DATED 13 December 2001

(81)

HUNTINGDONSHIRE DISTRICT COUNCIL

- and -

CAMBRIDGESHIRE COUNTY COUNCIL

- and –

J S BLOOR (NORTHAMPTON) LTD

DPS
PPM
DCM
SCM
OM
OPERATIONAL SERVICES
PLANNING DIVISION
14 DEC 2001
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DEV
OFF

A G R E E M E N T

under Section 106 of the Town and Country
Planning Act 1990 in relation to
residential development at
The Island Site Mill Lane Little Paxton

C Meadowcroft
Head of Legal and Estates
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cambridgeshire PE18 6TN

(CenS.CM.jaw.L/PO 17)

THIS AGREEMENT is made the 13th day of December Two thousand and one

B E T W E E N the **HUNTINGDONSHIRE DISTRICT COUNCIL** of Pathfinder House St Mary's Street Huntingdon in the County of Cambridgeshire (hereinafter called "the Council") of the first part and **CAMBRIDGESHIRE COUNTY COUNCIL** of Shire Hall Castle Hill Cambridge CB3 0AP (hereinafter called "the County Council") of the second part and **J S BLOOR (NORTHAMPTON) LIMITED** of Ashby Road Measham Swadlincote Derbyshire DE1 7JP (hereinafter called the Owner) of the third part

D E F I N I T I O N S :

In this Agreement the following expressions shall have the following meanings :-

"the Act"	means the Town & Country Planning Act 1990 (as amended)
"Affordable Housing"	means housing accommodation affordable by those people who cannot afford to buy or rent housing generally available on the open market
"Affordable Housing Contribution"	means the sum of £409,500.00 (£10,500.00 per Dwelling) as adjusted by any increase or decrease in the Index from the date of this Agreement to the date of payment of the Affordable Housing Contribution to the Council
"the Application"	means the planning application registered on the 7th day of September 2000 under application number 00/01515/FUL
"Commence Development/ Commencement of Development"	means the implementation of the Planning Permission by the carrying out of a material operation as defined by Section 56(4) of the Act excluding demolition archaeological works or site decontamination

"Committed"	means that a contract has been let to a contractor or awarded to the Council's direct service organisation to undertake the relevant works or an order placed for the supply of equipment and/or services as appropriate
"the Development"	means the development of the Land in accordance with the Planning Permission by the erection of 135 dwellings and flats
"the Director"	means the Director of Environment and Transport for the time being of the County Council or such other officer as the County Council may specify
"Dwelling(s)"	means the dwellinghouses and/or flats to be constructed in accordance with the Planning Permission
"Education Contribution"	means the sum of £313,875.00 as adjusted by any increase or decrease in the Index from the date of this Agreement to the date of payment of the Education Contribution to the County Council
"the Head of Planning"	means the Head of Planning Services for the time being of the Council or such other officer as the Council may specify
"Highway Improvement Scheme"	means a scheme of highway improvements to Mill Lane Little Paxton substantially in the form set out in the attached plan marked 'Highway Improvement Plan' (including a pedestrian crossing if reasonably justified by a manual classified traffic count on Mill Road) or such reasonable variations thereto as the Director may specify in writing

"the Index"	means for the purpose of calculating (a) the Affordable Housing Contribution, the Education Contribution and the Traffic Sign Contribution the Royal Institution of Chartered Surveyors Building Cost Information Service All in Tender Price Index : and (b) the Off Site Facilities Contribution the GB Whole Economy Average Earnings Index published by the Office for National Statistics
"the Land"	means land known as the Island Site situate on the western side of Mill Lane Little Paxton comprising approximately 3.2 hectares and shown edged red on the Plan
"Off Site Facilities"	means the provision and maintenance of children's and youth/adult open space and play equipment and/or other recreational facilities in lieu of provision on the Land in accordance with Policy R8 of the Huntingdonshire Local Plan 1995
"Off Site Facilities Contribution"	means the sum of £117,400.00 as adjusted by any increase or decrease in the Index from the date of this Agreement to the date of payment of the Off Site Facilities Contribution
"the Plan"	means the plan annexed hereto and marked "Plan No : 00/01515/FUL"
"the Planning Obligations"	means the planning obligations specified in the Schedule hereto
"the Planning Permission"	means permission for the Development granted by the Council pursuant to the Application and includes any

approval of reserved matters pursuant to an outline permission or any agreed amendments to the Planning Permission

"Traffic Signal Contribution" means the sum of £10,000.00 as adjusted by any increase or decrease in the Index from the date of this Agreement to the date of payment of the Traffic Signal Contribution

WHEREAS:

(1) The Council is the Local Planning Authority for the purposes of Section 106 of the Act and the County Council is the Local Education and also a Local Planning Authority for the purposes of the Act for the area within which the Land is situated

(2) The Owner is seised of the Land registered with title absolute at H M Land Registry under title number CB235265

(3) The Application has been submitted to the Council for Planning Permission for the Development

(4) The Council is satisfied that the Development is such as may be permitted by the Council under the Act subject to conditions and subject also to the prior execution of this Deed into which the parties hereto have agreed to enter

NOW THIS DEED which is a Planning Obligation made in pursuance of Section 106 of the Act and all other powers the parties hereto enabling

WITNESSETH as follows :

1. **THE** Planning Obligations are planning obligations for the purposes of Section 106 of the Act and are enforceable by the Council

2. **THE** Planning Obligations contained in paragraphs 1-3 inclusive to the Schedule hereto are enforceable by the Council and those contained in paragraph 4 to the Schedule are enforceable by the County Council

