

F/YR17/1103/O

Applicant: Mr T Jarvis

Agent : Mr H Chapman
Peter Humphrey Associates Ltd

Land East Of Hollycroft House 180, Front Road, Murrow, Cambridgeshire

Erection of up to 3 x dwellings (Outline application with all matters reserved)

Reason for Committee: Officer recommendation is at variance to that of the Parish Council

1 EXECUTIVE SUMMARY

This scheme is clearly contrary to Policy LP3 of the Fenland Local Plan which relates to 'settlement hierarchy' as it is not infill development within a designated small village.

Whilst the lack of a 5-year land supply must be given weight it does not 'tilt the balance' to such an extent that the sustainability credentials of individual sites are no longer a consideration.

Indeed Paragraph 7 of the NPPF places a greater emphasis on sustainability by removing the infill allowances within small villages and requiring to the LPA to look at the services available to the residents and the options to access services and employment as one of the key threads of sustainable development.

This development whilst within walking distance of village facilities is considered unsustainable given the extent of available facilities and services, this being clearly evidenced in an 2014 appeal decision which relates to the same site.

Against this backdrop there can be no other recommendation than one of refusal given that the scheme is contrary to both local and national policies.

2 SITE DESCRIPTION

- 2.1 The site comprises an area of agricultural land which, notwithstanding the presence of individual trees on the highway frontage, and the landscaping on its south-western boundary, is relatively open. The site is therefore typical of the open, level and expansive landscape characteristic of the area; however it does not contain any noteworthy landscape features. It does however afford views from the highway to the countryside beyond.
- 2.2 Development to the northern side of Front Road within the immediate vicinity comprise modestly-proportioned bungalows set back from the highway behind

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generally open front gardens with little, or only low level, boundary treatment. Despite being set down from the highway the buildings are quite visible when travelling along it. Whilst of no particular architectural merit, these characteristics ensure that they provide a smooth transition from the settlement to the open countryside.

- 2.3 There is at depth development immediately to the south-west of the site and to the west of the site fronting Front Road is a Grade II Listed Building Hollycroft Farm. There is an area of vacant grass land and associated landscaping together with the access to a small development of dwellings separating the application site from the listed building.
- 2.4 The site is within a Flood Zone 1 area and is bounded to the south and east by agricultural land.

3 PROPOSAL

- 3.1 This submission seeks outline planning permission with all matters reserved for 3 dwellings, whilst the illustrative scheme which accompanies the proposal details 3 single storey dwellings each with its own double garage this is not committed.
- 3.2 The Design and Access statement which accompanies the application further states:

The designs for the dwellings are not being committed at this stage but it is envisaged that these will be single storey so that they are in keeping with the bungalows opposite.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR13/0914/F	Erection of 3 x 3-storey 6-bed dwellings with attached double garages and 2.4 metre high (max) brick wall with gates	Refused 29/01/2014
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5 CONSULTATIONS

- 5.1 **Parish Council:** Approve
- 5.2 **FDC Scientific Officer (Land Contamination):** Note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Due to the location of the development contaminated land is not considered an issue.
- 5.3 **North Level Internal Drainage Board:** No comment to make with regard to this application

