed access via the existing driveway between 71 and 79 Back Road which will also be used for Plots 1 and 3 as well as the existing dwelling within the site, 75 Back Road. The parking and turning arrangements for each plot will be dealt with at Reserved Matters Stage.

The points of objection are noted in terms of highway dimensions and condition, it is acknowledged that Back Road is of a poor standard, however consideration must be given to the extant permission and the comments from the Local Highway Authority. The Highway Authority have stated as there have been no material changes in circumstance since the original planning permission they have no objections to a further period of consent. As such the proposal remains acceptable in terms of access and highway safety.

Taking the above points into consideration, namely the design and layout, parking provision, character of the area and recent Policy changes, and balancing these with the history of the site for the same development, it is considered that the proposal remains acceptable in this instance.

7. CONCLUSION

- 7.1 The proposed development it is considered to be, on balance, acceptable in terms of relevant policy. Given the points raised in the above section it is considered appropriate to limit the extension of time to 1 year only in this instance.

8. RECOMMENDATION

Grant

1. Approval of the details of:

- i. the layout of the site**
- ii. the scale of the building(s);**
- iii. the external appearance of the building(s);**
- iv. the means of access thereto;**
- v. the landscaping**

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

- 2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details submitted in accordance with Condition 01 of this permission shall include:

(a) a plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge.

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;

(f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

Reason

To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site.

5. 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.

Reason - To ensure that retained trees are adequately protected.

6. Prior to the commencement of the development hereby approved, details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the dwelling(s) and retained in perpetuity thereafter.

Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

7. Prior to commencement of the use hereby approved a suitable area shall be provided within the site to enable vehicles to:

- 1. enter and leave in forward gear**
- 2. park clear of the public highway**

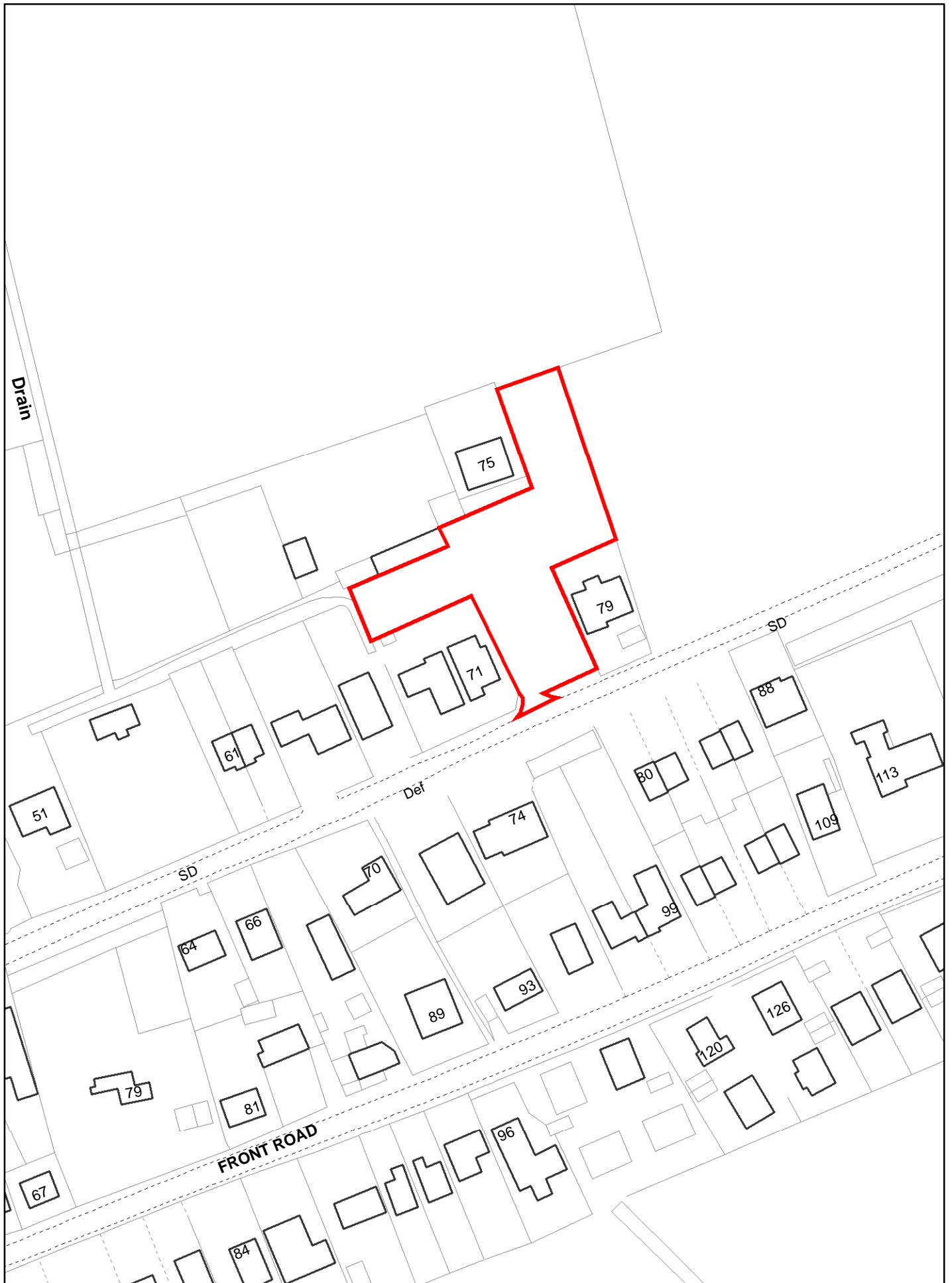
The extent of this area shall be shown fully dimensioned on the layout plans to be submitted as part of the Reserved Matters application and such space shall be retained thereafter for no other use in perpetuity.