3. **THE** Owner (with the consent of the Mortgagee) hereby covenants with the Council and the County Council

3.1 to observe and perform the Planning Obligations

3.2 to comply with all other provisions covenants and other stipulations contained in this Agreement not being Planning Obligations

3.3 within 21 days of the date of any disposition of any legal interest in the Land or any part thereof to give the Council written notice thereof including details of the name and address of the person or persons to whom such interest was transferred **PROVIDED ALWAYS** that this shall not apply to interest by way of mortgage or legal charge or to the freehold sale or lease to a bona fide purchaser of a single private Dwelling comprised in the Development

3.4 to notify the Council and the County Council in writing within 14 days thereof

3.4.1 of the Commencement of Development; and

3.4.2 of the occupation of the first Dwelling; and

3.4.3 of the occupation of the 64th Dwelling

4. **IT** is agreed and declared

4.1 The expressions "the Council" "the County Council" and "the Owner" shall include their successors in title and assigns

4.2 Wherever the expression "the Owner" includes more than one person then the covenants on the part of the Owner herein contained shall be deemed to be joint and several

4.3 If the Planning Permission shall expire before the Commencement of Development or is revoked or otherwise withdrawn without the consent of the Owner this Agreement shall thereupon cease to have effect

4.4 The Owner shall pay to the Council and the County Council the reasonable legal costs incurred by the Council and the County Council in drafting negotiating and completing this Agreement

4.5 Nothing herein contained shall prejudice fetter or affect any of the statutory rights powers duties and obligations for the time being vested in the Council or the County Council as Local Authority and/or Local Planning Authority or the County Council as an Education Authority or as Highway Authority

4.6 The Owner shall permit any person duly authorised by the Council or the County Council to enter any part of the Land which does not comprise the curtilage of any occupied private dwelling at any reasonable hour to ascertain whether there is or has been any breach of the Planning Obligations hereunder

4.7 That in the event of any delay in making any payment required under this Agreement interest shall be payable on the amount payable at the rate of four per cent per annum above National Westminster Bank Plc base lending rate from time to time in force from the date that the relevant payment falls due to the date of actual payment

4.8 Except where expressly provided to the contrary any approval or consent required under the terms of this Agreement shall not be unreasonably withheld or delayed

4.9 The Council in respect of the Affordable Housing Contribution and the Off Site Facilities Contribution and the County Council in respect of the Education Contribution shall within two months of receiving a written request from the Owner (such request not to be made before the expiration of the time within which such contributions should have been expended or committed) supply a statement of account as to how the Affordable Housing Contribution the Off Site Facilities Contribution or the Education Contribution (as the case may be) have been spent or if not spent or Committed details of the amount not so expended or Committed

4.10 No person shall be liable in respect of any breach of a Planning Obligation contained in this Agreement after disposing of its interest in the Land or the part in respect of which such breach occurs PROVIDED THAT the said person will remain liable of any breach occurring prior to parting with such interest

4.11 A bona fide purchaser of a substantially complete single private Dwelling within the Development shall have no liability under this Agreement

4.12 The Council will issue the Planning Permission substantially in the form of the attached draft within 21 days of completion of this Agreement

IN WITNESS whereof the parties hereto have caused this Deed to be executed the day and year first before mentioned

THE SCHEDULE

(Section 106 Planning Obligations)

1. Affordable Housing Contribution

1.1 prior to Commencement of Development the Owner shall pay to the Council to the Affordable Housing Contribution

1.2 if the Affordable Housing Contribution or interest earned upon it or any part thereof is not expended or Committed within a period of 5 years from its receipt by the Council the Affordable Housing Contribution or such part thereof which is not so expended or Committed shall on receipt of a written demand from the Owner be repaid by the Council to the Owner together with simple interest thereon calculated at the base lending rate of the National Westminster Bank Plc prevailing from time to time for the period from the date the Affordable Housing Contribution is received to the date of repayment

1.3 The Council agrees to use the Affordable Housing Contribution towards the provision of Affordable Housing within the district and for no other purpose

2. Off Site Facilities Contribution

2.1 Not more than 65 Dwellings shall be occupied until the Off Site Facilities Contribution has been paid to the Council

2.2 If the Off Site Facilities Contribution or interest earned upon it is not expended or Committed within a period of 5 years from its receipt by the Council the Off Site Facilities Contribution or such part thereof which is not so expended or Committed shall on receipt of a written demand from the Owner be repaid by the Council to the Owner together with simple interest thereon calculated at the National Westminster Bank Plc base lending rate prevailing from time to time for the period from the date the Off Site Facilities Contribution is received to the date or repayment

2.3 The Council agrees to use the Off Site Facilities Contribution towards the provision and maintenance of children's and/or youth/adult open space and/or children's play equipment and/or other recreational facilities serving Little Paxton and for no other purpose

3. Traffic/Highway Improvements

3.1 Not to Commence Development until the Highway Improvement Scheme has been submitted to and approved by the Director

3.2 Not to occupy any Dwelling until the Highway Improvement Scheme has been completed to the satisfaction of the Director

3.3 Not to Commence Development until the Traffic Signal Contribution has been paid to the County Council such sum to be used by the County Council towards the signalisation of the Mill Lane/The Common junction and for no other purpose.

