

AGENDA ITEM NO. 24

PLANNING COMMITTEE

Date **19 SEPTEMBER 2012**

Title **UPDATE – PLANNING APPLICATIONS F/YR11/0482/F, F/YR11/0895/O & F/YR11/0930/F**

1. PURPOSE

The purpose of this report is to allow Members to confirm the proposed section 106 Heads of Terms and planning conditions for application F/YR11/0930/F (Sainsbury) and F/YR11/0895/O (Business Park) and for the reasons for approval to also be confirmed. The draft decision notice for application F/YR11/0482/F (Harrier Developments/Tesco) is also attached enabling members to affirm the documentation for refusal of that application. The report also informs Members of the requirement to notify the Secretary of State of the decisions to approve applications F/YR11/0895/O and F/YR11/0930/F.

2. KEY ISSUES

- Proposed Section 106 Heads of Terms and planning conditions
- Proposed reasons for approval and refusal of relevant applications
- Need to notify the Secretary of State of the decisions to approve applications F/YR11/0895/O and F/YR11/0930/F.

3. RECOMMENDATION(S)

- To confirm proposed section 106 Heads of Terms and planning conditions for application F/YR11/0930/F subject to Members consideration of the need for any additional contributions and consideration of the long term funding for maintenance of the country park.
- That Members confirm the proposed Heads of Terms and planning conditions for application F/YR11/0895/O.
- To affirm the refusal decision notice for application F/YR11/0482/F.
- That Members note the requirement to notify the Secretary of State of the decisions for applications F/YR11/0895/O and F/YR11/0930/F.

Wards Affected	Whittlesey
Report Originator	Graham Nourse (Head of Planning) Ian Hunt (Chief Solicitor)
Contact Officer(s)	Graham Nourse (Head of Planning) Ian Hunt (Chief Solicitor)
Background Paper(s)	Planning Application reports ref F/YR11/0482/F, F/YR11/0895/O & F/YR11/0930/F.

1. INTRODUCTION

- 1.1 Members will be aware that applications F/YR11/0895/O & F/YR11/0930/F were deferred at the meeting of 29 August, 2012 to enable officers to undertake further negotiations with the applicants and to finalise the section 106 agreement Heads of Terms and appropriate planning conditions for each application. These details are to be confirmed by the Planning Committee.
- 1.2 Planning application F/YR11/0482/F (Harrier Developments Ltd.) was refused by the Planning Committee on the 29th August, 2012. The draft decision notice is attached to enable Members to affirm the reasons for refusal and decision notice (see Appendix A).

2. CONSIDERATIONS

- 2.1 Members of the Planning Committee were minded to grant planning permission for applications F/YR11/0930/F and F/YR11/0895/O subject to preparation of a section 106 agreement Heads of Terms and appropriate planning conditions. Proposed conditions are as set down on the attached draft decision notices at Appendix B and C.

Planning Application F/YR11/0930/F (Sainsburys)

- 2.2 In relation to application F/YR11/0930/F (Sainsbury) Members were minded to approve the application for the following reasons:

'It is felt that the level of need for a new food store is justified and having heard the evidence presented it is considered that the fact that there is an existing consent on Station Road for a food store will not adversely impact on the vitality and viability of the town centre. It is considered that the scheme as a whole will provide more benefit to Whittlesey, particularly with the development of the country park'.

- 2.3 The following Heads of Terms for the section 106 agreement for F/YR11/0930/F (Sainsbury) is proposed:

The main elements, including contributions offered by the applicants include:

- Prior to the commencement of trading to submit to the District Council proposals and a scheme for the provision of equipment and facilities for the display of local information directed to the promotion of Whittlesey Town Centre and its businesses, services and facilities and implement the said scheme as approved prior to the opening of the food store.
- Prior to the opening of the food store and petrol filling station to pay the County Council a Hopper Bus contribution of £191,000.
- Prior to the opening of the food store and petrol filling station to pay the County Council a Bus Stop infrastructure contribution of £60,000.
- Prior to the opening of the food store and petrol filling station to pay the District Council a contribution of £37,000 to the "All the Little Shops" on line scheme for small retailers.
- To construct and layout the Country park in accordance with the plans submitted with the planning application.
- To maintain the country park for a period of ten years.
- On completion of the maintenance period to transfer the Country Park to a Maintenance and Management Company or other such body who shall maintain the

Country Park in perpetuity. The beneficiary of the Country Park shall be agreed in writing by both the District and the Town Council.