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- 5.4 **Cambridgeshire County Council Highways Authority:** No highway objections subject to a condition requiring full details of the siting of buildings, visibility splays, parking and turning provision.
- 5.5 **Local Residents/Interested Parties:** 8 letters of objection have been received from 5 households which may be summarised as follows:
- Previously informed no buildings can be built outside boundary lines – this is outside
 - Local services and schools unable to cope
 - Does not comply with policy, outside DAB
 - Traffic and Highways – site does not have good transport links (only one bus a week to Peterborough)
 - Cars speed through the village and its bad enough now trying to get off driveways because of speeding – houses opposite would make this worse and could lead to a very nasty accident
 - Heritage statement notes that the previous reasons for refusal are out of date – would like to know reason as to why this is deemed to be the case
 - Design and access statement states development envisaged as being single storey; when asked for their comments they were told the dwellings would be bungalows
 - There is no great demand for houses in Murrow and current properties for sale in the village take months to sell
 - Visual impact, Loss of view and outlook, Overlooking/loss of privacy
 - Would find it hard to sell property
 - The current proposals for bungalow are more acceptable however it would be helpful if the height had been shown on the plans
 - Have there been any changes since the previous unsuccessful application, is it still a departure from the development plan – if these regulations haven't changed their objections still stand
 - No animosity to applicant we can understand that he wants to make the most profitable use of his land
 - Cites earlier appeal decision and notes that nothing has changed in regard to Policy LP3
 - Whilst the development may not affect living standards it could set a precedent for further development along the road
 - Loss of view would be a great loss to the residents as it is the only stretch of Front Road to afford this beautiful open countryside view
 - Agricultural land
 - Drainage, flooding, environmental concerns, wildlife concerns
 - Witnessed flooding to the land east of the plot during the recent heavy rain, imagine this will pose a risk to any development
 - Out of character/not in keeping with area
 - Residential amenity, Proximity to property, density/overdevelopment
 - Planning application contradicts itself by saying land is not contaminated and that it is contaminated - more investigation to clarify accuracy of application
 - Considered to be a scheme to make money from cheap farming land at the greater cost of the residents of Murrow and its future as a small village
 - If the 12,000 houses south west of Wisbech goes ahead there will be no requirement for this development
 - It appears that anything legally goes and anyone can develop due to article 14 and 49 of the NPPF being triggered, doesn't mean if you can you should there are moral issues at stake here

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- Hope that concerns of local residents taken seriously
- Developer has built and is building many houses in Murrow
- How about turning the land into something for more to enjoy, maybe recreational
- give us a reason to live in Murrow
- No transport links, roads are dangerous and in an appalling condition, poor life expectancy
- Concerns regarding extent of consultations undertaken

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 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 47: Supply of housing

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity

Paragraphs 203-206: Planning conditions and obligations.

7.2 National Planning Policy Guidance (NPPG)

Determining a planning application

Flood Risk and Coastal Change

7.3 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

LP5 – Meeting Housing Need

LP12- Rural Areas Development

LP14 – Managing the risk of Flooding in Fenland

LP15 – Facilitating a more Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – Heritage

7 KEY ISSUES

- **Principle of Development**
- **Five Year Housing Land Supply**
- **Character, Appearance and Heritage**

- **Residential Amenity**
- **Risk of flooding and drainage**
- **Housing Need**
- **Highway Safety**
- **Economic Growth**
- **Sustainability**
- **Planning Balance**

8 BACKGROUND

- 9.1 A previous development proposal for the site was refused in early 2014; this scheme whilst in outline form with no matters committed was accompanied by an illustrative design for 3 x 3 storey 6-bedroom dwellings. The description of development in respect of this proposal was explicit however i.e. Erection of 3 x 3-storey 6-bed dwellings with attached double garages and 2.4 metre high (max) brick wall with gates and it was on this basis the submission was considered.
- 9.2 Following on from the refusal this earlier scheme an appeal was submitted to the Planning Inspectorate, this was subsequently dismissed.
- 9.3 The Planning Inspector in her consideration of the appeal noted that Murrow had a small range of services within reasonable walking distance of the site, including a shop, school and public house. Whilst it was acknowledged that occupiers of the proposed dwellings may support the retention of those services in accordance with the objective at paragraph 28 of the National Planning Policy Framework ('Framework') it was further recognised that the village did not appear to have many employment opportunities, or other facilities to meet the day-to-day needs of its inhabitants and that although there was a bus service to destinations including Peterborough, the frequency of those services was limited.
- 9.4 Against this backdrop the Planning Inspector concluded that given the limited range of services and amenities available in the village, the occupants of these three large family-sized dwellings would be highly likely to be reliant on the private car to meet many of their day to day needs. For the reasons above the Planning Inspector concluded that the site was not an infill plot, and that a proposal of this scale at the edge of this Small Village would conflict with the relevant parts of policies LP3 and LP12 of the Local Plan and the sustainability objectives that underpin them.
- 9.5 The Planning Inspector also upheld the view that the large three storey dwellings proposed whilst not being contrary to the pattern of development in the village in terms of location would, in terms of their scale and form, create a very abrupt transition to and from the open countryside.