4. Education Contribution

4.1 Not more than 65 Dwellings shall be occupied until the Education Contribution has been paid to the County Council

4.2 The County Council covenants that the Education Contribution shall be used solely for school accommodation requirements serving the Little Paxton catchment area

4.3 If the Education Contribution or interest earned upon it or any part thereof is not expended in accordance with 4.2 above within a period of 5 years from its receipt by the County Council the Education Contribution or such part thereof which is not expended together with any interest thereon shall be repaid on receipt of a written demand by the County Council to the Owner **PROVIDED ALWAYS** that if before the expiry of the said five year period there is any contract or contracts in existence (including for avoidance of doubt any provision of works or services by the Council's or the County Council's direct service organisation) relating to the provision of the improvements to which the Education Contribution is attributable in the absolute discretion of the County Council which contract or contracts shall be completed after the expiry of the said five year period any sum to be repaid to the Owner shall be repaid following payment of the final account of any and all such contracts and the sum to be repaid shall be less all costs incurred and/or paid to provide the said improvements pursuant to such contract or contracts

4.4 It is hereby acknowledged and agreed that the County Council may at its sole discretion on or at any time after completion of this Planning Obligation commence the provision of or provide (in whole or in part) the education facilities in accordance with paragraph 4.2 to this Schedule notwithstanding that the trigger point for payment of the sum specified in paragraph 4.1 to this Schedule shall not have arisen and the Owners shall pay the Education Contribution in accordance with the provisions of this Agreement (which for the avoidance of doubt shall be no later than when the 65th) Open Market Dwelling shall be occupied) so as to reimburse the County Council the

costs incurred both prior (if any) and subsequent to such trigger point but not exceeding the Education Contribution

THE COMMON SEAL of the **HUNTINGDONSHIRE DISTRICT COUNCIL** was affixed to this Deed in the presence of :-

Executive Director of Central Services



THE COMMON SEAL of the **CAMBRIDGESHIRE COUNTY COUNCIL** was affixed to this Deed in the presence of :-

SENIOR SOLICITOR



RM.TL.C:\MyFiles\WPDOCS\MARCHANT\Letters\DRAFTS\B1676.s106a.wpd

THE COMMON SEAL of **J S BLOOR**)
(NORTHAMPTON) LTD was affixed to this Deed)
in the presence of :-)

D. Southall AUTHORISED SIGNATORY

AUTHORISED SIGNATORY

TOWN & COUNTRY PLANNING ACT, 1990

PLANNING PERMISSION

DRAFT

Nuram BV
c/o PRC Fewster
32 Victoria Road
Surbiton
Surrey
KT6 4JT

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **GRANT PERMISSION** for:

Erection of 135 apartments and houses following demolition of industrial buildings. Provision of access and landscaping
at The Island Site Mill Lane Little Paxton St. Neots Cambridgeshire

in accordance with your application received on 6th September 2000 and the plans, drawings and documents which form part of the application subject to the following condition/s and reason/s.

1. Condition. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

1. Reason. To comply with Section 91 of the Town & Country Planning Act, 1990.

2. Condition. Notwithstanding the submitted materials, details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development to which this permission relates.

2. Reason. To ensure a satisfactory external appearance and grouping of materials in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995.

3. Condition. No development shall commence on site until detailed plans showing the precise design of the doors, windows, balconies and balustrades have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

3. Reason. To ensure satisfactory external appearance and grouping of materials in accordance with Policy En25 of the Huntingdonshire Local Plan 1995 and Policy SP12/10 of the Cambridgeshire Structure Plan 1995.

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DISTRICT COUNCIL
Pathfinder House St Mary's Street Huntingdon PE29 3TN

4. Condition. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, refuse and other storage units, parking layouts and other vehicle and pedestrian access and circulation areas. Soft landscape works shall include planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants noting species, plant sizes, and proposed numbers/densities where appropriate. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a phased programme to be agreed with the Local Planning Authority.

4. Reason. To enable the Local Planning Authority to retain control of the development in the interests of visual amenity in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995.

5. Condition. The existing trees and hedgerows shall be retained and protected for the duration of the construction of the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The protection measures shall be implemented at all times during the course of the construction works.

5. Reason. To safeguard existing trees and hedgerows and the existing visual character of the area in accordance with policy EN25 of the Huntingdonshire Local Plan 1995.

6. Condition. No works or development shall take place until full details of all proposed tree planting and the proposed times of planting, have been submitted to and approved in writing to the Local Planning Authority. This scheme shall include details of the size, species and positions or density or all trees to be planted.

6. Reason. To enhance the appearance of the development in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995..

7. Condition. If within a period of 5 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7. Reason. To ensure that the landscape scheme is properly maintained in accordance with policy EN20 and EN25 of the Huntingdonshire Local Plan 1995.

8. Condition. Notwithstanding the provisions of Drawing Number DSTNEOTS.1/SK01 Revision A received by the Local Planning Authority on 3 April 2001 no development shall commence on site until a detailed scheme showing the highway improvements, footpath widening, visibility splays, lighting, and drainage to Mill Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the first dwelling.

8. Reason. In the interests of highway safety.

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9. Condition. The visibility splays at the junction of the access road with the public highway shall be provided prior to the occupation of the first dwelling. The area of land between the visibility splay and the edge of the carriageway of the highway shall be kept free of any obstruction exceeding 600mm in height above the adjacent carriageway level.

9. Reason. In the interests of highway safety.

10. Condition. No development shall take place on site until detailed plans of the roads and footpaths, surface water drainage, and highway lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented as approved in accordance with a construction programme to be agreed in writing with the Local Planning Authority. No dwelling shall be occupied until such time as the roads and footpaths that provide access to it have been constructed in accordance with the approved programme.

10. Reason. In order to ensure that access is available to serve the dwelling.

11. Condition. The parking and turning areas shown on the submitted plans shall be surfaced in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The parking and turning areas shall be made available for use before the occupation of the dwelling to which it relates in accordance with the approved scheme.