Items that are required by the Highway Authority include:

- Construction and provision of a roundabout on Eastrea Road prior to the opening of the food store.
- Trading shall not commence from the food store or the petrol filling station until a travel plan co-ordinator has been appointed and a travel plan is submitted to the District and County Council for approval.

- 2.4 Since the previous Committee meeting held on the 29th August and at the date of writing (10th September, 2012) further negotiation has taken place with the applicants with regard to the need for additional contributions in relation to this application. These contributions would be for additional town centre viability improvements. The principle of additional contributions was not agreed and a Member view is required as to whether any additional contributions should continue to be sought. Should Members wish officers to continue with this a further report from an independent specialist should be sought to support negotiation and demonstrate full compliance with the CIL regulations.
- 2.5 It is noted that the maintenance of the country park will be funded for a 10 year period by the applicants. There is no security of funding after this time and it would be for the management organisation to raise their own funds in order to secure on going management for the long term. Members are advised to acknowledge this point.

Planning Application F/YR11/0895/O (Business Park – Whitacre Management Ltd.)

- 2.6 With regard to application F/YR11/0895/O (Business Park) Members were minded to approve the planning application for the following reason:
- 'It is considered that there is need for a business park in order to provide appropriate business space for Whittlesey'.*
- 2.7 The following Heads of Terms for the section 106 agreement in relation to F/YR11/0895/O is as follows:
- Construction and provision of a roundabout on Eastrea Road prior to the opening of the food store.
- 2.8 This obligation ensures delivery of the proposed roundabouts and vehicular access to the site and is mutual to the obligation for Sainsburys.
- 2.9 Following further negotiation the applicants have confirmed their agreement to the Heads of Terms for applications as set down above for F/YR11/0930/F and F/YR11/0895/O. It is recommended that the proposed Heads of Terms and planning conditions for both applications are accepted subject to Member confirmation of whether any additional contributions are required or not.
- 2.10 Both applications propose in excess of 5000m² of either retail or office floor space. It is therefore a legal requirement to notify the Secretary of State of the Council's decision to approve the applications prior to the issue of the decision notices. This process is not expected to exceed 21 days or delay completion of the necessary section 106 agreements; indeed work will continue on the preparation of the s106 agreement in tandem.

Planning Application F/YR11/0482/F (Harrier Developments Ltd.)

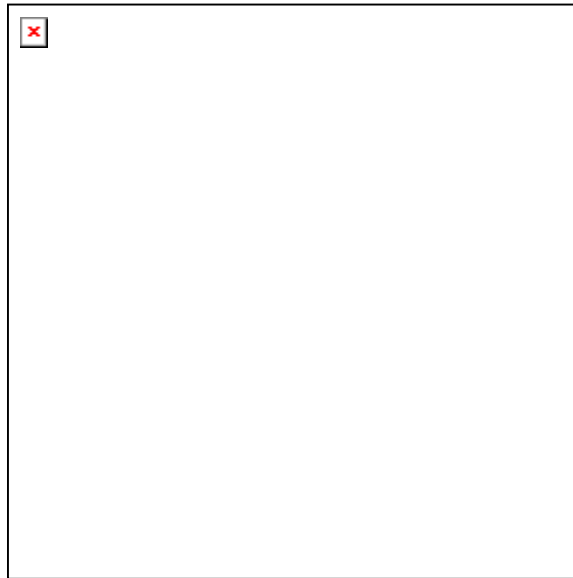
- 2.11 As noted Members determined to refuse application F/YR11/0482/F. The refusal reason is as follows:

'The proposal would constitute development on land which is considered more appropriate for residential development. Residential development is identified as a potential use for this land under Core Strategy Policy CS9. It is noted that there is an identified need for a further 1100 houses within Whittlesey. It is also noted that there is already an extant planning permission on Station Road which can be implemented for a food store'.

