

# PLANNING COMMITTEE



**9 MAY 2012 - 2.30PM**

**PRESENT:** Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, M J Curtis, Mrs J French, B M Keane, A Miscandlon (substitute for Councillor D Stebbing), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick, K G Peachey, T E W Quince and R E Scrimshaw.

**APOLOGIES:** Councillors Mrs K F Mayor and D Stebbing.

Officers in attendance: G Nourse (Chief Planning Officer), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Also in attendance were: Sue Reynolds (Cambridgeshire County Council Highways) and Tamsin Cottle (Roger Tym and Partners).

**\* FOR INFORMATION OF THE COUNCIL \***

**P151/11**     **F/YR11/0482/F (24.6.2011)**  
**WHITTLESEY - SITE OF FORMER EASTREA NURSERY, EASTREA ROAD, 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**  
**(HARRIER DEVELOPMENTS LTD)**

Members considered letters of support and objection.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- the proposed car parking provision is 321 spaces and not 621 as stated in the officers' report
- an additional item has been identified to form part of the Section 106 Agreement - "That the applicant/developer provide a pedestrian crossing between the proposed food store and the opposite side of Eastrea Road prior to operation of the food store commencing, details to be agreed with the Local Planning Authority prior to works commencing"
- the following point on the Section 106 Agreement "prior to the implementation of development the planning permission reference F/YR09/0582/O shall cease to have effect" is to be replaced with the following recommendation:
  - "The owner of the land of planning permission F/YR09/0582/O must enter into a Section 106 Agreement agreeing not to implement permission F/YR09/0582/O if permission F/YR11/0482/F is implemented. Also in the event that the Council makes an order under Section 97 of the Town and Country Planning Act 1990 to modify or revoke the planning permission F/YR09/0582/O then the owner shall not object in any way to any such order being made nor seek compensation in respect thereof. The owner of the land of planning permission F/YR11/0482/F must enter into a Section

106 Agreement agreeing not to implement permission F/YR11/0482/F if permission F/YR09/0582/O is implemented. Also in the event that the Council makes an order under Section 97 of the Town and Country Planning Act 1990 to modify or revoke the planning permission F/YR11/0482/F then the owner shall not object in any way to any such order being made nor seek compensation in respect thereof."

- two additional letters have been received from the agents acting for Sainsbury's who suggest that because the proposed Tesco roundabout position is at variance with the recently approved Larkfleet residential scheme on the opposite side of Eastrea Road (F/YR10/0904/O) then the Tesco scheme is undeliverable. They have suggested that an EIA screening opinion should have been sought by the applicant and raised concern that it may not be possible to extinguish the Station Road site. Officers' response is that the variation in roundabout position is noted, but both Tesco and Larkfleet roundabouts are capable of serving both sites if necessary. In reality only one roundabout scheme will be delivered for adoption by the County Council. With regard to the need for an EIA screening, it was not considered necessary under the screening regulations for an EIA to be submitted in this case. If this application is granted permission then the Section 106 Agreement will ensure that the Station Road site permission will not be implemented and/or revoked. The landowner at Station Road has confirmed this fact
- Andrew Hodgson, the agent acting on behalf of Whitacre Management, has written via e-mail to suggest that the Council are wrong to rely on the Council's Local Plan or draft Core Strategy as they carry no weight. Officers' response is that this assertion is incorrect, the Local Plan continues to have full weight unless it conflicts with the NPPF and some weight can also be given to the draft Core Strategy
- letter received from A & C Properties Ltd who own the Station Road site confirming that A & C will enter into a Section 106 Agreement allowing for the extant Station Road permission to be quashed if the current F/YR11/0482/F application is approved
- letter dated 8 May 2012 received from ICIS Consulting, agents for application F/YR11/0482/F, stating that in relation to objections raised by the agents for Sainsbury's and Whitacre it would be quite possible to access the proposed food store from the proposed Larkfleet roundabout, or alternatively Larkfleet could be served from the Harrier roundabout or a third alternative centralised roundabout could serve both schemes
- it is noted that Tesco are fully contracted to occupy the proposed food store should consent be granted and noted that the owner of the Station Road site has agreed to extinguishment of the Station Road permission
- a total of 750 letters received prior to the issue of the committee report, with a further 6 objections being received since that date raising concern with regard to proximity of residential property and an alternative to Tesco preferred
- Cambridgeshire County Council's Archaeology Team have noted that archaeological works undertaken by the applicant are satisfactory and requests standard watching brief condition if permission is granted.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws made the point that these three significant proposed developments are important to Whittlesey's future and this application and the one for Sainsbury's supermarket were submitted at different times to Whittlesey Town Council as consultees, which is why the Town Council supported both applications when originally consulted.

Councillor Mrs Laws expressed the view that this application does not bring or offer a contribution to a much needed bypass or relief road for Whittlesey town or the A605, with Whittlesey being the only remaining Fenland town without a bypass, which seriously impairs upon its growth and economic opportunities. She made the point that both applications for an out of town supermarket are outside of the Development Area Boundary (DAB), but the emphasis appears to be that this

application abuts the present DAB line and Sainsbury's is approximately 180 metres away from the present DAB line.

Councillor Mrs Laws made the point that the Town Council has seen all the national TV and papers where recently Tesco's CEO made substantial coverage by announcing a profit loss and the company has fully publicised their decision not to build any new large stores, but to draw back on expansion and invest their money and energies in their existing stores by upgrading them, with the CEO stating their direction for at least the next three years being "Quality Stores" rather than "Quantity and Number of Stores".

Councillor Mrs Laws referred to the fact that existing sites at Station Road, Whittlesey and Chatteris have obtained planning permission, but nothing has been delivered on either site and asked when and what guarantees does Whittlesey have that an out of town supermarket would be delivered to Whittlesey by approving this application? She referred to the indication that Harrier Developments would forgo the approved supermarket development in Station Road should this application be approved, but asked if Harrier are in control of the Station Road site and in a position to make this decision, as the Town Council understands that there are several landowners involved, making the point that its understanding of the planning process is that every application submitted is judged on its own merits not what would appear to be, in her view, a "swap shop pledge".

Councillor Mrs Laws expressed the view that the draft Core Strategy indicates that this application site is earmarked for housing. She expressed the opinion that although 520 letters of support have been received, the majority are pro-forma and only required a signature, therefore, they are not individual thoughts or individual letters from residents.

Councillor Mrs Laws expressed the opinion that the proposed supermarket access roundabout does not appear to be compatible with the access roundabout already with planning consent for the Larkfleet development and on viewing correspondence, Larkfleet Homes have stated that the submitted Harrier plan was in conflict with its consented roundabout. She asked if a full archaeology investigation has been completed as recommended by the County Council and if it has not, is this yet, in her view, another issue to add to the risk of deliverability of this scheme given that the area has high archaeological potential, making the point that Sainsburys were requested to submit a full archaeology investigation prior to submitting its planning application.