11. Reason. To ensure that satisfactory parking and servicing facilities will be available at all times to serve the premises.

12. Condition. Before any development is commenced a scheme for the management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for temporary facilities clear of the highway for the parking, turning, loading and unloading of all vehicles visiting the site during construction. The development shall thereafter be implemented in accordance with the agreed scheme.

12. Reason. To minimise interference with the free flow and safety of traffic on the adjoining public highway.

13. Condition. Before any development is commenced details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved levels details unless otherwise agreed in writing by the Local Planning Authority.

13. Reason. In order to produce a satisfactory relationship between the various elements of scheme and the adjacent development and to prevent flooding in accordance with Policy SP8/6 of the Cambridgeshire Structure Plan, 1995.

14. Condition. The minimum ground floor level of any building involved in the development must be at least 15.58 metres O.D.N. unless otherwise agreed in writing by the Local Planning Authority.

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14. Reason. To provide reasonable freeboard against flooding in accordance with policy SP8/7 of the Cambridgeshire Structure Plan 1995.

15. Condition. Site roads shall be constructed to a finished level of at least 15.00m ODN.

15. Reason. To provide reasonable freeboard against flooding in accordance with policy SP8/7 of the Cambridgeshire Structure Plan 1995.

16. Condition. No development shall commence until details of the foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.

16. Reason. To ensure satisfactory drainage of the site in accordance with policy CS8 of the Huntingdonshire Local Plan 1995 and policy SP8/4 of the Cambridgeshire Structure Plan 1995.

17. Condition. No development shall commence on site until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public/buildings/environment when the site is developed. The development shall not commence until the measures approved in the scheme have been implemented.

17. Reason. To mitigate the potential risks associated with contaminated land.

18. Condition. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.

18. Reason. To safeguard archaeological interests.

19. Condition. No building, engineering, loading or unloading operations shall take place on site before 0700 hours or after 1900 hours on weekdays, before 0730 hours and after 1230 hours on Saturdays and at no time on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

19. Reason. In the interests of residential amenity.

20. Condition. No development shall commence on site until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of noise from sheet piling machinery. The development shall thereafter be implemented in accordance with the approved scheme.

20. Reason. In order to safeguard the residential amenities of future occupants in accordance with Policy H38 of the Huntingdonshire Local Plan, 1995.

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21. Condition. No development shall take place on site until a scheme that provides for the protection of the dwellings from noise from the adjacent industrial premises and river sluice has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the dwelling to which it relates is occupied.

21. Reason. In order to safeguard the residential amenities of future occupants in accordance with Policy H38 of the Huntingdonshire Local Plan, 1995.

22. Condition. Prior to the commencement of the development, details of the method of lighting and extent of illumination to the pedestrian, parking and circulation areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter maintained.

22. Reason. In order to ensure that the lighting scheme is in accordance with the District Councils Supplementary Planning Guidance: External Artificial Lighting (1998).

23. Condition. Notwithstanding the plans hereby approved details of the screen walls and fences to be erected in association with the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The screen walls and fences shall be erected in accordance with the approved details prior to the occupation of the dwelling to which it relates.

23. Reason. To enable the Local Planning Authority to retain control of the development in the interests of the residential amenities of the locality.

24. Condition. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) the enlargement, improvement, alteration or erection of any building within the curtilage of any dwelling shall not be allowed without the granting of a specific planning permission.

24. Reason. To enable the Local Planning Authority to retain control of development that might otherwise be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order.

25. Condition. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, gate wall or other means of enclosure shall be erected other than those expressly authorised by this permission.

25. Reason. To enable the Local Planning Authority to retain control of development that might otherwise be detrimental to the amenities of the locality or obstruct the flow of flood water.

26. Condition. No dwelling shall be occupied until a scheme for the provision of fire hydrants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

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26. Reason. In order to ensure that satisfactory facilities are available for the fire and rescue service in accordance with Policy LPS1 of the Huntingdonshire Local Plan, 1995.

27. Condition. The development shall be carried out in complete accordance with the following drawings unless otherwise agreed in writing by the Local Planning Authority:

P01 Rev C Received 26.02.01
PL02 Rev B Received 02.03.01
PL03 Received 14.02.01
PL04 Received 14.02.01
PL05 Rev C Received 05.03.01
PL06 Rev A Received 14.02.01
PL07 Rev A Received 14.02.01
PL08 Rev A Received 14.02.01
PL09 Rev A Received 14.02.01
PL10 Rev B Received 02.03.01
PL11 Rev A Received 14.02.01
PL12 Rev A Received 14.02.01
PL13 Rev A Received 14.02.01
PL14 Rev A Received 14.02.01
PL15 Rev A Received 14.02.01
PL16 Rev A Received 14.02.01
PL17 Rev A Received 05.03.01

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

28. Note to applicant. This permission is related to an Agreement entered into by J S Bloor (Northampton) Limited and the Huntingdonshire District Council under Section 106 of the Town and Country Planning Act, 1990.

29. Note to applicant. The applicant's attention is drawn to the enclosed letter from the Environment Agency.

30. Note to applicant. The following planning policy documents and/or guidance are relevant to this decision:

The approved Development Plan that comprises the Cambridgeshire Structure Plan, 1995 and the Huntingdonshire Local Plan, 1995.