- 2.12 Due to the significant nature of all three planning applications it is important that Members affirm the proposed refusal decision notice for F/YR11/0482/F (Harrier Developments Ltd.).
- 2.13 Officers will update Members at Planning Committee of any other relevant matters relating to the above applications.

3. RECOMMENDATION

- 3.1 That Members confirm the proposed Heads of Terms and planning conditions relating to application F/YR11/0930/F subject to Members consideration of the need for any additional contributions and consideration of the need for long term funding for maintenance of the country park.
- 3.2 That Members confirm the proposed Heads of Terms and planning conditions for application F/YR11/0895/O.
- 3.3 That Members affirm the reasons for refusal for application F/YR11/0482/F.
- 3.4 That Members note the requirement to notify the Secretary of State of the decisions for applications F/YR11/0895/O and F/YR11/0930/F.



Town and Country Planning Act 1990

DRAFT
PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR11/0482/F
Registered: 24 June 2011

Applicant: Harrier Developments Limited
C/o The Annexe
Crossfields
Days Lode Road
Fodder Fen
Manea
March
Cambridgeshire
PE15 0HH

Agent: Miss E Dent
ICIS Consulting Ltd
C/o The Annexe
Crossfields
Days Lode Road
Fodder Fen
Manea
March
Cambridgeshire
PE15 0HH

2 Address to which this permission relates

Site Of Former Eastfield Nursery Eastrea Road Whittlesey Cambridgeshire

3 Details of this decision

Permission is **REFUSED** to carry out the **Erection of a food store with petrol filling station and car wash, recycling centre associated parking, landscaping (2 metre high earth bund, 4.5 high non climb galvanised fence, 2 metre high brick wall, extension to existing pond), and highway works** in accordance with the details set out below.

4 Reasons

This permission has been refused for the following reason(s):

- 1 The proposal would constitute development on land which is considered more appropriate for residential development. Residential development is identified as a potential use for this land under Core Strategy Policy CS9. It is noted that there is an identified need for a further 1100 houses within Whittlesey. It is also noted that there is already an extant planning permission on Station Road which can be implemented for a food store.

5 Informatives

The following points are also relevant to this notice:

- 1 The Local Planning Authority has had regard to the provisions of the Development Plan comprising the East of England Plan (2008), the Cambridgeshire and Peterborough Structure Plan adopted September 2003, the Fenland District Wide Local Plan adopted August 1993, the Fenland District Wide Interim Statement of Proposed Changes approved January 2001 and the remaining saved policies from the Local Plan (2007), so far as they are material to the application, and the Fenland Communities Development Plan Core Strategy draft consultation July 2012, and to all other material considerations.

Policies of relevance to the decision include: Fenland District Wide Local Plan - E3, E8, TR3, E20; East of England Plan - ENV7, SS1, SS6; Draft Core Strategy - CS1, CS4, CS5, CS9 and the National Planning Policy Framework.

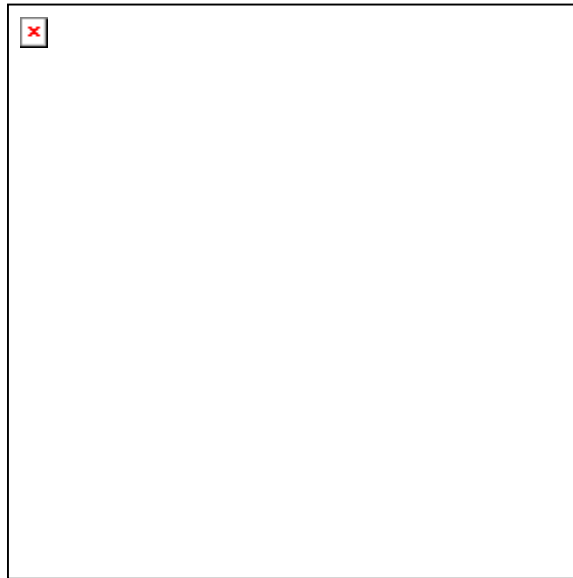
All material planning considerations, including the National Planning Policy Framework, have been taken into account and none are individually or cumulatively of such significance as to outweigh the decision reached on this application.

