
Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR17/0507/O
Registered: 9 June 2017

Applicant: S Creedon, N&P Bedford, G
Chamberlain, C&J Rust, P&J Wenham
C/o Agent

Agent: Mr Gareth Edwards
Swann Edwards Architecture
Limited
Fen Road
Guyhirn
Wisbech
Cambs PE13 4AA

2 Address to which this permission relates

Land South East Of 208 Coates Road Coates Cambridgeshire

3 Details of this decision

Permission is **GRANTED** regarding:

Erection of up to 60 x dwellings (Outline with matters committed in respect of access only).

4 Conditions

This permission is subject to the following conditions:

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason - To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.

- 3 The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below insofar as they relate to site access.

Reason - For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.

- 4 The residential elements of the development shall not exceed 60 dwellings (Use Class C3).

Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.

- 5 No demolition/development shall take place until a written archaeological scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- i) The statement of significance and research objectives;
- ii) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- iii) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason - In order to ensure the preservation of the historic environment in accordance with policy LP12 (Part A)(g) and LP18 of the Fenland Local Plan, 2014. A pre-commencement condition is necessary in order to ensure irreversible loss to the historic environment is avoided.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 6 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:
- a) Site wide construction programme.
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers,
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 (1997)
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 (1997)
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Liaison, consultation and publicity arrangements including dedicated points of contact
 - o) Location of Contractors compound and method of moving materials, plant and equipment around the site.

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.

A pre-commencement condition is required in order to ensure that any operational development does not cause harm to the amenity of the area of users of the adjoining highway.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 7 The details submitted under condition 1 shall also include details of the finished floor levels of all buildings and associated external ground levels. Development shall be implemented in accordance with the approved details.

Reason - In the interests of visual and residential amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.

- 8 The details submitted under condition 1 shall also include;
- (i) a plan showing the extent of the road and cycle network which is to be adopted by the Local Highway Authority, and
 - (ii) a scheme for the construction and long term management of any development roads, parking courts and footpaths/cyclepaths within that phase which are not to be publicly adopted has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- road and footway cross-sections showing their levels and construction;
- details of lighting (identify illumination levels within those areas and the style of any lighting columns and luminaires to be used);
- the provision to be made for access to these roads by local authority refuse collection vehicles or alternative arrangements for collection.

All roads and footways linking the dwellings to the adopted highway shall be constructed to at least binder course level prior to the first occupation of any dwelling unless an alternative timetable and scheme has been approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to ensure that roads are managed and maintained thereafter to a suitable and safe standard with adequate highway infrastructure provided in accordance with policy LP13, LP15 and LP16 of the Fenland Local Plan, 2014.

- 9 The details submitted under condition 1 shall also include a site wide surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Appropriate mitigation arrangements in the event the surface water drainage system is flood locked when Whittlesey Washes are in use and avoidance of pumping at other times
 - Consideration of overland flow routes ("Designing for Exceedance")
 - Accommodation of the existing network of drains and ditches on the site to ensure that existing development continues to drain effectively
 - Details of how the scheme shall be maintained and managed after completion.

Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with LP14 of the Fenland Local Plan 2014.

- 10 The details submitted under condition 1 shall also include a scheme detailing the biodiversity enhancements and protection measures commensurate to the recommendations as laid out within the submitted Ecological Impact Assessment (Greenwillows Associates Ltd dated 19/1). The scheme shall include the following;
1. How site clearance and construction works will be undertaken having regard to the protection of reptiles, birds, hedgehogs and other mammals which may be present
 2. Details regarding numbers, designs and locations for a range of bat boxes/ bat tiles to be incorporated into the new dwellings
 3. Avoidance of site clearance works during breeding/ nesting season, or that a suitably qualified ecologist first carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.
 4. Details regarding numbers, designs and locations for a range of bird nest boxes to be installed that cater for a number of different species such as House Sparrow, Starling & Swift.
 5. Details of fencing to incorporate hedgehog gaps.

The development shall be carried out in accordance with the approved details.

Reason - In order to ensure that biodiversity and ecology in and around the site is preserved and where possible enhanced in accordance with policy LP16 and LP19 of the Fenland Local Plan, 2014.

- 11 The details submitted under condition 1 shall also include a scheme, including dimensioned plans for the protection of retained trees and hedgerow. The scheme shall include:
- (a) a layout plan which shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of all trees and hedgerow to be retained and which also shows those proposed to be removed;
 - (b) a Tree Constraints Plan showing the Root Protection Area/s (RPA) and the crown radius in relation to the proposed development layout;
 - (c) a schedule of tree works for those trees to be retained, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons;
 - (d) the location, alignment and specification of tree protective barriers, the extent and type of ground protection, and any other physical tree protection measures. The Tree Protection must be erected/installed prior to work commencing with that plot or phase and shall remain in place for the duration of construction works;
 - (e) details of the alignment and positions of underground service runs;
 - (f) any proposed alteration to existing ground levels, and of the position of any proposed excavations, that occurs within the root protection area of any retained tree.

The development shall be undertaken in accordance with the approved details.

Reason - In the interests of visual amenity and environmental quality in accordance with policy LP16 and LP19 of the Fenland Local Plan, 2014.

- 12 Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.

Reason - In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 13 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details shall identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out thereafter fully in accordance with the approved details upon first occupation.

Reason - To ensure the satisfactory maintenance of unadopted drainage systems in accordance with LP14 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 14 Prior to the first occupation of the development, details of a Travel Pack to be provided to each dwelling of the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel pack should include the following elements:

The Travel Pack must include up-to-date information on the following:

- Local amenities that are in walking and cycling distance;
- Up-to-date bus timetable and links to relevant websites;
- Up to date railway timetable from Whittlesey station and links to relevant websites; and
- Information on local car share schemes.

The Travel Packs shall be provided to each dwelling within 1 month following occupation of each respective dwelling.

Reason - To promote increase awareness of sustainable modes, namely bus, within the local area in accordance with policy LP15 of the Fenland Local Plan, 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 15 Prior to the first occupation of the development, the zebra crossing as shown in principle on Site Access drawing 1889-05 Rev A, proposed to be located along the A605 shall be provided and completed in full.

Reason - In the interests of highway safety in accordance with policy LP13, LP15 and LP16 of the Fenland Local Plan, 2014.

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.

- 16 The access to Coates Road as detailed on plan ref: Site Access drawing 1889-05 Rev A shall be provided and completed to Cambridgeshire County Council Highways construction specification prior to the first occupation of the development.

Reason - In the interests of highway safety in accordance with policy LP13 and LP15 of the Fenland Local Plan 2014.

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.

- 17 Prior to the first use of the access hereby permitted, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted site access plan ref: 1889-05 Rev A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

- 18 If, during development, contamination not previously identified is found to be present at the site:
- (i) it shall be reported to the local planning authority within 1 working day;
 - (ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with;
 - (iii) the remediation strategy shall be implemented as approved;
 - (iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:

- a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;
 - b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.
- (v) the long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.

- 19 The details required under condition 1 shall include the long term maintenance and management plans for the hard and soft landscaping.

Reason - To ensure that the landscaping is managed and maintained to a suitable and safe standard in the interests of visual and residential amenity in accordance with policy LP2 and LP16 of the Fenland Local Plan, 2014.

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

Reference	Title
1889-05	Access Details (revision A)
SE-526-10	Location plan and indicative site plan (revision D)
	Flood Risk Assessment

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

5 Informatives

The following points are also relevant to this notice:

- 1 Compliance with S.I. 2012 No. 2274
The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted on the basis of amendments to the originally submitted application.
- 2 Building Regulations
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 CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: enquiries@cncbuildingcontrol.gov.uk).

- 3 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

- 4 Public Byway No. 26, Whittlesey must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public byway under s 1 of the Criminal Damage Act 1971).
Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
The granting of planning permission does not entitle a developer to obstruct a Public Right of Way

- 5 Drainage strategy
In order to satisfy condition 9, the following information must be provided based on the agreed drainage strategy:
 - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365/CIRIA 156.
 - d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a vortex control or orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1% Annual Exceedance Probability (AEP) critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Where soakaways or other infiltration systems are proposed for the disposal of surface water, our general requirements are as follows:

- a) Soakaways and/or other infiltration systems shall only be used in areas of the site where they will not present a risk to groundwater. The depth of any soakaway should be kept to a minimum to ensure the maximum possible depth of unsaturated material between the base of the soakaway and the water table to prevent direct discharge of surface water into groundwater
- b) Soakaways are not to be constructed in land affected by contamination. This is because they may promote the mobilisation of contaminants and give rise to contamination of groundwater
- c) Only clean roof water shall be discharged directly into soakaways
- d) Where surface water from other impermeable areas such as roads, vehicle parking areas and associated hard standing is proposed, appropriate water quality treatment/pollution prevention measures are to be incorporated into the surface water drainage system

Soakaways should be designed to meet the requirements of the Environment Agency's position statements for groundwater protection as outlined in their Groundwater Protection: Principles and Practice (GP3) 2012 document (<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>)

6 Highways

- 1.) 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 applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 2.) The applicant should note that the nature of the highway works proposed will necessitate the completion of a Short Form 278 Highway Works Agreement between the developer and the LHA prior to commencement.
- 3.) The applicant is advised that to discharge Condition 3 the Local Planning Authority requires a copy of a completed agreement between the Applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- 7 Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at: <https://www.fenland.gov.uk/newbins>

Please contact environmentalservicerequests@fenland.gov.uk for further information.

- 8 For monitoring purposes the development is considered to be in or adjacent to the settlement as set down in Policies LP4, LP6 and LP12 of the Fenland Local Plan 2014.
- 9 Please see Section 106 Planning Obligation dated 4 March 2022.

Drainage Advisory Note

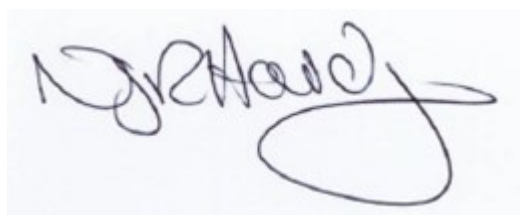
The applicant is reminded that they have a separate legal obligation to comply with the requirements of the relevant Internal Drainage Board in the area, or Middle Level Commissioners, if it is proposed to discharge from the development into a watercourse for which these bodies are responsible, or to carry out development in proximity to such a watercourse, or to alter any watercourse, be that IDB/MLC controlled or riparian.

Granting or refusal of any necessary consent under the Internal Drainage Boards Byelaws or the Land Drainage Act 1991 is a matter for the Board itself and will require a formal application and prior written consent from the Board or Commissioners.

The applicant is advised to contact the relevant IDB or the Middle Level Commissioners at the earliest opportunity to discuss any such requirements.

6 Authorisation

Authorised by: Nick Harding
Head of Planning



Signature:

Date the decision was made: 8 March 2022

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

Phone: 01354 654321
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 Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, by contacting the customer support team on 0303 444 5000, or online <https://www.gov.uk/planning-inspectorate>

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.