Other relevant Guidance:

Planning Policy Guidance Note 1: "General Policy and Principles" (1997)
Planning Policy Guidance Note 3: "Housing" (2000)
Planning Policy Guidance Note 13: "Transport" (2001)
Planning Policy Guidance Note 16: "Archaeology" (1994)
Planning Policy Guidance Note 24: "Planning and Noise" (1994)

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Huntingdonshire District Council Supplementary Planning Guidance: External Artificial Lighting (1998)

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Our ref: AC\2000\002954\001
Your ref: H/01515/00

ENVIRONMENT AGENCY

Date: 9th October 2000

The Chief Planning Officer
Huntingdonshire D.C.
Pathfinder House
St Mary's Street
Huntingdon
Cambs PE18 6TN

Dear Sir/Madam

DEMOLITION OF ALL EXISTING INDUSTRIAL BUILDINGS AND CONSTRUCTION OF 135 APARTMENTS AND HOUSES WITH ALL NECESSARY INFRASTRUCTURE, PARKING, SCREENING AND LANDSCAPING.
THE ISLAND SITE, MILL LANE, LITTLE PAXTON, ST NEOTS

Thank you for referring the above application which was received on 13 September 2000.

In line with the recommendations of the Audit Commission, a copy of the subsequent decision notice would be appreciated.

The site is situated almost wholly within the recorded floodplain of the River Great Ouse where the highest recorded level, applicable to the site, is 15.28m ODN, recorded in 1947.

The River Great Ouse at this location is defined as a Statutory Main River, under the terms of the Water Resources Act 1991, and is under the jurisdiction of the Environment Agency.

In view of the large existing footprint areas of buildings and impermeable areas within the floodplain, the principle of the scheme, which offers betterment to areas of both flood storage and flood flow, is welcomed by the Environment Agency. The scheme also seeks to provide raised roadways through the site to 'highground' thereby permitting access/egress to both residents and emergency services in times of flood. Ground floor levels of dwellings are likewise raised to offer a 'freeboard' above the floodplain.

Whilst the Environment Agency has no fundamental objection to the proposed redevelopment of the Island Site, a number of issues require clarification and confirmation by the developer prior to commencement of **any** redevelopment. The aforementioned issues will be highlighted in the following text.

Outstanding issues requiring clarification:

Cont/d..

Environment Agency
Bromholme Lane, Brampton, Huntingdon, PE28 4NE
Telephone : 01480 414581 Fax : 01480 413381

The Environment Agency enjoys a 9.00 metre wide 'byelaw' maintenance strip parallel to the top of the bank of any statutory main river. In this instance 'enclosing' 3 side of the island, permanent access is required through the byelaw strip to allow the Agency to undertake its statutory duties. Confirmation is required from the applicant as to how permanent vehicular access will be provided to the Environment Agency, typically for four wheeled drive utility vehicles. Any height restriction to vehicles must be agreed.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for **any** proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river (Great Ouse).

The granting of planning approval must not be taken to imply that consent has been given in respect of the above.

The applicant is advised that the following will require the Agency's prior written consent under the aforementioned legislation;

Any proposed buildings, roads, paths, planting, fencing, moorings, landscaping or **any** works within 9.00 metres of the top of bank enclosing the River Great Ouse.

- Navigation:

Only the channel to the north west of the island is navigable, this is part of one of the most heavily used parts of the River Great Ouse. The developers attention should be drawn to the Sports Council's Water Recreation Strategy which suggests that the river between Eaton Ford and Brampton Locks has reached its boating capacity. The document recommends that further moorings on or off-river would not normally be permitted, with the exception of small scale schemes which have associated environmental improvements.

Navigation Byelaws also state that moorings may **not** be within 36 metres of a lock or control structure, such as a sluice or weir. The lock has been identified by the Environment Agency for enlargement, however, land ownership has previously made this difficult.

- Riparian Rights

Whilst the River Great Ouse is statutory main river under the jurisdiction of the Environment Agency, this does not obviate any riperian owner the responsibility to maintain the river bank within his ownership.

Maintenance includes the removal of trees, or any part of, which may fall onto the river bank or into the channel. An owner may be given notice, by the Environment Agency, to remove any tree, or part of, from the river/river bank. Any obstruction should be removed immediately to prevent damage to navigable craft and river control structures.

Confirmation is required from the applicant as to the proposed future ownership of the 'byelaw' maintenance strip.

Cont/d..

Environment Agency Control Building:

The applicant will be aware that the Environment Agency owns land around the lock structure, sluice gates and brick gauging station. Arrangements for pedestrian and vehicular access to these structures must be maintained, details should submitted for approval by the Environment Agency.

- Works Sluice:

A sluice structure exists within the buildings which, it is understood, previously powered turbines. This structure and its operation, is the responsibility of the site owner. A scheme for the future maintenance and operation of the structure is required. The site owner may wish to consider installing, with the prior consent of the Environment Agency, a fixed weir which would reduce future maintenance and operational responsibilities.

The integrity of the aforementioned sluice 'tail' structure should be investigated prior to any construction or demolition works over or within its close proximity.

- Contamination

Remediation details shall be submitted for approval. Soakaways would not be permitted within contaminated ground.

- Conservation

The site is adjacent to St Neots Common which is designated a Site of Special Scientific Interest (SSSI) for its flood meadow flora. The site at Mill Lane is an 'established' area with tree/shrub interest of its own. The architects would therefore be advised to speak with English Nature regarding the nearby SSSI and David Evans of Hunts DC to discuss possible TPO's in existence on the site.

Water voles were once a familiar animal along the banks of the river, but have fallen into decline in recent years. This decline has led to the introduction of legislation to protect water voles. This legal protection makes it an offence to intentionally:

i) damage or destroy, or obstruct access to any structure or place which water voles use for shelter or protection.

ii) disturb water voles while they are using such a place.

Although no water voles have been proven to exist at the Mill Lane site, it would be prudent for any prospective developers to carry out approved water vole surveys to ensure that they do not fall foul of the legislation.