9 ASSESSMENT

Principle of Development

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework. The weight that should be attributed to these policies and documents are considered below. In terms of the FLP the scheme would not accord with Policy LP3 given that Murrow is a small village where development would be

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considered on its merits but would normally be limited in scale to residential infilling or development of a limited scale this scheme represents neither infill development or in the context of the site/settlement development of a limited scale.

The NPPF position would be similar even without a settlement hierarchy as the locational disadvantages of the site in terms of its lack of facilities are such that the site could not be deemed sustainable location this is as expressed in the appeal decision highlighted above under Para. 9.4.

Five Year Housing Land Supply

- 10.2 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No. F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years).
- 10.3 The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited* (2017) which was considered in the Supreme Court.
- 10.4 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 10.5 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.

Based on the above, there are no relevant policies which influence the supply of housing in this case

Character, Appearance and Heritage

- 10.6 With regards the effect of the proposal on the pattern of development in the

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village it is acknowledged that housing on this side of the settlement continues for some distance along both Front Road and Back Road. Consequently, although the proposal would extend development along the south side of Front Road, it would be opposite existing housing, and would not significantly extend the linear form of the settlement or have a harmful effect on its shape.

- 10.7 Although the site is prominently located on the edge of the village, it does not form an important gap in the settlement, and its generally open characteristics, although typical of the area, do not form an important landscape feature. It is not considered that a development as illustrated would be contrary to the pattern of development in the village as such in principle development of this site may be considered, subject to detailed design, to be compliant with Policies LP12 and LP16.
- 10.8 The success of any scheme however will be dependent on the form and scale of the proposed dwellings and subject to design it is considered that the site may accommodate three dwellings without detriment to the character of the area.
- 10.9 Finally the heritage impacts of the scheme have also been considered in accordance with Policy LP18. It is contended that the separation between the Grade II Listed Building, Hollycroft Farmhouse, together with intervening boundary treatment and landscaping are such that the proposal does not affect the setting of the Listed Building. Such a view accords with the earlier observations of the Planning Inspector. Accordingly there are no matters arising with regard to Policy LP18.

Residential Amenity

- 10.10 Whilst the views afforded the occupiers of dwellings opposite the site would change considerably should the application site be developed for housing there would not be a significant adverse effect on those occupiers' living conditions as a result of an overbearing or dominating effect on their outlook. In addition there would be no adverse impact on the amenities of the neighbours to the south-west given the positioning of the development site and its relationship with these properties. Based on this evaluation there are no matters that require reconciling in respect of Policy LP16.

Risk of flooding and drainage

- 10.11 The site is located within flood zone 1, an area identified as being at the lowest risk of flooding. Both the NPPF and Fenland Local Plan identify that proposals for new development should be located within areas of lowest flood risk and as such there are no matters arising with regard to flood risk that would render the scheme non-compliant with the policy framework. It is noted that surface water disposal will form part of any future building regulations approval for the site.

Highway Safety

- 10.12 The comments made with regard to highway safety are noted, however no highway safety issues have been identified by the Local Highway Authority and it is clear that there would be ample space available within the individual plots on which to provide parking and turning in accordance with adopted standards. Accordingly there are no matters arising that would render the scheme

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unacceptable in terms of highway impacts and Policies LP15 and LP16 of the FLP

Sustainability

10.13 For the sake of completeness the scheme has also been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

10.14 In respect of this proposal the development of this site will further the sustainability objectives as follows:

Economic: The provision of housing, especially in light of the current deficiency in supply will contribute to the economic success of the District. It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy. Whilst it could also be argued that there may be some potential for increased expenditure with regard to local facilities the limited facilities on offer are such that this does not render the site location as sustainable. Such a stance was clearly referenced in the earlier appeal decision which highlighted in the background section the limited services available and the poor public transport links. A reliance on private modes of transport and the lack of services within the village illustrate that the scheme does not accord with the sustainability objectives of the NPPF.

Social Role: There will be limited opportunities for community cohesion in the wider locality of the settlement given the relationship of the site to the main village. The proposal has a benefit of 3 houses towards the 5 year supply offering the opportunity for residents to settle in the locality however whilst the residents will be within walking distance of the main village core this in itself offers only limited services and facilities to support community cohesion.

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Environmental: It is considered that any environmental impacts of the scheme in terms of its visual presence would not be so significant, subject to detailed design, as to render the scheme unacceptable in terms of how it would relate to its surroundings and neighbouring dwellings. However as indicated above the intended occupants of the dwellings will be reliant on private modes of transport and as such the scheme fails to represent sustainable development in this regard. There will be significant adverse impacts accruing in terms of the schemes sustainability in locational terms.

Planning Balance

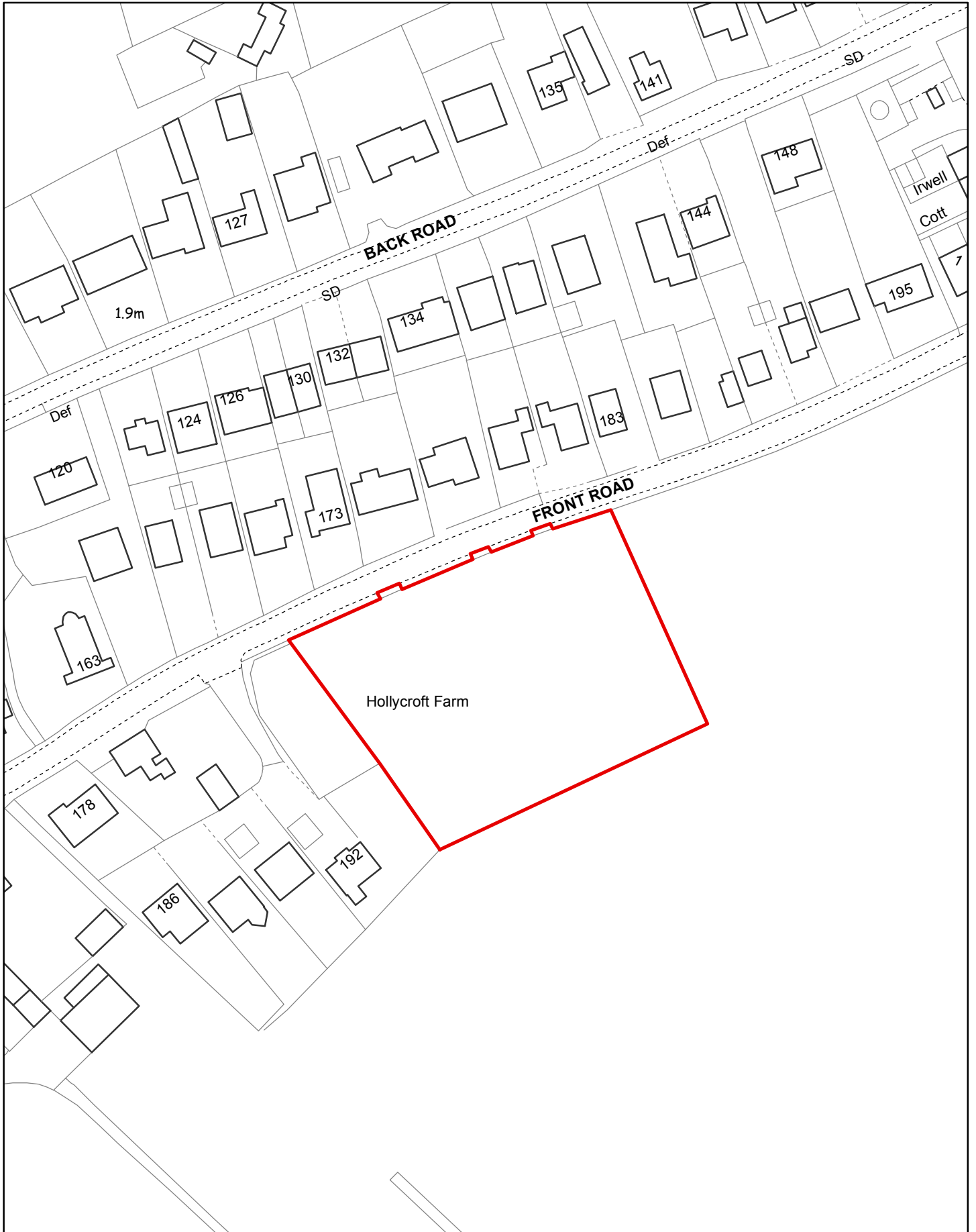
- 10.15 As indicated above the scheme has no sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services. Its social and environmental credentials are neutral at best in terms of the opportunities the development will afford future residents and the character of the streetscene. However there are clear indications that to allow growth, other than small scale infill, within the village of Murrow is unsustainable. This recommendation firmly adheres to the views of the Planning Inspector in respect of the earlier appeal decision on this site which also considered an argument put forward at the time by the Appellant that the Council did not have a 5-year land supply.
- 10.16 There is a direct correlation between the aims of the FLP and the NPPF and a clear planning argument to resist this development as unsustainable.
- 10.17 The agent for the scheme contests that due to the close proximity of housing to the site it is difficult to accept that the LPA class the location as unsustainable, whilst also highlighting that the Planning Inspector considered the location to be within walking distance of local facilities. These two points are factually correct however there was a clear caveat contained within the Appeal decision in that whilst residents could walk to facilities the facilities in themselves were limited which rendered the location, and indeed the village unable to deliver sustainable development.
- 10.17 Whilst the scheme will deliver 3 additional dwellings and will therefore contribute in part to addressing the 5-year land supply deficit the weight which can be given to this is not so convincing as to override the environmental sustainability shortcomings of the proposal.