Reason - In the interests of highway safety.

8. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason - To prevent the increased risk of pollution to the water environment.

9. Approved Plans



Created on: 24/07/2013

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Scale = 1:1,250



notes

- Contractors are responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with Peter Humphrey Associates Limited before proceeding with the works.
- Where a detail is covered by drawings to different scales the larger scale drawing is to be worked to.
- Figured dimensions to be worked to in all cases.



FRONT ELEVATION
SCALE 1:100
INDICATIVE ONLY

TREE SCHEDULE - In accordance with BS 5837 'Trees in relation to construction'

| Tree No. | Common tree name | Height (m) | Canopy diameter (m) | Trunk diameter (m) | Tree age | Condition | Recommendations |
|----------|------------------|------------|---------------------|--------------------|----------|-----------|-----------------|
| A | Ash | 8.000 | 5.000m | 7.800m | Mature | Poor | Retain |
| B | Ash | 7.800 | 5.000m | 7.750m | Mature | Poor | Retain |
| C | Ash | 8.000 | 5.000m | 7.200m | Mature | Poor | Retain |
| D | Apple | 4.000 | 4.000m | 0.300m | Mature | Good | Remove |
| E | Walnut | 7.000 | 8.000m | 0.510m | Mature | Good | Retain |

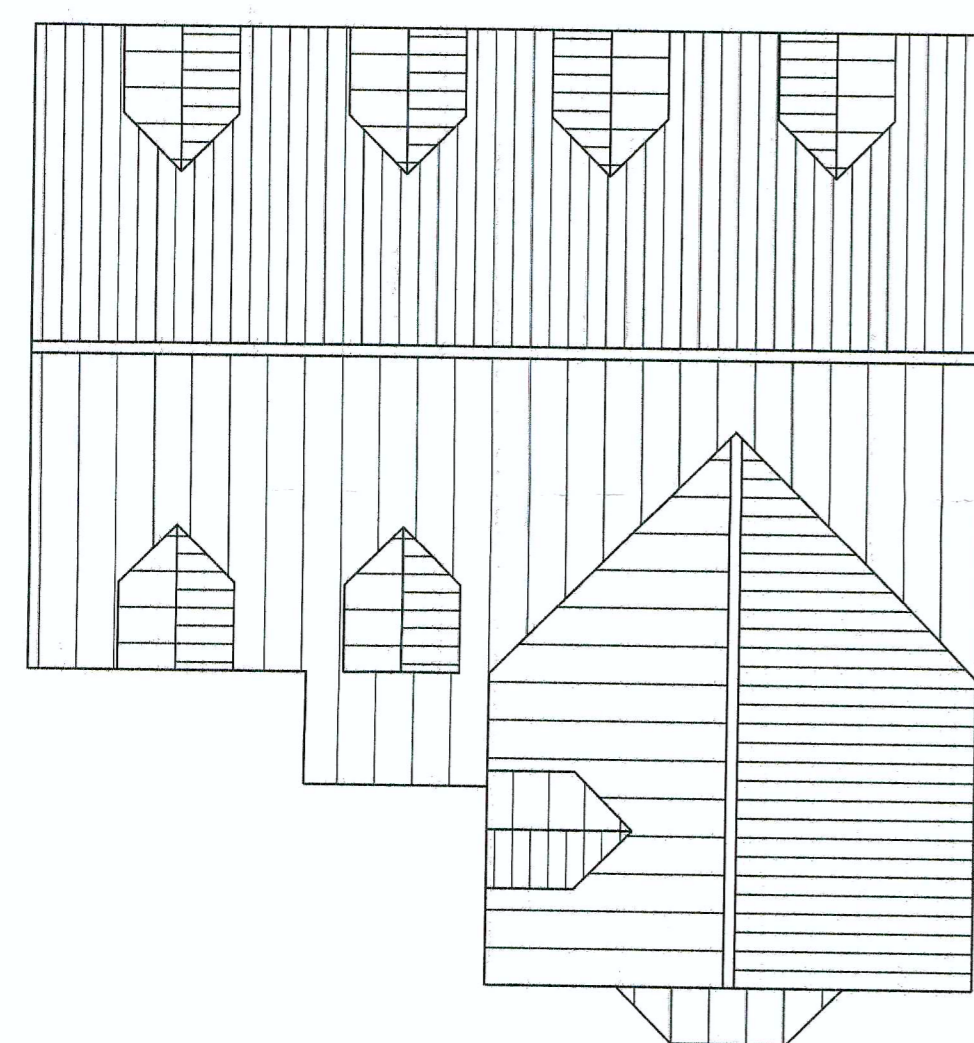
Method statement for protection of trees on site during construction:

Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority.

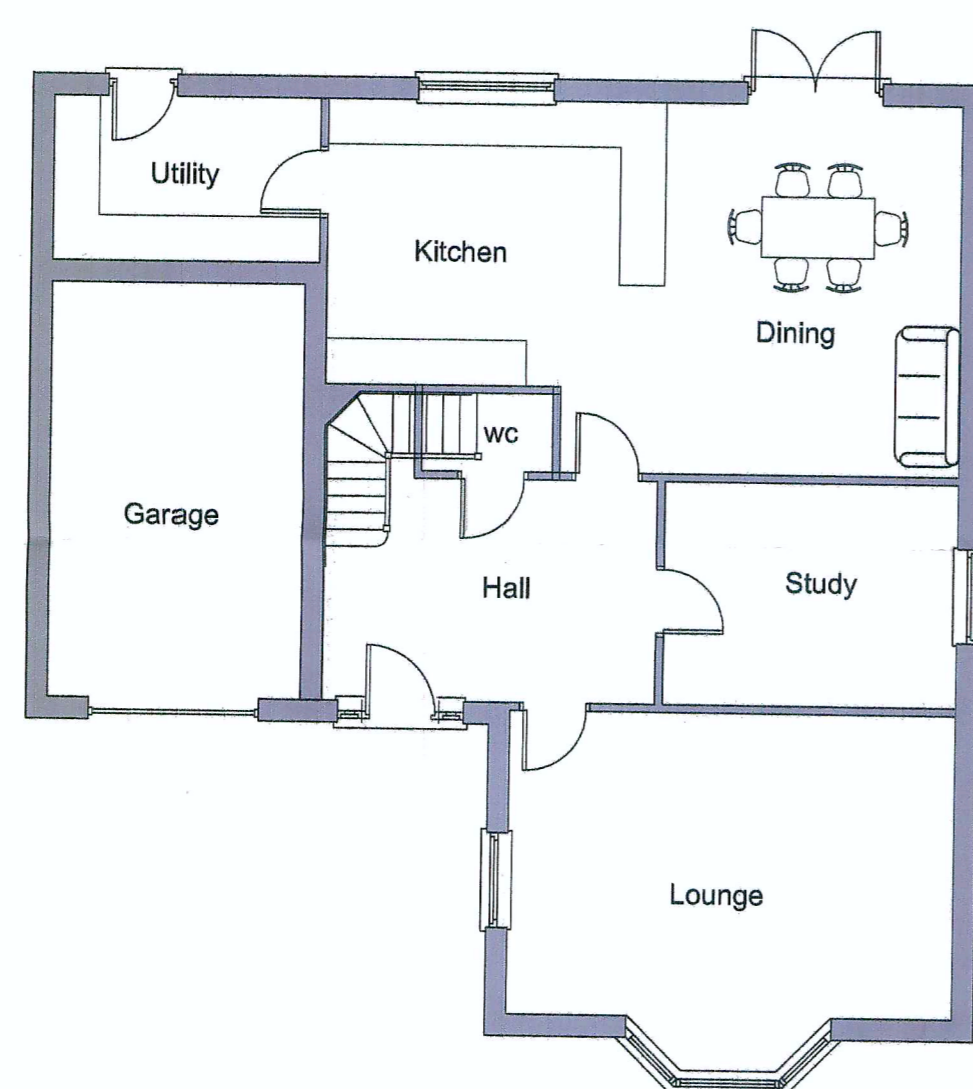
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.