PL1203	Proposed Floor Plan For Pumping Station and Sub Station	24/06/2011
919/99	Pumping Station Details	24/06/2011
PL 1304	Proposed Pumping Station and Sub Station Elevations and Floor Plans (revision A)	24/06/2011
PL1302	Proposed Store Elevations (revision B)	24/06/2011
PL1200	Proposed Floor Plan (revision C)	24/06/2011
1284-PL1110	Proposed Annotated Site Plan (revision C)	17/10/2011
1284-PL1999	Proposed Site Layout (Block plan) (revision A)	17/10/2011
1284-PL1202	Proposed site layout for petrol filling station (revision B)	17/10/2011
1284-PL1301	Proposed Massing Elevations (revision B)	17/10/2011
1284-PL1303	Proposed Petrol Filling Station Elevations (revision B)	17/10/2011
1284-PL1401	Proposed Site Section (revision C)	17/10/2011
919-45	Site Access Roundabout (revision D)	17/10/2011
919-56	Details/Sections for proposed drains/extended ponds (revision A)	17/10/2011
LP-0001	Landscaping Plan (revision D)	17/10/2011
LP-0002	Landscaping Plan (revision D)	17/10/2011
LP-0003	Landscaping Plan (revision D)	17/10/2011
JULY 2012	Whittlesey Viability Assessment	26/07/2012

7 Authorisation

Draft printed on 10 September 2012

Draft approved:



Town and Country Planning Act 1990

DRAFT
PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR11/0895/O
Registered: 16 November 2011

Applicant: Mr B Smith
Whitacre Management Ltd

Agent: Mr A Hodgson
Savills (L & P) Ltd
Unex House
132-134 Hills Road
Cambridge
Cambridgeshire CB2 8PA

2 Address to which this permission relates

Land North Of Gildenburgh Water Eastrea Road Whittlesey Cambridgeshire

3 Details of this decision

Permission is **GRANTED** to carry out the **Erection of Mixed Use Business Park to include Employment (B1), Community (D1) and Retail/Professional Uses (A2/A3/A5)** in accordance with the details set out below.

4 Conditions

This permission is subject to the following conditions:

- 1 Approval of the details of:

- i. the layout of the site
- ii. the scale of the building(s);
- iii. the external appearance of the building(s);
- iv. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors

and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

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

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

- 6 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 in consultation with the Drainage Authority. The

scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 7 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 scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 8 Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until completion of the development for Building Regulation purposes.

Reason

To ensure that retained trees are adequately protected.

- 9 Prior to the commencement of development, a plan for the protection and/or mitigation of damage to the population of water voles (a protected species under The Wildlife and Countryside Act 1981) and their associated habitat, both during construction works and once the development is complete, shall be submitted to and approved in writing by the local planning authority. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following:

- evidence that the water vole habitat will be protected from any adverse effects resulting from development.
- details of any proposed enhancement of the habitat in other ditches and drains on the site so that these are more suitable for water voles.

Reason

To ensure protection of water voles and their habitat within the development site

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 10 Prior to the commencement of development a plan for the protection and/or mitigation of damage to the county wildlife site and watercourses on the development site, both during construction works and once the development is complete, shall be submitted to and approved in writing by the local planning authority. The habitat protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason

To protect the Biodiversity Action Plan (BAP) habitats within and adjacent to the development site.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 11 Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Reason - To ensure a satisfactory form of development.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 12 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 13 The proposed internal floorspace proposed for each use class hereby approved shall not exceed 500 sqm for A2 financial and professional services, 1000 sqm for A3 restaurants and cafes, 1000 for A5 hot food takeaways, 4500sqm for B1(a) office use and 13,250 sqm for B1(c) light industrial use.

In order to ensure that the proposal does not detrimentally affect the vitality and viability of Whittlesey Town Centre.

- 14 Prior to the commencement of development, a scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure adequate safety and security on site.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

Reference	Title	Date stamped
	Application form	16/11/2011
UD03	Proposed Site Layout (Block plan) (revision D)	12/03/2012
UD01	Location Plan (revision C)	12/03/2012
2675-D	Tree Survey Plan (revision A)	16/11/2011
UD02	Site layout - Overall proposals (revision D)	29/11/2011
A072290-35-18-017	General (revision Rev A)	02/04/2012
A072290-35-18-023	General (revision Rev A)	02/04/2012
A072290-35-18-025	General (revision Rev A)	02/04/2012

Reason - For the avoidance of doubt and in the interest of proper planning.