Similarly otters are protected under the Wildlife and Countryside Act, and they are known to use many stretches of the Great Ouse. Otter Surveys should also be carried out early in the proceedings.

Cont/d..

As protected species otters and water voles are covered by the requirements of the DoE's PPG9. This states that the presence of protected species is a material consideration when considering a planning application and suggests that planning authorities should consider attaching appropriate planning conditions or entering into planning obligations to secure the protection of the species. Planning authorities should, therefore, be reminded that they should take appropriate steps to check for the presence of both otters and water voles and ensure that their habitats are protected through the planning process.

For further in formation with regard to developers' responsibilities toward protected species, please contact:

English Nature (Cambridgeshire)
Ham lane House
Ham Lane Nene Park
Orton Waterville
Peterborough
Cambs
Telephone: 01733 – 405850

In addition to the aforementioned species, the aquatic environment provides a variety of habitats for many ecological population from insects to birds and small mammals. The disturbance to these habitats by development works and subsequent housing in close proximity to the river should be fully considered.

Notwithstanding the above concerns, any landscaping carried out on this site, subsequent to its development, should be sympathetic and characteristics of the Great Ouse River Corridor through Cambridgeshire. Care should be taken in the planting of ornamental/exotic species, which could detract from the river valley character and may provide a source for the colonisation on non-native species which readily use riverine transport corridors for dispersal.

- Foul Water Drainage

Foul drainage from the proposed development should be discharged to the main foul sewer.

The existing private system is understood to be in a poor condition requiring refurbishment. A new refurbished sewerage system, adopted by the Statutory Undertaker, Anglian Water Services plc, discharging to their main S T Works will be required.

Private sewage treatment will not be permitted at this location.

- Surface Water Drainage

A direct discharge to the River Great Ouse would be acceptable subject to detail, the approval of the Environment Agency would be required.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water, should be discharged to any watercourse or surface water sewer.

Cont/d..

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Notwithstanding the above, we recommend that the following conditions are appended to any approvals given.

CONDITION: The ground floor level of any buildings involved in the development must be at least 15.58 mODN.

REASON: To provide a reasonable freeboard against flooding.

CONDITION:: Site roads shall be constructed to a finished level of at least 15.00 m ODN.

REASON: To provide access/egress in times of flood.

CONDITION Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

REASON: To prevent the increased risk of pollution to the water environment.

CONDITION: Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory method of surface water drainage.

CONDITION: Prior to the commencement of any development, a scheme for the provision and implementation of ground contamination remediation shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

REASON: To prevent the increased risk of pollution to the water environment.

CONDITION: Prior to the commencement of any development, a scheme for the provision and implementation of landscaping works, including fencing, planting, street furniture etc. shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

REASON: To prevent the increase risk of flooding by obstruction to floodplain flow/storage areas.

Cont/d..

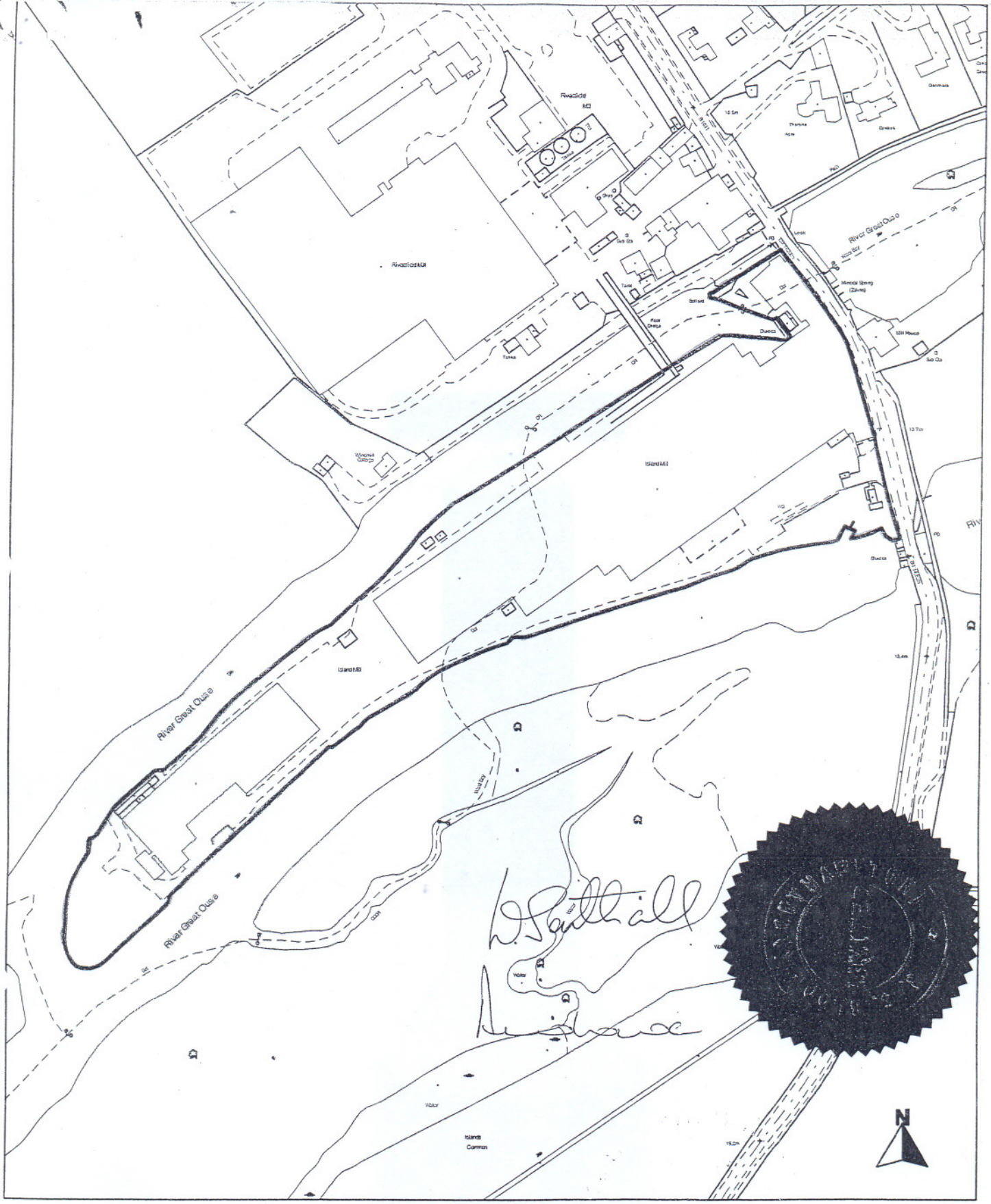
The Environment Agency will be pleased to assist in the assessment of proposals submitted by the applicant to meet these conditions and the aforementioned outstanding issues..

