Application Number: 23/00876/FUL

TOWN & COUNTRY PLANNING ACT 1990

Planning Permission

Mr Matthew Gray
Montagu Evans LLP
70 St Mary Axe
London
EC3A 8BE
United Kingdom

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

Proposal: Demolition of cabin truck stop and associated buildings, extension to petrol filling station kiosk unit, erection of 2no. drive-thru units , rationalisation of parking, provision of EV charging hub and improvements to site access, landscaping and associated works.

Site address: Cafe Kates Cabin Cafe Great North Road Chesterton

Applicant: Mr Tom Jeremiah Welcome Break Limited

in accordance with your application received on 16th May 2023 and plans (listed below) which form part of the application.

C. Kerr

Clara Kerr
Chief Planning Officer

Date 30th January 2024

Huntingdonshire DISTRICT COUNCIL

Pathfinder House, St Mary's Street
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Plan Type	Reference	Version	Date Received
Floor Plan/s	PA06a		18.05.2023
Floor Plan/s	PA08a		18.05.2023
Site Layout	PA03b		17.07.2023
Elevations	PA07		16.05.2023
Elevations	PA09		16.05.2023
Lighting layout	D48899/AE/A		16.05.2023
Site and Location Plan	PA01		16.05.2023
Plans	PA05		16.05.2023
Planting Plan	5215 01	B	08.01.2024

Subject to the following condition/s.

1. Condition.

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

1. Reason.

   To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. Condition.

   The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.

2. Reason.

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For the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Condition.

No development (or phase of), or any investigations required to assess the contamination of the site, shall commence until a Phase 1 Desk Top Study and a Phase 2 Site Investigation Strategy have been submitted to and approved in writing by the Local Planning Authority.

3. Reason.

To ensure that before development commences, risks from land contamination to the future users of the land and neighbouring land are identified and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors as well as to controlled waters, property and ecological systems in accordance with Policies LP14 and LP37 of the Huntingdonshire Local Plan to 2036.

4. Condition.

No development (or phase of) shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

(a) A Phase 2 Intrusive Site Investigation Report, if required, based upon the findings of the approved Phase 1 Desk Top Study.

(b) A Phase 3 Remediation Strategy, if required, based upon the findings of the approved Phase 2 Intrusive Site Investigation Report.

4. Reason.

To ensure that before any development commences, any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Policies LP14 and LP37 of the Huntingdonshire Local Plan to 2036.

5. Condition.

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The development (or each phase of the development where phased) shall not be occupied until the approved Phase 3 Remediation Strategy, if required, has been implemented in full.

5. Reason.

To ensure that any contamination of the site is effectively remediated in the interests of environmental and public safety in accordance with Policies LP14 and LP37 of the Huntingdonshire Local Plan to 2036.

6. Condition.

The development (or each phase of the development where phased) shall not be occupied until a Phase 4 Verification/Validation Report demonstrating full compliance with the approved Phase 3 Remediation Strategy, if required, has been submitted to and approved in writing by the Local Planning Authority.

6. Reason.

To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Policies LP14 and LP37 of the Huntingdonshire Local Plan to 2036.

7. Condition.

If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination. The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.

7. Reason.

To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Policies LP14 and LP37 of the Huntingdonshire Local Plan to 2036.

8. Condition.

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No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall commence 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 site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

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.

8. Reason.

This is a pre-commencement condition to ensure that before any demolition and/or development commences an appropriate archaeological investigation of the site has been submitted and thereafter implemented in accordance with that investigation in accordance with Policy LP34 of the Huntingdonshire Local Plan to 2036 and the National Planning Policy Framework 2023.

9. Condition.

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Drainage Strategy Report, Goodson Associates, Ref: P15680, Rev: -, Dated: 30th August 2023 and shall also include:

a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;



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b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk;

f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

g) Full details of the maintenance/adoption of the surface water drainage system;

h) Permissions to connect to a receiving watercourse or sewer;

i) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

9. Reason.

To ensure that the proposed development can be adequately drained, that there is no increased flood risk on or off-site resulting from the proposed development and that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with the requirements of the National Planning Policy Framework 2023 and Policy LP15 of Huntingdonshire's Local Plan to 2036.

10. Condition.

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to

provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

10. Reason.

To ensure surface water in managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself in accordance with Policy LP15 of Huntingdonshire's Local Plan to 2036, recognising that initial works to prepare the site council bring about unacceptable impacts.

11. Condition.

No part of the development hereby permitted shall commence until a Construction Traffic Management Plan has been submitted and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A1). Construction of the development shall then be carried out in accordance with the agreed Construction Traffic Management Plan.

11. Reason.

To mitigate any adverse impact from the development on the A1 in accordance with Department for Transport Circular 01/2022 and Policy LP17 of the Huntingdonshire Local Plan to 2036.

12. Condition.

No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following.

(a) Risk assessment of potentially damaging construction activities.

(b) Identification of "biodiversity protection zones".

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

(d) The location and timings of sensitive works to avoid harm to biodiversity features.

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(e) The times during construction when specialist ecologists need to be present on site to oversee works.

(f) Responsible persons and lines of communication.

(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

(h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

12. Reason.

This is a pre-commencement condition to ensure an appropriate construction ecological management plan has been agreed to fully conserve and enhance ecological interests in accordance with Policy LP30 of the Huntingdonshire Local Plan to 2036.

13. Condition.

No development above slab level shall take place until 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:

(a) boundary treatments indicating the positions, design, materials and type of boundary treatments to be erected; and

(b) a hard landscaping plan, indicating location, manufacturer, type, colour and size.