5 Informatives

The following points are also relevant to this permission:

- 1 The Local Planning Authority has had regard to the provisions of the Development Plan comprising the East of England Plan (2008), the Cambridgeshire and Peterborough Structure Plan adopted September 2003, the Fenland District Wide Local Plan adopted August 1993, the Fenland District Wide Interim Statement of Proposed Changes approved January 2001 and the remaining saved policies from the Local Plan (2007), so far as they are material to the application, and the Fenland Communities Development Plan Core Strategy draft consultation July 2012, and to all other material considerations.

Policies of relevance to the decision include: Fenland District Wide Local Plan - EMP4, EMP8; the East of England Plan - SS1, ENV7; the Draft

Fenland Core Strategy - CS1, CS4, CS5, CS9 and the National Planning Policy Framework.

All material planning considerations, including the National Planning Policy Framework, have been taken into account and none are individually or cumulatively of such significance as to outweigh the decision reached on this application.

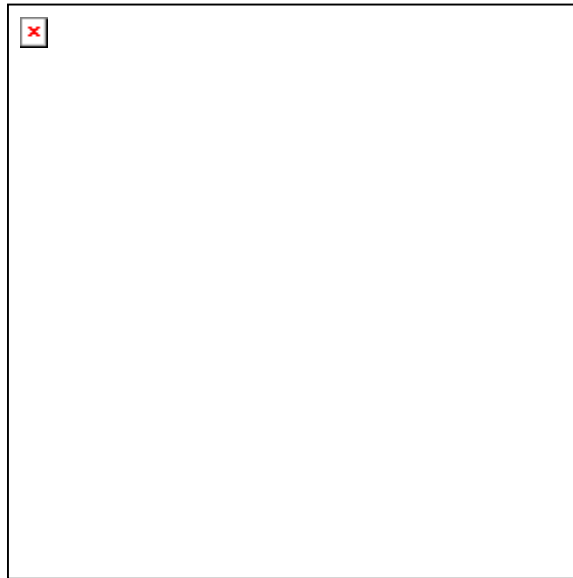
It is considered that there is need for a business park in order to provide appropriate business space for Whittlesey.

- 2 Please see Section 106 Planning Obligation dated xxxx

6 Authorisation

Draft printed on 7 September 2012

Draft approved:



Town and Country Planning Act 1990

DRAFT
PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR11/0930/F
Registered: 7 December 2011

Applicant: Sainsbury's Supermarkets Ltd Agent: Mr S McGrath
Indigo Planning
Swan Court
11 Worple Road
London
SW19 4JS

2 Address to which this permission relates

Land South And West Of 300 Eastrea Road Whittlesey Cambridgeshire

3 Details of this decision

Permission is **GRANTED** to carry out the **Erection of a food store with cafe, petrol filling station and car wash with associated parking, landscaping and highway works including formation of roundabouts and change of use of agricultural land to form Country Park with associated landscaping** in accordance with the details set out below.

4 Conditions

This permission is subject to the following conditions:

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and

quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

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

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

- 4 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 in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 5 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 scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 6 Prior to commencement of development full details of both hard and soft landscape works including those works associated with the country park shall be submitted to and approved by the Local Planning Authority. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect and enhance the visual character of the area and to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 7 Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until completion of the development for Building Regulation purposes.

Reason

To ensure that retained trees are adequately protected.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 8 Prior to the first occupation of the development hereby approved, the proposed on-site parking shall be demarcated, levelled, surfaced and drained in accordance with the approved plans. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme, and shall not be used for any other purpose.

Reason - In the interests of highway safety.

Please note this condition requires action prior to the first use of the development. Please read this condition carefully and ensure that you comply in full.

- 9 Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the

Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Reason - To ensure a satisfactory form of development.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 10 The development hereby permitted shall not be commenced until such time as a scheme to install oil separators and provide secondary containment for the above ground petrol storage tanks has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent the pollution of controlled waters, in accordance with the National Planning Policy Framework.