Councillor Mrs Laws stated that the Town Council were of the understanding that both applications were on a level playing field, but recent points raised bring this into question. She expressed the opinion that the site is considered derelict, but she feels the applicant appears to have disposed of an established hedgerow adjacent to Eastrea Road leaving the site as a complete eyesore when entering or leaving Whittlesey, therefore, the site now appears very derelict and in a poor state of care.

Councillor Mrs Laws expressed the view that the applicant for this proposal has presented their proposals on a "take it or leave it" basis with little apparent concern for the future of Whittlesey as a community. She stated that the majority of the Town Council are not in favour of pursuing this application as Whittlesey's out of town supermarket and would ask that the application be refused.

Councillor Murphy asked Councillor Mrs Laws why there are discrepancies in the consultation responses on both applications, especially in relation to delivery times? Councillor Mrs Laws advised that the Town Council did ask that conditions in relation to opening hours and delivery operating times be sympathetic on both applications.

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Members received presentations, in accordance with the public participation procedure, from Mr Pepper, Mr Forster, Mr Parker and Mr Edwards, objectors to the proposal. Mr Pepper informed members that he was speaking on behalf of The Co-Operative Group, who has made two previous representations about this application.

Mr Pepper raised concern on how this application has been determined and referred to the sequential test which states that out of town stores would only be appropriate "provided that they are well served by alternative means of transport, and are acceptable in all other respects including impact". In his opinion, the application site is located approximately 1.3km from Whittlesey Town Centre and the nearest bus stop is located 0.5km away, therefore, there is a limited catchment area that could realistically access the store by foot. He feels that the proposal should be refused permission as per the NPPF as it does not comply with the sequential test.

Mr Pepper expressed the view that the proposal would have a significant adverse impact upon Whittlesey Town Centre. He feels that weight to the fallback position can only be given if there was a reasonable prospect of the scheme on Station Road happening and there is no evidence to show this, with the consent extant.

Councillor Miscandlon referred to the nearest bus stop being quoted as 0.5km away and stated that it is less than this distance.

Councillor Curtis asked why The Co-Operative Group have objected to this application and not the Sainsbury one? Mr Pepper advised that The Co-Operative Group objects to both applications as they are both contrary to policy, but is speaking specifically on this application as it is being recommended for approval and the Sainsbury one is not. Councillor Curtis asked Mr Pepper if the Sainsbury's application had been recommended for approval would he have been speaking in objection to this one too? Mr Pepper confirmed that he would.

Councillor Peachey asked if The Co-Operative Group objected to the application in Station Road? Mr Pepper believes it did.

Mr Forster informed members that he is owner of Gildenburgh Water and referred to a meeting held in 2010 where Paul Medd and Councillor Melton stated that "any retail superstore must be a co-operative scheme involving local landowners that offers wider benefits for Whittlesey and the community", and, in his view, this proposal does not meet either condition. He expressed the opinion that the proposed roundabout for this proposal raises highway issues due to the thousands of movements trying to enter and exit the Gildenburgh Water junction in conflict with this roundabout, with its proposed location sterilising growth to more than 20 acres of a 40 acres "brownfield" brickworks site, and it also conflicts with the consented Larkfleet roundabout, with the Town Council's recommendation that the roundabout should be located further east in an 'on line' location.

Mr Forster expressed the opinion that the surface water drainage proposals for this development risk pollution and flooding, with contamination of Gildenburgh Water's lakes destroying the recreational and eco-tourism attractions, and that no Environmental Impact Assessment screening has been undertaken. He feels that the Middle Level Commissioners preferred drainage route is by underground pipe before discharging into the Board's system, which might cost Tesco more, but would be safer away from environmentally-sensitive areas.

Mr Forster expressed the view that this scheme is incomplete and undeliverable in its present state, but if members are minded to approve it that conditions be placed upon consent regarding a combined Tesco and Gildenburgh junction roundabout and the surface water to be piped to the Middle Level safe discharge point. He feels that closer co-operation with adjacent landowners is

required, together with consideration of the wider benefits to the community than just a retail store.

Councillor Mrs French referred to Mr Forster's mention of a meeting in 2010 in relation to co-operation on a way forward for Whittlesey and she feels that the key point arising from that meeting was the importance of co-operation of local landowners and a bit picture scheme, with the Sainsbury's proposal giving more to the community.

Councillor Murphy asked why Mr Forster thinks it would be ecologically worse with the Tesco proposal than the Sainsbury's one as both sites abut his land? Mr Forster advised that the Sainsbury's land is higher and the surface water can be piped around his land into the Middle Level main drain, Tesco could do this, but seem intent on following the bunded pond idea rather than piping the surface water.

Councillor Miscandlon referred to Mr Forster mentioning that the Town Council recommended that the roundabout be moved further east, he is a member of the Town Council and does not remember this recommendation. Mr Forster advised that it was on the sheet given out on the Tesco site to this meeting.

Mr Parker informed members that he was speaking as the Chairman of Whittlesey Business Forum, but also as a resident of Whittlesey. He expressed the view that this proposal brings no advantages to Whittlesey, it has no additional features and is on land allocated for residential use, being only of benefit to the applicant.

Mr Parker expressed the opinion that the proposal carries no additional advantages in terms of traffic in the town centre, with there being fewer visits to the town centre and no opportunities for further employment in the town. He feels that the proposal would be detrimental to the existing Station Road employment area.

Mr Parker made the point that there has been no action on the Station Road site for three years and he expressed concern that if this proposal is granted it would possibly happen again on this site. He feels that planning permission from the Station Road site to Eastrea Road site is not interchangeable and the preferred option is for the Station Road site.

Councillor Murphy asked Mr Parker that as he mentioned that this proposal would not bring more employment to the town centre, why does he as a supporter of the Sainsbury's application feel this one will? Mr Parker advised it is because it contains a country park and business opportunities on a second phase, which would be offered to Whittlesey people on a preferential basis.

Mr Edwards informed members that he was speaking on behalf of Larkfleet Homes and feels that the committee is obliged to take into consideration the extant planning permission for 460 houses on land north of Eastrea Road directly opposite the Harrier site. He stated that this site is a long standing allocation in the saved Fenland Local Plan, with access to this residential scheme being approved and gained by way of a newly constructed roundabout located north of the Harrier site providing a fourth leg to access the land to the south.

Mr Edwards stated that it is Larkfleet's intention to commence development on this site later on this year, following receipt of reserved matters approval, with the construction of the roundabout being concurrent with the first phase of housing. He expressed the view that it is clear from the plans submitted by Harrier that no account whatsoever has been taken of this material consideration that clearly prevents the delivery of the supermarket proposal as currently drafted, as the Harrier plans depict a roundabout that would immediately abut the approved roundabout, which, he feels, is unacceptable in planning and highway terms.

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Mr Edwards expressed the opinion that the committee is being asked to make a decision on a development that fails to take account of a critical material consideration of some significance, with the scheme being incapable of being delivered in its submitted form once the Larkfleet access is brought into use. He feels that members are being asked to prejudge an amended layout that takes account of the approved access and there is no certainty that this would be acceptable in planning terms, with the absence of any detail to this effect putting into doubt the suitability of the site for the proposed use and whether it is deliverable.

Mr Edwards expressed the opinion that the granting of this development with such uncertainty over the access arrangements is perverse and unsafe.

Councillor Murphy made the point that Larkfleet is not supporting the other applications, but is asking to jointly provide a roundabout for an alternative scheme? Mr Edwards advised that the roundabout that has consent for the residential scheme, with slight alignment, would allow the Sainsbury's scheme to go ahead in its current form as this application has no detrimental impact on Larkfleet's land interest.

Councillor Curtis asked Mr Edwards if the approved Larkfleet development includes retail units? Mr Edwards advised that it provides a local centre. Councillor Curtis asked what would the impact of these proposals be on this development? Mr Edwards expressed the view that it would be a positive impact as his development would 'piggyback' on to this retail development.

Councillor Mrs French made the point that the proposed roundabout becomes highway's responsibility so it would not impinge on someone else using it.

Councillor Miscandlon referred to the original drawings shown at Whittlesey Town Council in which two roundabouts were shown? Mr Edwards advised that this was correct.

Members received a presentation, in accordance with the public participation procedure, from Mr Prichard, on behalf of the agent for the proposal. Mr Prichard expressed the view that this application is accurately and fully assessed in the officers' report, with the proposed development delivering a state of the art supermarket, which would be more than able to serve Whittlesey.

Mr Prichard stated that this proposal is a replacement for the Station Road application, being on a similar scale, and granting planning permission for this application would be subject to a Section 106 quashing the Station Road application, to which all parties have agreed. He expressed the view that granting planning permission for this site would result in only one new supermarket in Whittlesey, therefore, there are no cumulative impact considerations.

Mr Prichard made the point that this proposal has been scrutinised by Roger Tym and Partners and has regard to the NPPF, with it being essential to grant permission for this store as it has agreement to quash the existing consent, with there only being room for one additional supermarket in Whittlesey. He expressed the view that the issue of viability and vitality would not arise if this proposal is given permission.

Mr Prichard expressed the opinion that the relevant policy tests have confirmed the sequential assessment that there is no alternative site better suited for this proposal and in terms of retail impact it would not be much different to that already approved in Station Road, so, in his view, there is no basis to resist the application having complied with all policies. He feels that the store would provide employment and regeneration benefits, with the same number of jobs being provided as in the Station Road application, which is a key condition that led the Council to approve this application in the past.

Mr Prichard stated that the Local Highway Authority has no objections on highway grounds and the roundabout can, in his view, serve both the proposed development and the Larkfleet development, so he feels there is no impediment to not grant on highway grounds. He believes the development would be of high quality, enhance the provision of shopping in Whittlesey, providing jobs and modern food shopping in the town.

Mr Prichard referred to the doubts that have been expressed over whether the Station Road application would proceed and stated that Tesco are contractually bound to provide a supermarket at either Station Road or at this new site. He commended the officers' recommendation to members.

Councillor Murphy referred to the stories that Tesco is not doing as well and are going to stop building new stores, asking for reassurance that if Tesco wants this store so badly that it would be built before three years expires and the site is not left derelict? Mr Prichard advised that with regard to the Chatteris site, planning permission was only granted and issued 10 days ago, with preliminary work on site having commenced and notification of the movement of the drain being instituted. He made the point that this is not a Tesco proposal, it is a Harrier proposal, who are committed to providing a store for Tesco. The Station Road site had a lengthy gestation and when planning permission was finally granted, the opportunity to provide a store on Eastrea Road emerged, which was felt to be better located to the main residential bulk of the town, therefore, the Station Road application was put on hold whilst this site was investigated. He stated that this application has been delayed due to the emergence of the other proposal before members today, but they are committed to this site.

Councillor Curtis referred to the Roger Tym's assessment of the Eastrea Road site, which states that this site compared to the Station Road site is not materially different, and its assessment of the Station Road site, which it suggests would have an impact on Whittlesey Town Centre. Mr Prichard advised that he cannot dispute what is written in black and white, but made the point that this Council granted planning permission for that store and the current scheme in Eastrea Road is not significantly different in size. Councillor Curtis referred to one of Mr Prichard's comments being that the Eastrea Road site is preferable as it is better located to the main bulk of the population, which he feels suggests that residents from Whittlesey would use this site rather than Station Road, therefore, the impact on the town centre would be greater? Mr Prichard advised that the suggestion is that it would be easier for the public to access this new store as it is nearer the bulk of residential properties, residents of Whittlesey have to travel away from the town now if they want to access a large supermarket and this one would be more accessible. He feels this new store is geographically in a more central location, more commodious, but would not result in more or less people travelling to the store.

Councillor Curtis asked if Mr Prichard is saying that the same number of people would use the Eastrea Road site as the Station Road site, which has railway gates that are closed for some time? Mr Prichard advised in the affirmative, he feels that it is an easier journey to Eastrea Road, however, a journey to a store over the railway line is still easier than travelling to a centre elsewhere.

Councillor Curtis referred to 23% of the residents of Whittlesey using the Town Centre for their main source of shopping and he would argue that these residents would be more likely to use the Eastrea Road site than Station Road, so the impact of the Eastrea Road store would be greater and asked why there is no Section 106 contribution to protect Whittlesey Town Centre? Mr Prichard advised that the view of the independent retail assessment is that the Eastrea Road site impact would not be materially different to the extant planning permission at Station Road and on this basis given that the impact is acceptable in planning terms and the Station Road permitted site satisfied the requirements of policy, he feels there is no justification for development contributions

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for Whittlesey Town Centre, which if not justified make placing them on any permission unsafe and legally flawed.

Councillor Curtis asked Mr Prichard if the highways and transport assessment has taken into the account the cumulative impact of the closure of North Bank, which does happen from time to time? Mr Prichard advised that Mr Thomas, Harrier's Highway Consultant, would be best placed to answer this when he makes his presentation to committee.

Councillor Connor referred to the permission for a Tesco store in Cromwell Road, which was granted 18 months ago and has not started yet, and asked that if members are minded to approve this application he would not want this site to be left in its present condition. Mr Prichard advised that he represents Harrier and the speaker from Tesco would be better placed to answer this question when she makes her presentation to committee.

Councillor Mrs French asked Mr Prichard what he means by Tesco being contractually bound? Mr Prichard advised that in the event that planning permission is granted for the Eastrea Road site, the contract between Harrier and Tesco comes into effect, in that Harrier builds the store and Tesco occupies it. The timescale depends upon the discharging of planning conditions, but there is a clear desire on the part of Tesco for a large format retailer to be represented in the town and it is anxious to develop a store here having spent a considerable amount of money to deliver this development.

Members received presentations, in accordance with the public participation procedure, from Ms Gosling, on behalf of Tesco, and Mr Thomas, Highway Consultant for the proposal. Ms Gosling informed members that Tesco has been interested in providing a store in Whittlesey for many years, being consistently told that residents are fed up with having to travel out of town to do their shopping.

Ms Gosling stated that Tesco's first attempt in Syers Lane did not receive support as it was felt that the traffic impact would be too much for a town centre location, therefore, when it heard that Harrier were looking at a site in Station Road it became interested in this site, however, the Eastrea Road site has better access and sits more comfortably with the town. She made the point that consent already exists for a store in Station Road, but two stores in Whittlesey would present problems to the town centre, and members are not choosing between two stores, but whether to allow the existing permission to move to a new site in Eastrea Road.

Ms Gosling expressed the opinion that this proposal is for a store a bit bigger than the one at Ramsey, but smaller than March, and would create 200 jobs for local people through Job Centre Plus. She stated that there would be a free hopper bus service linking the store to the town centre and Tesco would be prepared to provide a cash contribution to a better bus service in Whittlesey.

Ms Gosling stated that Harrier have built stores for Tesco all over the country and it is committed to commence development of this store in 2013, renting the building from Harrier as it is contractually obliged to operate the food store. She expressed the opinion that she is proud of Tesco's relationship with Fenland District Council and feels that this proposal is a strong solid plan, offering the best shopping solution for Whittlesey.

Councillor Curtis asked if Tesco would be happy to accept a condition on the Section 106 to protect Whittlesey Town Council? Ms Gosling advised that if a condition was placed on the permission it would have to be accepted.



Councillor Curtis asked if the highway impact has been considered on the coming and going from this site when the North Bank is closed? Ms Gosling advised that a colleague who is expert in this regard would be speaking next.

Councillor Mrs French asked if planning permission is approved, would work on site start or be completed in 2013? Ms Gosling advised both, they are committed to start work in 2013 and contractually obliged to occupy the site.

Councillor Mrs French questioned the comments of the CEO who said that no new stores would be built? Ms Gosling advised that the CEO actually said that Tesco would be pulling back on its Extra stores, not stopping altogether, and the stores in Fenland are of average size, with the development programme for next year being healthy. She stated that Tesco would be keen to pursue this proposal as it has been waiting a long time for a suitable site to come forward in Whittlesey. Councillor Mrs French made the point that members were given assurances on previous applications that the stores would be coming forward. Ms Gosling advised that the Chatteris store only received permission 10 days ago and preliminary work has already commenced. In relation to the Wisbech store, Tesco is working with the developer as it does not own the Cromwell Road site and when the developer has found enough operators for units on Tesco's current site the development would commence.

Councillor Curtis referred to the sequential issue between the Eastrea Road site and Station Road site, which he feels is important as he questioned whether the Station Road site is financially viable and could Tesco buy itself out of that scheme, and any food store in Eastrea Road would make the Station Road site unviable as it is a better accessed site and would be used by the bulk of the population in Whittlesey? Ms Gosling advised that she does not believe the Station Road site is unviable as it already has planning permission, it is an option that can work, but this new option is better. She stated that Tesco has a long relationship with Harrier.

Councillor Patrick asked why Tesco are improving the old store in Wisbech rather than build the new store? Ms Gosling advised that Tesco undertakes refreshes of stores periodically, to improve stores cosmetically and provide a better shopping experience for customers, with Wisbech being scheduled to have this work undertaken anyway.

Mr Thomas advised that he is a consulting engineer in highways and drainage. He stated that the surface water disposal system for this scheme has been approved by the Middle Level Commission and Harrier have offered either a hopper bus or a contribution to a local community transport charity, with the Council requesting a contribution.

Mr Thomas stated that the proposal includes a roundabout on land directly controlled by Harrier, which can provide a fourth arm, and three alternative roundabout schemes have been submitted to the Local Highway Authority, which, in his view, all work and can be constructed. He expressed the view that agreement has tried to be reached with Larkfleet for more than a year, with the Local Highway Authority preferring a centralised roundabout, but Larkfleet have failed to reach an agreement.

Mr Thomas expressed the opinion that since Larkfleet have obtained planning permission, discussions have taken place and principle agreement has been reached between them. He feels that Harrier does have the right to build the Larkfleet roundabout, subject to certain conditions, and he assures members that the highway access is compatible.

Councillor Curtis asked if Mr Thomas has considered the impact of the frequent closures of the North Bank on the highway assessment? Mr Thomas advised that he is unable to remember as the document is 200 pages long. Councillor Curtis stated that he could not see it in the document.

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Mr Thomas advised that peak times for the store are the same for either store and traffic generations would occur whatever happens, however, if the North Bank is closed there may be slightly different traffic conditions.

Councillor Curtis asked Mr Thomas if the roundabout to the east that is preferred by the Town Council would be considered? Mr Thomas advised that as the Larkfleet scheme has been granted the existing situation with the roundabout cannot be changed.

Councillor Curtis asked if the highway assessment includes an element about accounting for future growth as he could not see it in the report, but could see it in the report from Sainsburys? Mr Thomas advised that the highway assessment does include this.

Councillor Peachey referred to the impact on closure of North Bank, expressing the view that a store of this size will increase traffic flow and has a discussion been held on a relief road for Whittlesey? Mr Thomas advised that this has been raised.

Members received presentations, in accordance with the public participation procedure, from Mr Hailstone and Ms Herring, supporters of the proposal. Mr Hailstone informed members that he lives at 184A Eastrea Road, which borders the site. He has been in discussions with the agents since the proposal for the site were raised and he is happy for the development to proceed, feeling that concerns have been addressed. He expressed the view that the neighbours are happy and would prefer a supermarket rather than houses, believing that the proposal should be approved.

Ms Herring informed members that she lives in a street adjacent to the proposed store and is fully supportive of it coming to Whittlesey. She stated that she has collected 703 individual letters of support, which she personally dropped off in two bundles with some letters appearing to have gone missing.

Ms Herring expressed the view that a supermarket is needed, the sooner, the better, feeling that Sainsbury's would create a delay and this proposal would come forward sooner. She asked members to approve this application now.

Councillor Mrs French asked where Ms Herring lives in connection to the site? Ms Herring advised that she lives in Oldeamere Way. Councillor Mrs French asked if Ms Herring works for Tesco? Ms Herring advised not, she stated that a lot of her family live in Whittlesey and are fed up and hate having to drive to Hampton as they cannot afford to shop in Whittlesey as it is, in her view, too expensive. She feels that Whittlesey has wanted a new store for a long time, she loves Whittlesey and does not want to move.

Proposed by Councillor Curtis, seconded by Councillor Scrimshaw and decided that the application be:

**Deferred to enable an assessment to be undertaken on the viability of the Station Road site on any approval for a supermarket in Eastrea Road.**

(All members present registered, in accordance with Paragraph 2 of the Code of Conduct, that they had been lobbied on this application)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

**P152/11**      **F/YR11/0895/O (16.11.2011)**  
**WHITTLESEY - LAND NORTH OF GILDENBURGH WATER, EASTREA ROAD,**  
**ERECTION OF MIXED USE BUSINESS PARK TO INCLUDE EMPLOYMENT (B1),**  
**COMMUNITY (D1) AND RETAIL/PROFESSIONAL USES (A2/A3/A5)**  
**(MR B SMITH, WHITACRE MANGEMENT LTD)**

Members considered letters of support and objection.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- the Local Highway Authority has now confirmed that the proposed access arrangements are acceptable, subject to suitable conditions and Section 106 requirements
- an additional 23 letters have been received in support of the proposed scheme since issuing of the officers' report. The letters suggest that the scheme will boost the economy and provide jobs for local people
- Andrew Hodgson, the agent acting on behalf of Whitacre Management, has written via e-mail to suggest that the Council are wrong to rely on the Council's Local Plan or draft Core Strategy as they carry no weight. Officers response is that this assertion is incorrect, the Local Plan continues to have full weight unless it conflicts with the NPPF and some weight can be given to the draft Core Strategy
- Andrew Hodgson, the agent acting on behalf of Whitacre Management, has suggested that the Station Road site is poorly located and states that there is interest in the proposed business units, suggesting that some are pre-let. Officers' response is that these comments are noted, but based on current evidence held by the Council's Economic Development Team there is not strong demand for new units at present.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws expressed the view that consideration needs to be given to the number of local people out of work and this application would be a valuable boost for local employment.

Councillor Mrs Laws expressed the opinion that economic development is very high on the Government's agenda and it is committed to ensuring that the planning system supports sustainable economic growth. She drew members attention again to the fact that Whittlesey is the only Fenland town without a bypass, given the transport links and a railway crossing when entering Whittlesey these are major factors why the vacant allocated land for industrial/commercial sites located in Station and Benwick Road are not proving to be attractive to any new industry.

Councillor Mrs Laws expressed the view that every new business opportunity needs to be looked at keenly that brings in both investment and employment to the town and the Town Council would like to ensure the type of businesses operating on the retail element of the business park must have a minimum impact on town centre trade. She requested that sensible opening and delivery operating hours are placed on any permission, especially for HGVs to protect residential amenity.

Councillor Mrs Laws quoted the comments of Councillor Seaton, the Council's Portfolio Holder responsible for Economic and Business Development, who said "These units will help to fill a gap that exists in Fenland. We have had adequate provision in terms of office space for small businesses and land for large factories, but there has been a shortage of medium sized 'move-on' space for businesses that want to expand but stay in the area". She quoted the comments of the Leader, who said "attracting new businesses and enabling existing ones to grow is a key part of our core strategy for the next 20 years. Our investment in South Fens demonstrates our firm

commitment to achieving those goals".

Councillor Mrs Laws asked members to note the 168 letters of support for the proposal received from local residents who feel it would bring more jobs to the area and she asked how the strong wishes of the electorate can be ignored. She stated that the Town Council, after viewing the details of the proposal, recommend approval of the application.

Councillor Peachey asked Councillor Mrs Laws if there had been any response to the comments of the Town Council? Councillor Mrs Laws advised not.

Councillor Mrs French asked Councillor Mrs Laws why the Town Council is not objecting as this proposal may have a bearing on existing businesses in the town? Councillor Mrs Laws advised that the Town Council would like to see the minimum impact on the town and this proposal provides an opportunity for businesses to grow.

Councillor Murphy asked Councillor Mrs Laws if she thinks this proposal would be developed if the next application is refused? Councillor Mrs Laws advised she was not in a position to answer this question.

Councillor Quince asked Councillor Mrs Laws if the town has any vacant business premises at present? Councillor Mrs Laws advised that there are vacant large factories and small business units or office space, but very few units of this size.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson informed members that when they first approached the Council they took advice from officers in a pre-application discussion, with the result being the confidence to go forward with the proposal, which is part of a bigger picture for expansion of Whittlesey having approached Sainsbury's and investigated what else could be provided for the town.

Mr Hodgson stated that the Country Park was first raised by Cannon Kirk and the business element would, in his view, sit well alongside Sainsbury's. He stated that the scheme would be delivered in two phases, with the first phase being the road frontage and the new roundabout, and then the site itself, with Savills having been informally marketing the site and having received confirmation from a restaurant/pub operator for the frontage site similar to one recently opened at March.

Mr Hodgson expressed the view that other interest from A3 and A5 operators has been made, which would move on to the site once Sainsbury's is developed. He does not want to see a business park that is left vacant and as long as the Sainsbury's site is brought forward, businesses would be on site in a very short timescale. He feels that businesses do not want to locate to Station Road as a railway line has to be crossed and there is no passing trade.

Mr Hodgson expressed the opinion that the roundabout has been assessed and is acceptable and existing businesses, such as, Gildenburgh Water, would derive benefit from a new access. He feels that this mixed-use scheme is the type promoted by councillors as a gap exists in the market.

Mr Hodgson referred to the reasons for refusal and expressed the view that this land lies in the preferred direction of growth for Whittlesey according to Councillor Seaton. He feels that it is the most logical location for new business in Whittlesey, which is located next to a supermarket.

Councillor Curtis asked Mr Hodgson what impact on the town would the new pub/restaurant chain and other businesses have? Mr Hodgson expressed the view that these types of pubs are located

on the edge of town centre sites and next to supermarkets. He advised that there is no A1 use element to the businesses and they would all be food outlet types.

Councillor Peachey asked if the traffic survey has considered the implications when North Bank is closed? Mr Hodgson advised that everything has been considered.

Councillor Curtis expressed the view that the issue of whether this site is right for business development is important and he wonders if Mr Hodgson has looked elsewhere for similar sites in Whittlesey as it could be deemed that this part of the application is premature as it is something the Core Strategy should be taking into account. Mr Hodgson advised that this scheme is associated with the Sainsbury's application, which is why it has come forward, and is deemed to be a beneficial location due to its siting next to food store.

Councillor Curtis asked Mr Hodgson if there is a financial link between this proposal and the Sainsbury's application, are they dependant upon one another? Mr Hodgson advised that they are separate applications and the only link is the investment in the delivery of the Country Park.

Councillor Mrs French asked Mr Hodgson if Sainsbury's application was refused and Tesco's approved, would this proposal still go ahead? Mr Hodgson advised that this would be something that would need to be considered.

Councillor Miscandlon asked Mr Hodgson in the traffic survey has the closure of A47 been considered as the A605 would be the main escape route? Mr Hodgson advised that he cannot answer specifically, but the survey has been submitted and accepted by the County Council.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, the applicant for the proposal. Mr Smith informed members that the Country Park was his idea approximately 7 years ago when he was working with Cannon Kirk, who no longer have an interest in the site, and he has decided to take the idea forward himself.

Mr Smith stated that he met with officers of the Council and the idea and bigger picture for Whittlesey was supported as something that Fenland required, obtaining advice and assistance from Savills who introduced him to Sainsbury's, making the point that the whole scheme was encouraged and on that basis he submitted an application. He expressed the view that there is tremendous support for the scheme, with an on-line poll showing this scheme to be leaps ahead due to the support for a country park.

Mr Smith informed members that a Friends of the Country Park has now been formed, with Martin Whitwell the current landowner as Chairman, and involvement of Thorney Athletics Club. He wants the park to be maintained and was going to give it to Fenland District Council, but it became apparent that the Council did not want to take on the park and, therefore, Sainsbury's would operate it for 10 years.

Mr Smith stated that the Country Park would have a vibrant activity centre for shows and exhibitions, and the park and Whittlesey would be put on the map. He expressed the opinion that the business park would provide much needed employment and it would deliver funds to local sports facilities, support to a Whittlesey bypass, with him having a track record of delivery.

Mr Smith made the point that the Government's policy is for localism and he feels you cannot get more local than landowners and himself putting forward this scheme and the support it has received from Whittlesey people. He expressed the view that if planning permission is granted, it would be the beginning of the changing face of Whittlesey, with tangible benefits and he requested members give him the opportunity to deliver.

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Councillor Mrs French asked Mr Smith when he met with officers of the Council? Mr Smith advised that it was mid 2011, but he cannot be more precise than this.

Councillor Mrs French asked Mr Smith if this proposal is approved, Sainsbury's refused and the Tesco's one approved, would this scheme still go ahead? Mr Smith advised that it would still be delivered, but it would be easier to do this with Sainsbury's on board.

Councillor Curtis referred to the ownership issue of the Country Park, in that Sainsbury's would run it for 10 years, but asked what were the aspirations for the Country Park after this time, suggesting that cynics might think the strategy is to build future housing on this land? Mr Smith advised that he is not interested on building houses on this site, which he is happy to be conditioned if requested, and he is happy for the land to be transferred to public ownership after this time.

Members received presentations, in accordance with the public participation procedure, from Mr Forster of Gildenburgh Water and Mr Parker of Whittlesey Business Forum, supporters of the proposal. Mr Forster expressed the view that Gildenburgh's future is in members hands and although he does not have strong support for or against any of the schemes, he feels the key to this proposal is the co-operation from the outset from Sainsbury's/Whitacre and he has received none from Harrier despite encouraging them to put a roundabout at the top of Gildenburgh's access.

Mr Forster expressed the opinion that this proposal is a 'big picture' scheme, is a co-operative scheme and has much better benefits for Whittlesey. He informed members that Gildenburgh facilities have major planning and licensing consents, with 30,000 divers a year using his facilities from many parts of the UK, which has consent for 22 hours, 7 days a week trading. He feels that the roundabout for this proposal raises no highway issues and the thousands of movements from Gildenburgh, which could increase in the future up to a projected 1 million, would be improved and made safer with a junction for Gildenburgh's access off this roundabout.

Councillor Mrs French referred to 30,000 divers a year using Gildenburgh Water for 22 hours a day and stated that she has never seen a significant volume of traffic coming out of its access. Mr Forster advised there are 600 divers a week and on a Saturday and Sunday there is regularly 200.

Councillor Curtis stated that Gildenburgh Water has a national reputation and asked Mr Forster that when he referred to the phrase 'a projected 1 million mark' did he mean movements? Mr Forster advised in the affirmative, his extant planning permission would take him up to this figure. He stated the Council have been supportive of his business since he purchased the lake in 1985 and encouraged him to submit as big an application as he could.

Mr Parker re-emphasised the fact that whatever applications are granted it would have a detrimental impact on Whittlesey Town Centre, but he supports this proposal due to the vision of other people, the facilities that are to be provided and the opportunities for employment. He made the point that to get to Station Road you have to go through the town centre, but to get to Eastrea Road you do not.

Proposed by Councillor Hatton, seconded by Councillor Peachey and decided that the application be:

**Deferred.**

*(All members present registered, in accordance with Paragraph 2 of the Code of Conduct, that they had been lobbied on this application)*

(Councillor Curtis declared a personal interest in this application insofar as Thorney Athletics Club was mentioned, by virtue of being a member of the club)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

**P153/11**      **F/YR11/0930/F (7.12.2011)**  
**WHITTLESEY - LAND SOUTH AND WEST OF 300 EASTREA ROAD, 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**  
**(SAINSBURY'S SUPERMARKETS LTD)**

Members considered letters of support and objection.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- the Local Highway Authority has now confirmed that proposed access arrangements are acceptable, subject to suitable conditions and Section 106 requirements
- 34 additional letters have been received in support of the proposed scheme since the issuing of the officers' report. The letters suggest the scheme will boost the economy and provide jobs for local people, give more local shopping choice to the area, provide a new country park and provide a shuttlebus
- Andrew Hodgson, the agent acting on behalf of Whitacre Management, has written via e-mail to suggest that the Council are wrong to rely on the Council's Local Plan and draft Core Strategy as they carry no weight. Officers' response is that this assertion is incorrect, the Local Plan continues to have full weight unless it conflicts with the NPPF and some weight can be given to the draft Core Strategy
- SNR Denton and Indigo, writing on behalf of Sainsbury's, note that the country park is an important part of the application and will be beneficial to the local area providing a high quality public realm assisting in prevention of coalescence between Whittlesey and Eastrea, which it considers relevant to determination of the application.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws made the point that these three significant proposed developments are important to Whittlesey's future and this application and the one for Sainsbury's supermarket were submitted at different times to Whittlesey Town Council as consultees, which is why the Town Council supported both applications when originally consulted.

Councillor Mrs Laws expressed the view that this application does not bring or offer a contribution to a much needed bypass or relief road for Whittlesey town or the A605, with Whittlesey being the only remaining Fenland town without a bypass, which seriously impairs upon its growth and economic opportunities. However, she stated that the Town Council was extremely impressed by the Sainsbury presentation and the manner in which it has set about trying to engage the public of Whittlesey throughout the process.

Councillor Mrs Laws acknowledged that both the applications for an out of town supermarket are outside of the Development Area Boundary (DAB), but feels the emphasis appears to be that the Harrier development abuts the present DAB line and Sainsbury's is approximately 180 metres away from the present DAB line. She made the point that Sainsbury's ensured that its archaeology investigations were completed prior to submission.

Councillor Mrs Laws expressed the opinion that Sainsbury's out of town supermarket is very visible and it is well documented in what they would bring to the Whittlesey community and the surrounding area in a short period of time. She made the point that 211 letters of support have been received, with the majority being individual letters with very few pro-forma letters indicating to the Town Council what the residents of Whittlesey want.

Councillor Mrs Laws understands that if the Sainsbury's application is approved there would be potentially be two out of town supermarkets if the Harrier development at Station Road was to be implemented, but asked does Whittlesey have to lose this opportunity of economic growth due to, in her view, a "swap shop pledge"? She informed members that the Town Council feel that the Sainsbury's application gives the town something to build on, develop further and the complete package brings something to Whittlesey that no other Fenland Town has.

Councillor Mrs Laws referred to the pledged financial support to develop a Country Park, which offers opportunities for leisure, social, cultural and community health facilities to meet local needs, and management training/guidance from Sainsbury's over the next 10 years, with enthusiastic volunteers already signed up and prepared to work to develop a Country Park for all to use. In her view, it is also an opportunity to incorporate local schools, with the lead being taken by the reclaimed land project at Hanson Brink, Kings Dyke proving to be a successful educational programme to view birds, wildlife and flora. She expressed the view that the vision could become a reality and Whittlesey could have its own mini Ferry Meadows attracting outside visitors, boosting local businesses, leisure activities and tourism.

Councillor Mrs Laws stated that the majority of the Town Council recommended approval of this application and would like to include three conditions if members are minded to grant planning permission, as follows:

- under no circumstances will the Country Park be considered for any type of housing or business development now or in the future, it must be secured for the community of Whittlesey town and district
- the park area should have secure fencing around the perimeter sympathetic to the location and adequate visitors parking
- Sainsbury's supermarket should comply with reasonable delivery/operating times, especially over Bank Holidays.

Councillor Scrimshaw asked Councillor Mrs Laws if the approval by a majority decision of Whittlesey Town Council was a large majority? Councillor Mrs Laws advised that several town councillors who are also Fenland District Councillors could not take part in the voting, but the majority of the remaining town councillors support this application.

Councillor Mrs French asked Councillor Mrs Laws if town councillors are not concerned about the impact on the town centre itself? Councillor Mrs Laws advised that she feels that Whittlesey needs a supermarket and on weighing up both applications it is felt that Sainsbury's would work in harmony with existing business and there is not this feeling with Tesco.

Members received a presentation, in accordance with the public participation procedure, from Mr Prichard, an objector to the proposal. Mr Prichard expressed the opinion that the issue is not whether or not there should be a choice between Tesco or Sainsbury's store on Eastrea Road, but



whether one large format store is wanted in Whittlesey or two. He made the point that there is extant planning permission for a store on Station Road and the choice is between a Tesco in Station Road or Eastrea Road, and in respect of this application, whether a second large format store is approved.

Mr Prichard referred to the comments of Roger Tym and Partners in the officers' report, which states "that there is only scope for one large format foodstore in Whittlesey and it is considered that the cumulative impacts arising from the implementation of more than one new large format foodstore would be unacceptably high and have a significant adverse impact on the town centre". He feels that if this application is approved there would be two out of town supermarkets in Whittlesey and the viability and vitality of Whittlesey Town Centre would be adversely impacted.

Mr Prichard expressed the view that this application for Sainsbury's does not represent the most sustainable site for a supermarket and would have an adverse impact as permission for a supermarket has been approved in Station Road. He feels the choice is clear to members today in that Whittlesey cannot sustain more than one supermarket.

Councillor Curtis referred to the NPPF and its focus on localism and asked what is Tesco's view on this? Mr Prichard advised that he is unable to speak for Tesco as he represents Harrier Development, who has sought to engage with the local community.

Councillor Curtis asked if Mr Prichard accepts the choice of Tesco down Station Road or Eastrea Road goes against localism when there is another valid supermarket application on the table and there could be genuine space for two supermarkets, even if one is viable and one is unviable? Mr Prichard advised that the operation of the supermarket at Station Road is viable as is the one at Eastrea Road as determined by the independent retail assessment. Councillor Curtis stated that he does not believe that the viability of the Station Road supermarket has been assessed by Roger Tym and Partners. Mr Prichard disagreed.

Members received a presentation, in accordance with the public participation procedure, from Mr McGrath, on behalf of the applicant for the proposal. Mr McGrath informed members that he is Sainsbury's Planning Advisor and, in his view, there are three matters of fact; there is a clear need for a supermarket in Whittlesey as residents are travelling afield for their shopping, it is inconvenient and costly, and residents want a new supermarket, with him believing that Sainsbury's is the only real option.

Mr McGrath expressed the opinion that the Harrier scheme cannot be delivered due to the conflict with the Larkfleet roundabout, asking why if it can be easily resolved it hasn't been?, and he feels that the Station Road site is a red herring as it would never be delivered due to the railway line, with the barrier being down for 28 minutes in an hour. He stated that Sainsbury's did look at the Station Road site and knew it was not going to work, and in his view, he thinks Tesco do too.

Mr McGrath expressed the view that in reality Tesco would not operate a store in Station Road, it has lost three years trading already and why go to the expense and risk in applying for further permission now in Eastrea Road, feeling that it has failed to deliver. He feels that if Sainsbury's obtain consent on a better site, it would take trade away from Tesco and the Station Road site would not come forward as it is not viable, believing that another use, such as a DIY store, would only come forward on this site.

Mr McGrath made the point that Tesco have not undertaken any work on archaeology and have not screened for an EIA, which, in his view, is bad practice and would cause delays if it did obtain consent at Eastrea Road. He feels that residents and members have a desire to see a bypass around Whittlesey and Sainsbury's would not prejudice the bypass being put forward in the future.

Mr McGrath referred to the officers' report, which he feels is incorrect where it says that the Country Park is not relevant in the determination of the Sainsbury's application, as, in his view it is integral and would be delivered as part of the application.

