
Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR11/0478/F
Registered: 23 June 2011

Applicant: Mr C Dawson
14 Mill Road
Emneth
Wisbech PE14 8EA

Agent: Mr David Trundley
David Trundley Design Services
Salgate Barn
Islington Road
Tilney All Saints
Kings Lynn
Norfolk PE34 4RY

2 Address to which this permission relates

**Land North Of 15 To 17 Selwyn Cottages High Road Guyhirn
Cambridgeshire**

3 Details of this decision

Permission is **GRANTED** to carry out the **Erection of 2 x 4-bed 2-storey dwellings with integral garages** 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 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.

- 3 The permanent space to be reserved on the site for:

1. turning;
2. parking;
3. loading and unloading;

shall be provided before the use commences and thereafter retained for no other purpose.

Reason – In the interests of highway safety.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2010 prepared by GCB/Trundley and the following mitigation measures detailed within the FRA:

1. No sleeping accommodation will be located on the ground floor of the proposed development.
2. The eventual occupiers will sign on to the Environment Agency's Floodline Warnings Direct Service as detailed in Section 8.2.
3. Provision of a flood warning system and/or evacuation action plan; as detailed in section 8.2.
4. Identification and provision of safe routes into and out of the site to an appropriate safe haven; as detailed in section 7.6.
5. Flood-proofing measures/flood resilient construction detailed in section 7.5 will be employed in the proposed development to a level of 3.45AOD.
6. Finished floor levels shall be set no lower than 2.65 metres above Ordnance Datum (AOD), 600mm above existing ground levels.

Reason – To reduce the risk and impact of flooding on the proposed development and future occupants.

- 5 Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.

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 and approved in writing by 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 submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by 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, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason:

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

- 6 Prior to occupation of any dwelling the proposed access improvements and bin collection area shall be provided in their entirety and thereafter retained for no other purpose.

Reason

In the interests of highway safety.

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 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.

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.

6 Application form, plans and documents

The following application form, plans and documents approved form part of this permission. They are as follows and include any clarifying or amending information submitted by or on behalf of the applicant:

| Reference | Title | Date stamped |
|-----------|---|--------------|
| | Application form | 23/06/2011 |
| 09-93-101 | Location and site plan (revision D) | 23/06/2011 |
| 09-93-103 | Plot 1 - Floor Plans, Elevations & Roof Plan (revision B) | 23/06/2011 |
| 09-93-102 | Plot 2 - Floor Plans, Elevations & Roof Plan (revision B) | 23/06/2011 |
| 09-93-100 | Site Levels (revision A) | 23/06/2011 |

7 Authorisation

Authorised by: Alan Pain
Corporate Director
For and behalf of Fenland District Council

Signature:



Date the decision was made: 27 September 2011

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 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.