- 11 Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

Reason - To safeguard the visual amenities of the area.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 12 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 13 The convenience sales area floor space of the proposed food store hereby approved shall not exceed 2323 sq.m and the comparison goods sales area floorspace shall not exceed 743 sq.m (total 3066 sq.m).

In order to ensure that the proposal does not detrimentally affect the vitality and viability of Whittlesey Town Centre.

- 14 Prior to commencement of trading from the approved foodstore, completed works on the Country Park shall include provision of pathways, highways access, car park and tree planting, in accordance with the approved plans.

Reason

To ensure delivery of the Country park.

Please note this condition requires action prior to the first use of the development. Please read this condition carefully and ensure that you comply in full.

- 15 Prior to the commencement of development, a scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure adequate safety and security on site.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

- 16 The use hereby permitted shall only operate between the hours of 0700 - 2300 hours Mondays to Saturdays, and 1000 - 1600 hours on Sundays and Bank Holidays unless obtaining prior written approval from the Local Planning Authority.

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

- 17 Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the proposed access roundabouts, roads and footpaths. The foodstore hereby approved shall not be occupied until the roundabouts, roads and footpaths associated with the food store have been constructed and surfaced in accordance with the approved scheme.

Reason - In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety.

Please note this condition requires action Please read this condition carefully and ensure that you comply in full.

Reference	Title	Date stamped
PL-00121	Proposed Building Sections (revision)	07/12/2011
PL-00112	Proposed Roof Plan (revision)	07/12/2011
UD02	Masterplan (revision)	07/12/2011
B11041.104	Proposed Site Layout - Country Park (revision)	07/12/2011
PL-00020	Existing Site Sections (revision)	07/12/2011
PL-00110	Proposed Floor Plan - Food Store (revision)	07/12/2011
PL-00130	Proposed Elevations - Food Store (revision)	07/12/2011
B11041.105	Country Park Details (revision)	07/12/2011
PL-00002	Existing Site Layout (revision)	07/12/2011
	Tree Survey	07/12/2011

B11041.103	Landscaping Masterplan - Food Store	07/12/2011
PL-00120	Proposed Site Sections (revision)	26/04/2012
PL-00150	Proposed Plans and Elevations for Petrol Filling Station, Car Wash and Control Room (revision)	26/04/2012
PL-00101	Proposed Masterplan extract (revision)	26/04/2012
PL-00102	Proposed Site Plan - Food Store (revision)	26/04/2012
2907/14	General (revision)	26/04/2012
2907/15	General (revision)	26/04/2012
PL-00001	Location Plan (revision)	02/04/2012
A072290-35-18-017	General (revision)	02/04/2012
A072290-35-18-023	General (revision)	02/04/2012
A072290-35-18-025	General (revision)	02/04/2012

Reason - For the avoidance of doubt and in the interest of proper planning.

5 Informatives

The following points are also relevant to this permission:

- 1 The Local Planning Authority has had regard to the provisions of the Development Plan comprising the East of England Plan (2008), the Cambridgeshire and Peterborough Structure Plan adopted September 2003, the Fenland District Wide Local Plan adopted August 1993, the Fenland District Wide Interim Statement of Proposed Changes approved January 2001 and the remaining saved policies from the Local Plan (2007), so far as they are material to the application, and the Fenland Communities Development Plan Core Strategy draft consultation July 2012, and to all other material considerations.

Policies of relevance to the decision include: Fenland District Wide Local Plan - E3, E8, TR3, E20; The East of England Plan - ENV7, SS1, SS6; The Fenland Draft Core Strategy - CS1, CS4, CS5, CS9 and the National Planning Policy Framework.

All material planning considerations, including the National Planning Policy Framework, have been taken into account and none are individually or cumulatively of such significance as to outweigh the decision reached on this application.

It is felt that the level of need for a new food store is justified and having heard the evidence presented it is considered that the fact that there is an existing consent on Station Road for a food store will not adversely impact on the vitality and viability of the town centre. It is considered that the scheme as a whole will provide more benefit to Whittlesey, particularly with the development of the country park.

- 2 Please see Section 106 Planning Obligation dated xxxx

6 Authorisation

Draft printed on 10 September 2012

Draft approved: