
Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR13/0577/F
Registered: 1 August 2013

Applicant: Mr K Frusher
Nor-Cambs Homes and Developments Ltd
89 Holycroft Road
Emneth
Wisbech
PE14 8BB

Agent: Mr S Hall
Brand Associates
2A Dartford Road
March
Cambs PE15 8AB

2 Address to which this permission relates

118 Wisbech Road March Cambridgeshire PE15 8EU

3 Details of this decision

Permission is **GRANTED** to carry out the **Erection of 4no x 4 bed 2-storey dwellings with double garages involving the 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 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

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.

- 3 Prior to the first occupation of the development the proposed on-site parking/ turning areas and associated driveways shall be laid out in accordance with the approved plan and thereafter retained for that specific use. The areas shall be levelled, surfaced and drained in accordance with details to be submitted to and approved in writing by the LPA.

Reason - To ensure the permanent availability of the access/ parking / manoeuvring areas, in the interests of 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 Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason - In the interests of highway safety and to ensure satisfactory access into the site.

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.

- 5 Prior to the first occupation of the development, pedestrian visibility splays of 2.0m x 2.0m measured from an along the back edge of the footway shall be provided. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway to be provided.

Reason - In the interests of pedestrian 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.

- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

- 7 Adequate temporary facilities 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 and such facilities shall be provided before the development commences in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway 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.

- 8 Prior to first occupation of the development hereby approved the vehicular accesses from Wisbech Road shall be hard surfaced, sealed and drained away from the highway, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of 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.

- 9 Except where directly affected by such access and bin collection requirements as may be approved by the Local Planning Authority, the existing hedge along the site frontage (northern boundary) shall not be uprooted or removed and shall not be reduced below a minimum height of 1.5 metres; and shall be 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.

- 10 Prior to the commencement of the development hereby approved full details 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. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

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.

11 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

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.

12 All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional first-floor windows other than those shown on the plans hereby approved shall be placed in the southern (rear) elevations of Plot 3 and Plot 4 the development hereby approved.

Reason - To protect the amenities of the adjoining properties.

- 14 The first-floor windows serving the bathroom and bedroom in the south rear elevation of Plot 4 and the first-floor window serving the bathroom of Plot 3 of the development hereby approved shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above internal floor level and so maintained in perpetuity thereafter.

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

- 15 The development hereby permitted shall be carried out in accordance with the following approved plans

Reference	Title	Date stamped
4.1	Plot 4 - Floor Plans (revision A)	12/09/2013
4.2	Plot 4 - Elevations (revision A)	12/09/2013
0.2	Proposed Site Layout (Block plan) (revision A)	12/09/2013
	Application form	01/08/2013
L	Location Plan	01/08/2013
1.1	Plot 1 - Floor Plans	01/08/2013
1.2	Plot 1 - Elevations	01/08/2013
2.1	Plot 2 - Floor Plans	01/08/2013
2.2	Plot 2 - Elevations	01/08/2013
3.1	Plot 3 - Floor Plans	01/08/2013
3.2	Plot 3 - Elevations	01/08/2013

Reason - For the avoidance of doubt and in the interest of proper planning.

5 Informatives

The following points are also relevant to this permission:

- 1 The Local Planning Authority has had regard to the provisions of the Development Plan comprising the Fenland District Wide Local Plan adopted August 1993, the Fenland District Wide Interim Statement of Proposed Changes approved January 2001 and the remaining saved policies from the Local Plan (2007), so far as they are material to the application, and the Fenland Local Plan Core Strategy (Submission Version) September 2013, and to all other material considerations.

Policies of relevance to the decision include: H3, E8, TR3, CS1, CS3, CS9, CS16

All material planning considerations, including the National Planning Policy Framework, 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 has been approved as it broadly accords with the policies of the Development Plan. The policies themselves have been sufficiently explicit to guide the submitted application so that acceptable plans and information have been provided, and an approval has been forthcoming.
- 3 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 S278 of the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council prior to works commencing.
- 4 Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet accompanying this planning permission. Please contact environmentalservicerequests@fenland.gov.uk for further information.
- 5 You are reminded that this project may require approval under Building Regulations prior to work commencing, it is recommended that you make enquiries in this respect direct to the Local Authority Building Control Team.
- 6 It may not always be necessary to carry out all the above stages to satisfy the Council's requirements to discharge condition 2. In some cases the Local Planning Authority may be minded to discharge this condition on the findings of the Desk Study.

For further information and technical guidance regarding the requirements of this condition applicants should refer to the document entitled "Advice on Site Investigations" which can be found on the District Council's website at <http://www.fenland.gov.uk/ccm/content/planning/downloads/advice-on-site-investigations.en>

6 Authorisation

Authorised by: Graham Nourse
Head of Planning

Signature: 

Date the decision was made: 26 September 2013

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.