

**Report Of The Chief Planning Officer**

**MISCELLANEOUS ITEM**

**25/2001/036 CONSTRUCTION OF EARTH DAM TO IMPOUND FLOOD WATER FROM HALSE WATER AND FORMATION OF TEMPORARY POND/WETLAND UNDER FLOOD CONDITIONS ON LAND WEST OF MONTYS LANE NORTON FITZWARREN**

The above planning application was considered by the Planning Committee on 19<sup>th</sup> June, 2002 when it was resolved that subject to various matters, including the applicants entering into a Section 106 Agreement to secure the widening to 6 m of Montys Lane to the south of the site and the receipt of amendments to take account of outstanding Environment Agency concerns, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if planning permission be granted be subject to conditions.

The Section 106 Agreement has not yet been concluded. In order to expedite the release of the planning certificate, I consider that the requirements of the Section 106 Agreement can be met by the imposition of a 'grampian' style condition. I therefore recommend that permission be granted subject to an additional condition to this effect.

**RECOMMENDATION**

Subject to the receipt of amendments to take account of outstanding Environment Agency concerns, I be authorised to determine the application in consultation with the Chairman and if permission is granted be subject to the conditions and notes set out in minute 138 from the meeting of 19<sup>th</sup> June, 2002 together with an additional condition as follows:-

“No work shall commence on the proposed development until such time as Montys Lane has been widened to 6 metres in width in accordance with the approved plans”.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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