

Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR08/0767/F
Registered: 15 August 2008

Applicant: N Ogden Location Homes Limited Seadyke Bank Murrow Wisbech Cambs PE13 4SD	Agent: Vawser & Co 46 West End March Cambs PE15 8DL
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2 Address to which this permission relates

15 St Augustines Road Wisbech Cambridgeshire PE13 3AH

3 Details of this decision

Permission is **GRANTED** to carry out the **Erection of 2-storey block of 10 dwellings comprising 4 x 2-bed flats, 5 x 1-bed flats and 1 x 1-bed dwelling with associated parking involving demolition of existing dwelling and outbuildings** in accordance with the details set out below.

4 Conditions

This permission is subject to the following conditions:

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

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

- 2 Particulars of the materials to be used for the external walls and roof shall be submitted in writing to and approved in writing by the Local Planning Authority before any development commences on the site and the work shall be carried out in accordance with the approved particulars.

Reason

To safeguard the visual amenities of the area.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 3 Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

1. enter, turn and leave the site in forward gear;
2. park clear of the public highway;

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason

In the interests of satisfactory development and highway safety.

Please note this condition requires action prior to the first use of the development. Please read this condition carefully and ensure that you comply in full.

- 4 The development hereby permitted shall not be commenced until a scheme and timetable to deal with contamination of land and/or groundwater has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

- (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
- (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
- (iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason

To control pollution of land or water in the interests of the environment and public safety.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 5 Notwithstanding the submitted details, all external lighting shall consist of column-mounted SONS-T downlighters within the parking area and soffit mounted light in the access passageway, all operated by a photoelectric device. The level of illumination should not be less than Class S4 of BS EN 13201-2:2003. Details of such lighting should be submitted for approval, approved in writing and installed prior to the first occupation of any of the dwellings and thereafter maintained in a workable condition and operated from dusk till dawn.

Reason

In the interests of the safety of the development.

Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.

- 6 Adequate temporary facilities (details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of any development on site) 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.

Reason

To minimise interference with the free flow and safety of traffic on the adjoining public highway.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 7 No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

To safeguard any archaeological interest on the site.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 8 The visibility splays at the junction of the access road with the public highway shall be provided before the commencement of the development and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason

To minimise interference with the free flow and safety of traffic on the adjoining public highway.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 9 Before the commencement of any work on the site a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
- i. a plan and schedule of all trees on the land, their location, species and which are to be retained, felled, lopped or topped.

- ii. a plan and schedule for the planting of trees and shrubs, their types and distribution on the site, hard landscaping and the areas to be seeded, turfed or paved.
- iii. a programme of the timing of the landscape work having regard to the timing of the commencement of any part of the development hereby permitted.
- iv. an indication of the measures to be taken during the course of development operations to protect those trees which it is intended to retain.

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.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Part 1 Classes A, B, C, D, E and G to the Second Schedule of that Order.

Reason

In the interests of protecting the overall appearance of the development and protecting neighbouring residential amenity.

- 11 No machinery shall be operated on the premises between the hours of 1800 and 0900 Mondays to Friday, 1200 and 0900 Saturdays or at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

- 12 All trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development.

Reason

To ensure that retained trees are adequately protected.

- 13 Details of surface water drainage for the site shall be submitted to, and approved in writing by, the Local Planning Authority before any work on the site commences. The development shall then be carried out in full accordance with the approved details and thereafter retained in perpetuity.

Reason

To ensure adequate drainage of the site.

Please note this condition requires action prior to the commencement of works on site. Please read this condition carefully and ensure that you comply in full.

- 14 The access into the site shall be a width of no less than 4.5 metres.

Reason

In the interests of highway safety.

- 15 The existing access to St Augustines Road shall be permanently and effectively closed within 28 days of the bringing into use of the new access. (Details of the method of closure shall be submitted to and agreed in writing by the Local Planning Authority).

Reason

To minimise interference with the free flow and safety of traffic on the adjoining public highway.

Please note this condition requires action. Please read this condition carefully and ensure that you comply in full.

- 16 If gates are to be provided to the vehicular access they should be set back 10 metres from the edge of the carriageway.

Reason

To minimise interference with the free flow and safety of traffic on the adjoining public highway.

5 Informatives

The following points are also relevant to this permission:

- 1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 this application has been determined in accordance with the development plan which consists of the East of England Plan adopted May 2008, the Cambridgeshire and Peterborough Structure Plan adopted

- 2 September 2003, the Fenland District Wide Local Plan adopted August 1993 and the Fenland District Wide Interim Statement Of Proposed Changes approved January 2001.

Policies of relevance to the decision include: H3, E8, E11, E12 and E13.

All material planning considerations have been taken into account and none are individually or cumulatively of such significance as to outweigh the decision reached on this application.

- 2 The application form, supporting information and plans related to this Decision Notice are:
Montage Street Elevation
Document F: Site Photographs
received 21 July 2008
Drawing Number PC.230.P201 Site Plan/Street Elevation/Location Plan
Drawing Number PC.230.P202
received 12 August 2008
Drawing Number PC.230.P201 - Site Plan Proposed
received 15 August 2008

Please note than any changes made to these plans as a result of other legislation (eg. Building Regulations) may render your planning permission invalid. In such circumstances you are advised to contact the Planning Department for further advice.

- 3 Please see Section 106 Planning Obligation dated 1 July 2009.

6 Authorisation

Authorised by: Rebecca Yee
Head of Development Services

Signature: 

Date the decision was made: 17 July 2009

Fenland District Council
Development Services
County Road
March
Cambridgeshire
PE15 8NQ

Phone: 01354 654321
Fax: 01354 606908
E-mail: planning@fenland.gov.uk

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under the provisions of the Town and Country Planning Act 1990 and/or the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you want to appeal, then you must do so within **6 months** of the date of this notice, using a form which you can get from the Planning Inspectorate at Room 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission or consent or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Town and Country Planning Act 1990 and/or the Planning (Listed Buildings and Conservation Areas) Act 1990.

Compensations

In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.