10 CONCLUSIONS:

The proposal remains contrary to the Council's Spatial Strategy failing to be a small or infill site and the National Planning Policy Framework.

12 RECOMMENDATION: Refuse for the following reason

- 1 The proposed development would result in 3 additional dwellings within a small village which offers limited local services and employment opportunities accordingly the households would largely have to rely on private modes of transport to access goods and services. Therefore the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF and Policies LP1 and LP3 of the Fenland Local Plan, adopted May 2014.



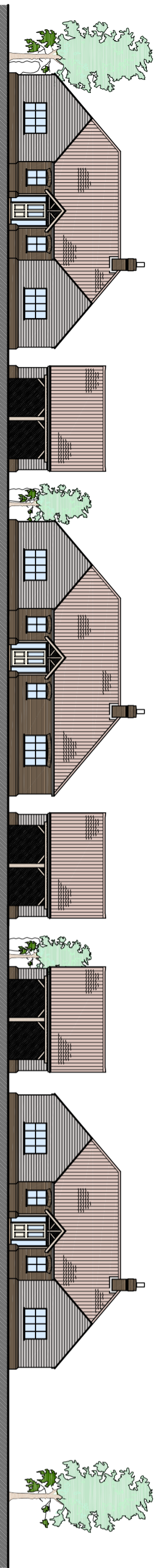
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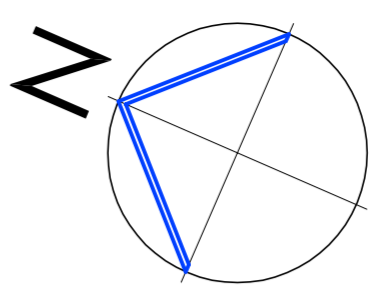
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ILLUSTRATIVE STREET SCENE



Existing agricultural land



ILLUSTRATIVE SITE PLAN 1:500



LOCATION PLAN 1:1250

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
Proposed Residential Development
Land North East of Hollycroft House
180 Front Road
Murrew PE13 4HU

CLIENT
Mr. T. Jarvis

DRAWING TITLE
PLANNING

DATE/JULY 15 SCALE AS SHOWN JOB No. 4909-P01A

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Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
ARCHITECTURAL DESIGN AND BUILDING
180 Front Road
Murrew PE13 4HU
TEL: 01430 446 446
FAX: 01430 446 446
E-MAIL: info@peterhumfrey.co.uk
30 OLD MARKET WITCHAMPTON GARDEN PE13 1BB
Building
Planning
Cambridge Winter 2008