Our Ref: 24/80384/COND
Your Ref: Oatlands, Somersham Road, Col...

19 December 2024

Mr Lee Bevens
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Dear Mr Bevens

HUNTINGDONSHIRE DISTRICT COUNCIL
Application for Discharge of planning conditions

Proposal: Discharge of conditions 3 (Contamination) and 4 (Materials and Arch Details) of 22/00541/FUL

Site address: Agricultural Building North East Of Oatlands Somersham Road Colne

Your client: Mr Allan Moore

Please find enclosed our formal decision notice relating to above application for approval of details relating to the above planning condition.

Yours sincerely

Clara Kerr
Chief Planning Officer

Pathfinder House, St Mary's Street
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Dear Mr Bevens

Town And Country Planning (Development Management Procedure) (England) Order 2015 (Amended).

Proposal: Discharge of conditions 3 (Contamination) and 4 (Materials and Arch Details) of 22/00541/FUL

Site address: Agricultural Building North East Of Oatlands Somersham Road Colne

Applicant: Mr Allan Moore AJM Residential Development Ltd

I refer to your application above received on 6 November 2024 and the plans, drawings and documents which form part of the application as described below.

The following conditions are Acceptable but the Conditions are not Discharged

Condition 3 - Contamination
Condition 3 (Contamination) Wording:

A. Site Investigation Information
No development (except demolition of above ground structures) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person and shall assess any contamination on the site, whether or not it originates from the site. Moreover, it must include;
(i) details of previous land uses;
(ii) a site investigation survey of the extent, scale and nature of contamination;
(iii) an assessment of the potential risks to;
a) human health,
b) property*,
c) adjoining land,
d) groundwaters and surface waters and
e) ecological systems and

* Property (existing or proposed) includes buildings, pets and service lines and pipes

B. Submission of Remediation Scheme
Where contamination is found which poses unacceptable risks, as determined by the local planning authority in its response to (A), no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include;
(i) an options appraisal and remediation strategy;
(ii) remediation objectives and remediation criteria;
(iii) remediation works to be undertaken and the order in which the works will be progressed;
(iv) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in (iii) have been completed and identifying any requirements for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action.
The scheme should be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

C. Implementation of Approved Remediation Scheme
Where a detailed remediation scheme has been required and approved under (B), no occupation of any part of the permitted development which has been identified in the scheme as being subject to contamination shall take place until the approved scheme has been implemented and the verification report, including the results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met, has been submitted to and approved in writing by the local planning authority. The report shall, if required by the local planning authority, also include a reassessment of the long-term monitoring of contaminant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance proposals shall be implemented as finally approved.

D. Reporting of Unexpected Contamination
If, during development, contamination not previously identified is found to be present at the site;
(i) it shall be reported in writing 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 undertaken 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 permitted 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 contaminant 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.

Submitted documents/plans:
- Phase 1 Geoenvionmental Desk Study Part 1
- Phase 1 Geoenvionmental Desk Study Part 2
- Cover Letter re Phase I Contamination Report
- Phase II Geo-Environmental Assessment

The Environmental Health Officer was consulted as part of this application. The Officer reviewed the Phase 2 Geo-Environmental Assessment written by EPS (report reference UK22.6221, dated 13 January 2023) and agree with the recommendations to deploy a 100mm thick layer of clean topsoil over, or to replace, the made ground to act as a growing medium.

The Environmental Health Officer recommends approval of the report in accordance with Condition 3, and as there is no requirement to remediate any land contamination, the condition may also be discharged. The submitted contamination assessment ensures that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy LP37 of the Huntingdonshire Local Plan to 2036.

Notwithstanding, Officers note development has already commenced on the site and that part A of the condition is a pre commencement condition. As the terms of the condition cannot be met due to the fact the dwelling has already been constructed, the condition cannot be discharged.

Condition 3 is therefore considered to be acceptable but not discharged.

Condition 4 - Materials and architectural details
Condition 4 (Material and Architectural Details)Wording:

Prior to development above slab level, manufacturer and specification details of the materials and architectural details to be used in the construction of the external surfaces of the development hereby permitted including external wall materials, roof tiles, windows and doors (including method of opening and reveals), fascias and soffits, vents and flues (location and colour), meter boxes (location and colour) and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Submitted documents/plans:
o External Materials for new dwelling at land northeast of Oatlands, Somersham Road, Colne, Cambridgeshire dated 6th Nov

The submitted details accord with the wording of the condition.

The dwelling is constructed using Stonewold grey roof tiles and Nelissen Maranello buff brick. Whilst grey rooftiles are less common within the locality the dwelling is constructed using buff brick which is heavily prominent in the local area.

Meter boxes are located on the side elevation alongside the air source heat pump, and therefore would not detract from the principal elevation of the dwelling. There are two wall mounted grilles, and these are both finished in anthracite grey. Fascias and soffits, UPVC windows and doors are anthracite grey. Black rainwater goods have been erected. Whilst the use of white UPVC goods is prevalent within the locality, the proposed black and anthracite grey goods are sympathetic to the grey roof tiles and buff brick of the dwelling. The proposed material and architectural details are considered acceptable and accord with Policies LP10, LP11, LP12 and LP33 of the Huntingdonshire Local Plan to 2036.

Notwithstanding the above, Officers note the dwelling has already been constructed and the trigger point to obtain approval for the material and architectural details was when the development was constructed to slab level. As the terms of the condition cannot be met due to the fact the dwelling has already been constructed, the condition cannot be discharged.

Condition 4 is therefore considered to be acceptable but not discharged.

Where conditions have been discharged by the Local Planning Authority or where the condition details are acceptable but cannot be discharged, the works must be implemented in full accordance with the approved details and the development shall be retained as such thereafter.

Yours sincerely



Clara Kerr
Chief Planning Officer
Date: 19 December 2024