
Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR24/0279/F
Registered: 21 March 2024

Applicant: Mr Dave Brooks
51 Wood Street
Chatteris
Cambridgeshire
PE16 6LJ

Agent: Mr Ian Gowler
Gowler Architectural
Grove House
22 Primrose Hill
Doddington
March
Cambridgeshire
PE15 0SU

2 Address to which this permission relates

Land West Of 76 High Street Accessed Via Ash Grove Chatteris Cambridgeshire

3 Details of this decision

Permission is **GRANTED** regarding:

Erect 2 x dwellings (2-storey, 3-bed) and formation of a new access involving demolition of existing building.

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 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 in accordance with Policy LP16 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.

- 3 The first floor window in the east facing elevation of the development hereby approved shall be glazed with obscure glass and fixed shut; and so maintained in perpetuity thereafter.

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

- 4 No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological investigation, including archaeological historic building recording, that has been secured in accordance with a Written Scheme of Investigation (WSI) that 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 under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

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.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.

- 6 The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Reason - To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

- 7 Prior to the first occupation of the development the proposed on-site parking areas shall be laid out in accordance with the approved plans. The parking areas shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Reason - To ensure construction of a satisfactory access and protection of any important ecological features in the watercourse in accordance with the National Planning Policy Framework and Policies LP15 and LP19 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.

- 8 Prior to first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access to the west of the site frontage and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.0m x 2.0m measured along respectively the back of the footway and retained in perpetuity.

Reason - In the interests of highway safety in accordance with Policy 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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order):

(a) Class A - no gates or other means of enclosure shall be erected across the access to the west of the site frontage hereby approved.

Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

- 10 No demolition shall be undertaken until a contract for the carrying out of the works for redevelopment of the site hereby approved has been made and evidence of such a contract including timings for its delivery has been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the benefits of redevelopment of the site which necessitates the demolition are realised in accordance with Paragraph 205 of the NPPF.

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.

- 11 All site clearance at the site shall only take place outside the bird breeding season of March to September inclusive. If this is not possible, a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority.

Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of the National Planning Policy Framework.

- 12 Prior to the commencement of development, a scheme for the landscaping and biodiversity enhancements and habitat improvements, as recommended within the 'Protected Species Scoping Survey', at the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping and biodiversity enhancement details to be submitted shall include:

- a) Planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity.
- b) Placement, type, number and details of any recommended biodiversity enhancements and habitat improvements.
- c) Means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing.
- d) Details of bird and bat boxes (including elevation drawings).
- e) Details of siting and timing of all construction activities to avoid harm to all nature conservation features.
- f) A timetable for landscaping and biodiversity enhancement implementation.
- g) Management and maintenance details.

The approved landscape and biodiversity enhancement scheme shall be carried out within 6 months of the approval of the scheme. The approved landscape scheme shall be carried out within the first available planting season following approval of the scheme and in accordance with the timetable for implementation approved as part of the submitted scheme.

The approved landscape and biodiversity enhancement scheme shall be maintained thereafter in perpetuity.

Reason - Fenland Local Plan 2014 Policies LP16 and LP19 (to protect and enhance biodiversity).

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 If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and /or abundance of species (e.g. bats, birds and badgers) and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason - Fenland Local Plan 2014 Policies LP16 and LP19 (to protect biodiversity).

- 14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);

Reasons -

- 1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area/conservation area in which it is set.
- 2. To ensure that the Local Planning Authority retains control over any future development of the site, on or in the vicinity of the former burial ground.
- 3. In order to control future development and to prevent the site becoming overdeveloped.

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

Reference	Title
221-P10	Composite Plan (revision B)
221-P10	Location Plan, Proposed Site Plan, Elevations and Floor Plans (revision A)
Protected Species Scoping Survey	Ecology Report

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 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 Biodiversity Net Gain Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission, would be Fenland District Council.

In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

- 3 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.

- 4 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).
- 5 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.
- 6 This development may involve 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 Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- 7 Wildlife in this country is afforded protection under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000. Statutory protection is given to birds, bats and other species that inhabit trees/undergrowth, groundcover and buildings. Any operations that may cause disturbance on site should be subject to advice from an ecologist to ensure an offence is not committed. The granting of planning permission does not override a persons legal obligations of the Wildlife and Countryside Act 1981.
- 8 Historical maps indicate that the site may lie on a former burial ground. You are therefore reminded of your legal obligations under The Burial Act 1857 should any remains be found during any excavation works.
- 9 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.

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: Matthew Leigh
Head Of Planning



Signature:

Date the decision was made: 3 February 2025

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/appeal-planning-decision>

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.