The hard landscaping shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development and retained as approved thereafter.

13. Reason.

To ensure the development is satisfactorily assimilated into the area in accordance with Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036.

14. Condition.



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All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The landscaping works shall be carried out in accordance with plan 5215 01 Rev B. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place during the current or next planting season.

14. Reason.

To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies LP11, LP12 and LP30 of the Huntingdonshire Local Plan to 2036.

15. Condition.

No development above slab level shall commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted is commenced and retained as such.

15. Reason.

To protect amenity/human health in accordance with Policy LP14 of the Huntingdonshire Local Plan to 2036.

16. Condition.

No external plant, machinery, equipment or vents shall be installed until a noise assessment has been submitted to and approved in writing by the local planning authority. Where the noise assessment shows that noise levels exceed the background level at the boundary of the premises, having regard to adjacent noise sensitive premises, noise insulation/mitigation measures shall be as required.

Any required noise insulation/mitigation shall be fully implemented before the use hereby permitted is commenced and retained as such.

16. Reason.

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To protect the amenity of nearby properties in accordance with Policy LP14 of the Huntingdonshire Local Plan to 2036.

17. Condition.

Notwithstanding the details shown on the plans hereby approved, no development above slab level shall commence, until details of the canopy associated with the EV charging facilities has been submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, means of enclosure, appearance and materials.

17. Reason.

To ensure the development is satisfactorily assimilated into the area in accordance with Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036.

18. Condition.

The development hereby approved shall be carried out in accordance with the 'Extended Phase 1 Habitat Survey, Daytime Bat Survey and Biodiversity Impact Assessment 2023' by Rachel Hacking Ecology dated 27/04/2023 (received by the Local Planning Authority on 16th May 2023) and the 5 Year Habitat and Landscape Management Plan Rev A by DEP Landscape Architecture dated December 2023 (received by the Local Planning Authority on 1st December 2023).

18. Reason.

To complement or enhance features of biodiversity value in accordance with Policy LP30 of the Huntingdonshire Local Plan to 2036.

19. Condition.

The development hereby permitted shall be carried out in accordance with the submitted tree protection measures referenced DEP Landscape Architecture Ltd Arboricultural Survey, drawing no. 5215 05 & 5215 06 (Tree Protection Plan) received by the Local Planning Authority on 16 May 2023. The measures shall be implemented prior to the commencement of any development, demolition, clearance or other

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preparatory operations including excavations and shall be retained intact for the duration of the construction works.

Any trees, shrubs or hedges covered by the protection measures which die or become severely damaged within five years from the completion of the construction works shall be replaced with trees, shrubs or hedge plants of similar size and species.

19. Reason.

To safeguard the retained trees, shrubs and hedges on and adjacent to the site and in the interests of visual amenity, and to enhance the character and appearance of the site in accordance with Policies LP12 and LP31 of the Huntingdonshire Local Plan to 2036.

20. Condition.

Prior to the occupation of the development hereby permitted, the proposed external lighting, as shown in drawing ref: D48899/AE/A, shall be constructed and remain in a downwards facing position at all times and maintained in perpetuity accordingly.

20. Reason.

To mitigate any adverse impact from the development on the A1 and to satisfy the reasonable requirements of road safety, in accordance with Department for Transport Circular 01/2022 and Policy LP17 of the Huntingdonshire Local Plan to 2036.

21. Condition.

The proposed building hereby permitted shall meet Building Research Establishment Environmental Assessment Method (BREEAM) 'Good' (or successor or equivalent standards) as a minimum prior to first use. Such provision shall be maintained for the lifetime of the development.

21. Reason.

To ensure that the development makes efficient use of energy, water and other resources and promotes the principles of sustainable construction in accordance with Policy LP12 of the Huntingdonshire Local Plan to 2036.

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22. Note to applicant.

Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions:

When an application is received, planning conditions will be used where they can make a development acceptable.

A clear reason for refusal identifies the specific reasons why the development is unacceptable and helps the applicant to determine whether and how the proposal can be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with the National Planning Policy Framework 2023.

23. Note to applicant.

Partial discharge of condition 3 (Archaeology) 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.

24. Note to applicant.

OW Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

https://www.cambridgeshire.gov.uk/business/planning-and-development/water-mineralsand-waste/watercourse-management/

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control



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Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

25. Note to applicant.

    Please note that this decision does not cover advertisements, and separate advertisement consent may be required for any proposed adverts.

26. Note to applicant.

    The applicant/occupiers should seek Police advice on security and crime prevention measures, details can be found at https://www.securedbydesign.com/ .

NOTES

Rights of Appeal under the Town and Country Planning Act, 1990 Section 78

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant permission subject to conditions, he/she may appeal to the Secretary of State responsible for planning within;

- **Six months from the date of this decision notice.**

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively all forms can be downloaded from their website www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Orders and to any directions given under the Orders. He does not, in practice, refuse to

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entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State responsible for planning and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act, 1990.

Claiming Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Street Naming and Numbering

In order to obtain an official postal address, any new buildings should be formally registered with Huntingdonshire District Council. Unregistered addresses cannot be passed to Royal Mail for allocation of postcodes. Applicants can find additional information, a scale of charges and an application form at:

www.huntingdonshire.gov.uk/streets-parking-transport/street-naming-and-numbering/

Alternatively, applicants can contact the Street Naming and Numbering Team on 01480 388153 or email streetnaming@huntingdonshire.gov.uk. Please note new address cannot be assigned by the Council until the footings of any new buildings are in place.

General Notes

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990.

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