Yours faithfully

On behalf of Nigel Fawthrop
Customer Services Manager

Please ask for: **Mr T Waddams** Direct Line: **01480 483945**

c.c. Agent



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Huntingdonshire District Council

Section 106 Agreement - Town & Country Planning Act 1990

Description: Erection of 135 Apartments and Houses

Address: The Island Site, Mill Lane, Little Paxton

Plan No: 00/01515/FUL

SENIOR SOLICITOR

Application Number: 00/01515/FUL

TOWN & COUNTRY PLANNING ACT, 1990

PLANNING PERMISSION

Nuram BV
c/o PRC Fewster
32 Victoria Road
Surbiton
Surrey
KT6 4JT

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **GRANT PERMISSION** for:

Erection of 135 apartments and houses following demolition of industrial buildings. Provision of access and landscaping
at The Island Site Mill Lane Little Paxton St. Neots Cambridgeshire

in accordance with your application received on 6th September 2000 and the plans, drawings and documents which form part of the application subject to the following condition/s and reason/s.

1. Condition. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

1. Reason. To comply with Section 91 of the Town & Country Planning Act, 1990.

2. Condition. Notwithstanding the submitted materials, details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development to which this permission relates.

2. Reason. To ensure a satisfactory external appearance and grouping of materials in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995.

3. Condition. No development shall commence on site until detailed plans showing the precise design of the doors, windows, balconies and balustrades have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

3. Reason. To ensure satisfactory external appearance and grouping of materials in accordance with Policy En25 of the Huntingdonshire Local Plan 1995 and Policy SP12/10 of the Cambridgeshire Structure Plan 1995.

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4. Condition. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, refuse and other storage units, parking layouts and other vehicle and pedestrian access and circulation areas. Soft landscape works shall include planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants noting species, plant sizes, and proposed numbers/densities where appropriate. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a phased programme to be agreed with the Local Planning Authority.

4. Reason. To enable the Local Planning Authority to retain control of the development in the interests of visual amenity in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995.

5. Condition. The existing trees and hedgerows shall be retained and protected for the duration of the construction of the development in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The protection measures shall be implemented at all times during the course of the construction works.

5. Reason. To safeguard existing trees and hedgerows and the existing visual character of the area in accordance with policy EN25 of the Huntingdonshire Local Plan 1995.

6. Condition. No works or development shall take place until full details of all proposed tree planting and the proposed times of planting, have been submitted to and approved in writing to the Local Planning Authority. This scheme shall include details of the size, species and positions or density or all trees to be planted.

6. Reason. To enhance the appearance of the development in accordance with policy EN25 of the Huntingdonshire Local Plan 1995 and policy SP12/10 of the Cambridgeshire Structure Plan 1995..

7. Condition. If within a period of 5 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7. Reason. To ensure that the landscape scheme is properly maintained in accordance with policy EN20 and EN25 of the Huntingdonshire Local Plan 1995.

8. Condition. Notwithstanding the provisions of Drawing Number DSTNEOTS.1/SK01 Revision A received by the Local Planning Authority on 3 April 2001 no development shall commence on site until a detailed scheme showing the highway improvements, footpath widening, visibility splays, lighting, and drainage to Mill Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the first dwelling.

8. Reason. In the interests of highway safety.

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9. Condition. The visibility splays at the junction of the access road with the public highway shall be provided prior to the occupation of the first dwelling. The area of land between the visibility splay and the edge of the carriageway of the highway shall be kept free of any obstruction exceeding 600mm in height above the adjacent carriageway level.

9. Reason. In the interests of highway safety.

10. Condition. No development shall take place on site until detailed plans of the roads and footpaths, surface water drainage, and highway lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented as approved in accordance with a construction programme to be agreed in writing with the Local Planning Authority. No dwelling shall be occupied until such time as the roads and footpaths that provide access to it have been constructed in accordance with the approved programme.

10. Reason. In order to ensure that access is available to serve the dwelling.

11. Condition. The parking and turning areas shown on the submitted plans shall be surfaced in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The parking and turning areas shall be made available for use before the occupation of the dwelling to which it relates in accordance with the approved scheme.

11. Reason. To ensure that satisfactory parking and servicing facilities will be available at all times to serve the premises.

12. Condition. Before any development is commenced a scheme for the management of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for temporary facilities clear of the highway for the parking, turning, loading and unloading of all vehicles visiting the site during construction. The development shall thereafter be implemented in accordance with the agreed scheme.

12. Reason. To minimise interference with the free flow and safety of traffic on the adjoining public highway.

13. Condition. Before any development is commenced details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved levels details unless otherwise agreed in writing by the Local Planning Authority.

13. Reason. In order to produce a satisfactory relationship between the various elements of scheme and the adjacent development and to prevent flooding in accordance with Policy SP8/6 of the Cambridgeshire Structure Plan, 1995.

14. Condition. The minimum ground floor level of any building involved in the development must be at least 15.58 metres O.D.N. unless otherwise agreed in writing by the Local Planning Authority.

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14. Reason. To provide reasonable freeboard against flooding in accordance with policy SP8/7 of the Cambridgeshire Structure Plan 1995.

15. Condition. Site roads shall be constructed to a finished level of at least 15.00m ODN.

15. Reason. To provide reasonable freeboard against flooding in accordance with policy SP8/7 of the Cambridgeshire Structure Plan 1995.

16. Condition. No development shall commence until details of the foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.

16. Reason. To ensure satisfactory drainage of the site in accordance with policy CS8 of the Huntingdonshire Local Plan 1995 and policy SP8/4 of the Cambridgeshire Structure Plan 1995.

17. Condition. No development shall commence on site until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public/buildings/environment when the site is developed. The development shall not commence until the measures approved in the scheme have been implemented.

17. Reason. To mitigate the potential risks associated with contaminated land.

18. Condition. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority.

18. Reason. To safeguard archaeological interests.

19. Condition. No building, engineering, loading or unloading operations shall take place on site before 0700 hours or after 1900 hours on weekdays, before 0730 hours and after 1230 hours on Saturdays and at no time on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

19. Reason. In the interests of residential amenity.

20. Condition. No development shall commence on site until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of noise from sheet piling machinery. The development shall thereafter be implemented in accordance with the approved scheme.

20. Reason. In order to safeguard the residential amenities of future occupants in accordance with Policy H38 of the Huntingdonshire Local Plan, 1995.

21. Condition. No development shall take place on site until a scheme that provides for the protection of the dwellings from noise from the adjacent industrial premises and river sluice has

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been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the dwelling to which it relates is occupied.

21. Reason. In order to safeguard the residential amenities of future occupants in accordance with Policy H38 of the Huntingdonshire Local Plan, 1995.

22. Condition. Prior to the commencement of the development, details of the method of lighting and extent of illumination to the pedestrian, parking and circulation areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or in accordance with a programme to be agreed in writing by the Local Planning Authority and thereafter maintained.

22. Reason. In order to ensure that the lighting scheme is in accordance with the District Councils Supplementary Planning Guidance: External Artificial Lighting (1998).

23. Condition. Notwithstanding the plans hereby approved details of the screen walls and fences to be erected in association with the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The screen walls and fences shall be erected in accordance with the approved details prior to the occupation of the dwelling to which it relates.

23. Reason. To enable the Local Planning Authority to retain control of the development in the interests of the residential amenities of the locality.

24. Condition. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) the enlargement, improvement, alteration or erection of any building within the curtilage of any dwelling shall not be allowed without the granting of a specific planning permission.

24. Reason. To enable the Local Planning Authority to retain control of development that might otherwise be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order.

25. Condition. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, gate wall or other means of enclosure shall be erected other than those expressly authorised by this permission.

25. Reason. To enable the Local Planning Authority to retain control of development that might otherwise be detrimental to the amenities of the locality or obstruct the flow of flood water.

26. Condition. No dwelling shall be occupied until a scheme for the provision of fire hydrants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

26. Reason. In order to ensure that satisfactory facilities are available for the fire and rescue service in accordance with Policy LPS1 of the Huntingdonshire Local Plan, 1995.

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27. Condition. The development shall be carried out in complete accordance with the following drawings unless otherwise agreed in writing by the Local Planning Authority:

P01 Rev C Received 26.02.01
PL02 Rev B Received 02.03.01
PL03 Received 14.02.01
PL04 Received 14.02.01
PL05 Rev C Received 05.03.01
PL06 Rev A Received 14.02.01
PL07 Rev A Received 14.02.01
PL08 Rev A Received 14.02.01
PL09 Rev A Received 14.02.01
PL10 Rev B Received 02.03.01
PL11 Rev A Received 14.02.01
PL12 Rev A Received 14.02.01
PL13 Rev A Received 14.02.01
PL14 Rev A Received 14.02.01
PL15 Rev A Received 14.02.01
PL16 Rev A Received 14.02.01
PL17 Rev A Received 05.03.01

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

28. Note to applicant. This permission is related to an Agreement entered into by J S Bloor (Northampton) Limited and the Huntingdonshire District Council under Section 106 of the Town and Country Planning Act, 1990.

29. Note to applicant. The applicant's attention is drawn to the enclosed letter from the Environment Agency.

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30. Note to applicant. The following planning policy documents and/or guidance are relevant to this decision:

The approved Development Plan that comprises the Cambridgeshire Structure Plan, 1995 and the Huntingdonshire Local Plan, 1995.

Other relevant Guidance:

Planning Policy Guidance Note 1: "General Policy and Principles" (1997)
Planning Policy Guidance Note 3: "Housing" (2000)
Planning Policy Guidance Note 13: "Transport" (2001)
Planning Policy Guidance Note 16: "Archaeology" (1994)
Planning Policy Guidance Note 24: "Planning and Noise" (1994)

Huntingdonshire District Council Supplementary Planning Guidance: External Artificial Lighting (1998)

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