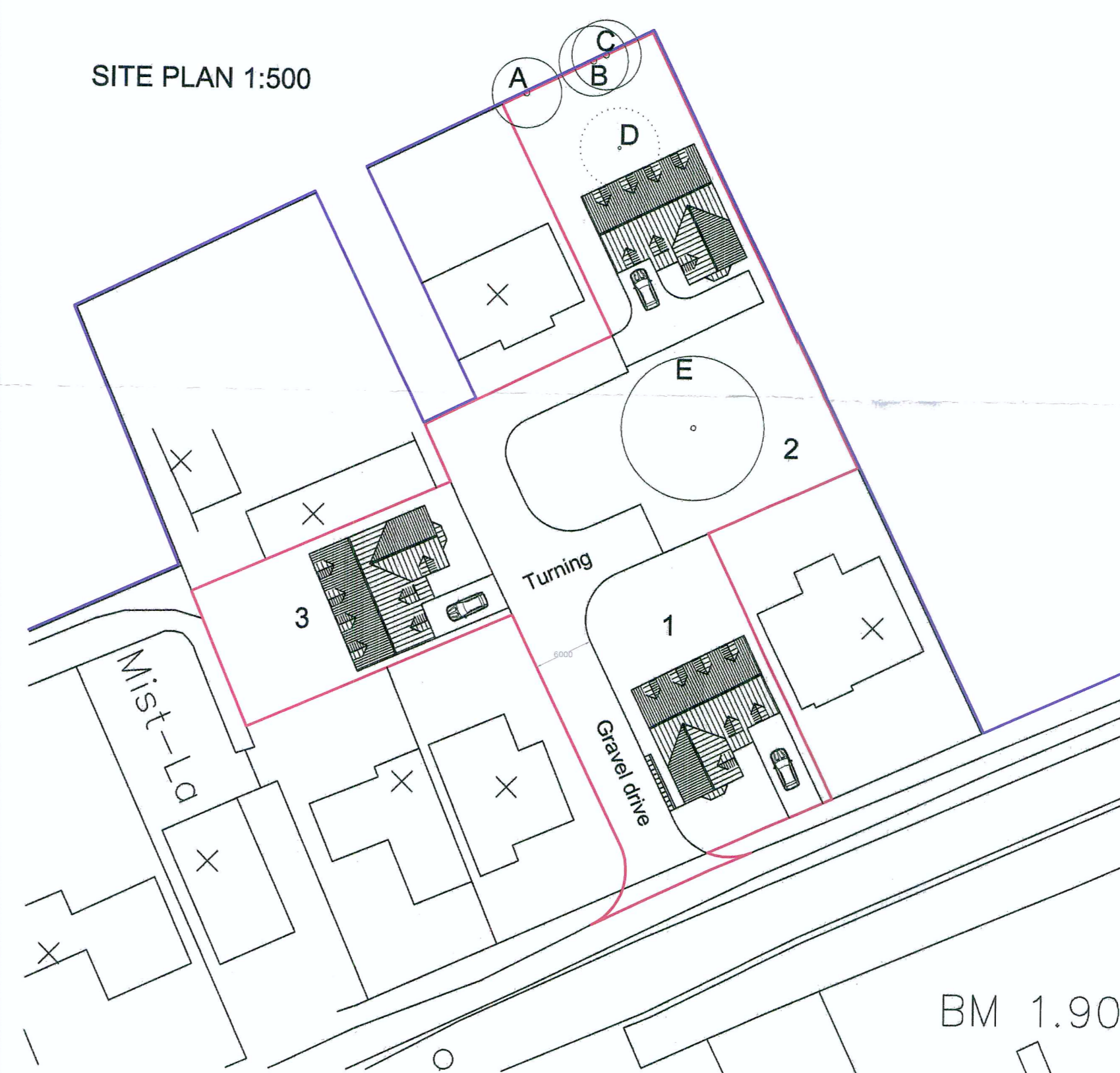
LOCATION PLAN 1:1250



INDICATIVE ROOF PLAN 1:100



INDICATIVE FLOOR PLAN 1:100



SITE PLAN 1:500



| Rev. | Date | Description | Initials |
|------|------|-------------|----------|
| | | | |

PROJECT RESIDENTIAL DEVELOPMENT

ADDRESS
HOLLY FARM
BACK ROAD
MURROW

CLIENT MR SCRIMSHAW

DATE FEB 2010 SCALE AS SHOWN DRAWN BY

JOB NO 4552-PL01a REVISION

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