Councillor Curtis asked Mr McGrath what the impact of any approval would be on the town centre? Mr McGrath advised that three quarters of spending is already leaking from Whittlesey to other stores elsewhere, and whilst there would be some impact on the Co-Operative store it would not be significant. He feels that the trade that the Sainsbury's store would obtain would be people who currently travel outside the town to shop.

Councillor Curtis questioned whether one of the reasons why Whittlesey residents want a supermarket is because they are not getting value from the Co-Operative in the town centre and, therefore, people visiting the town centre now would go to Tesco or Sainsbury's, and would Mr McGrath be willing to accept a Section 106 to protect the vitality of the town centre? Mr McGrath advised in the affirmative, but it would have to be in proportion to the development. He feels that if residents are food shopping in Whittlesey they would be more likely to undertake their remaining shopping elsewhere in Whittlesey.

Councillor Curtis asked Mr McGrath if the North Bank has been considered in the highway report? Mr McGrath advised that he is not a highway consultant, however, a typical day was modelled, which would not take into account anything that is not typical. He expressed the view that supermarkets do not generate traffic, this traffic would be on the road network anyway and be diverted, people know periods when traffic is going to be at its busiest and adjust their travelling time accordingly.

Councillor Curtis made the point that a large proportion of Whittlesey live on the west side and do not go through Whittlesey at the moment, therefore, more traffic would come through Whittlesey into Eastrea Road rather than Peterborough with this proposal, which he feels would have an impact on the A605. Mr McGrath advised that the transport consultant would produce a model and they are satisfied with the impact, although the consent at Gildenburgh has not been taken into account, but he cannot imagine there would ever be a million journeys.

Councillor Miscandlon referred to the roundabout and that the transport consultant of Tesco stating that agreement had been reached with Larkfleet? Mr McGrath advised that it is not impossible to get agreement on the roundabout, but Larkfleet do not seem keen on agreeing with Tesco and what is in front of members today on the Tesco application in terms of the roundabout does not work as they are too closely situated.

Councillor Scrimshaw asked Mr McGrath what grade of agricultural land would be used for the Country Park. Mr McGrath believes that all of Fenland is Grade II. Councillor Scrimshaw stated that it is Grade I and stated that he would have liked to see more than 20 car parking spaces provided if it is to be used by the residents of Whittlesey and the surrounding area. Mr McGrath advised that it is all good quality land around Whittlesey, therefore, agricultural land would have to be used. In relation to the car park, it would have been investigated to see what parking is required, the park would be next door to Sainsbury's, which would have parking and a bus route and the Local Highway Authority are happy with the parking provided, but if members feel that more should be provided this can be dealt with by condition.

Members received a presentation, in accordance with the public participation procedure, from Mr Oxley, on behalf of the applicant for the proposal. Mr Oxley informed members that he is Development Executive for Sainsbury's and is responsible for new store development in East Anglia.

Mr Oxley expressed the view that this proposal is important to the people and community of Whittlesey, who need and deserve a new, modern and sustainable supermarket sufficient for a family shop, but would not offer a wide range of other merchandise. He stated that the proposal would bring employment, encouraging people back in to the workplace, and would be staffed and residents served by the local community.

Mr Oxley expressed the opinion that the Station Road site is inaccessible and unlikely to come forward, and the reason why Sainsbury's wishes to be located at Eastrea Road is as it feels it is the best location for a new supermarket, with the Country Park being a real benefit of the scheme, with the Tesco scheme having no benefit. He expressed the view that 90% of the community who came to the exhibition supported the scheme and made the point that Sainsbury was Retailer of the Year last year, it works tirelessly through its store management programme and takes its responsibility in the community seriously.

Mr Oxley expressed the view that this proposal is really important to Sainsbury's business and this store would be delivered, referring to a store in Sudbury that got permission last year and would be completed by Christmas. He asked that if members are only hesitating because there would be two supermarkets, he feels there would not as the other supermarket would not come forward. He stated that Sainsbury's are committed to the community and want to be in Whittlesey.

Councillor Curtis asked Mr Oxley would the Country Park aspect of the application go ahead if this permission is approved? Mr Oxley advised that the consent would be delivered in full.

Councillor Curtis asked Mr Oxley what happens to the Country Park after 10 years? Mr Oxley advised that Mr Smith has indicated that he would be willing to put it into public ownership, with Sainsbury's obligation to deliver and run it for 10 years.

Councillor Bucknor asked Mr Oxley what speed could Sainsbury's get the application up and running? Mr Oxley advised that it could typically be 19 months, but much rests on the conditions attached to the permission, with a 36-40 weeks build timescale once on site.

Councillor Murphy asked Mr Oxley if he still thinks that it is two supermarkets, one against another, to be considered today? Mr Oxley advised that the proposals are not exactly the same as one provides a Country Park, although the stores are of a similar size.

Councillor Connor asked Mr Oxley if the County Park would be started in conjunction with the supermarket or afterwards? Mr Oxley advised that this would be negotiated with officers, but it is envisaged it would be delivered concurrently with the delivery of the store.

Members received presentations, in accordance with the public participation procedure, from Mr Forster of Gildenburgh Water, Mr Parker of Whittlesey Business Forum and Mr Camplin, supporters of the proposal. Mr Forster expressed the opinion that by having a roundabout at the top of Gildenburgh Water's access road it allows his business to expand and grow, with it making 30,000 journeys a year bringing business to the locality.

Mr Forster expressed the view that if the Sainsbury's scheme is approved it would allow his business to grow and it would provide an option for a bypass for Whittlesey in the future. In his view, if the Tesco scheme is refused and the Sainsbury's one approved there would only be two roundabouts, never three, the Larkfleet roundabout and the Sainsbury's roundabout.

Mr Forster expressed the opinion that there would be no risk of flooding or contamination with this proposal as the surface water is piped away. He believes the co-operation and benefit for local people is evident with this proposal, with the provision of a Country Park, with overspill car parking

being made available at Gildenburgh Water. He feels that there is support for this scheme and not the Tesco scheme and local people should be listened to as they live in the area.

Mr Parker informed members that he supports this scheme because of the overwhelming opportunity for expansion, growth and employment in the area, together with the increase in leisure and tourism, which should not be missed, and this outweighs any impact on the town centre. He made the point that this proposal not only brings a supermarket, which is long overdue, but gives the opportunity for people to remain in Whittlesey's boundaries, together with the opportunity for people to come outside of Whittlesey to the Country Park.

Mr Parker expressed the view that the proposal builds on existing leisure facilities in the area, feeling it is the way forward for growth in Whittlesey. He stated that he would not support a readily accessible supermarket in Whittlesey, but the added benefits outweigh the impact on the town centre, with there being secondary shopping in the town centre through the provision of a hopper bus.

Mr Parker stated that he does not have an objection to two supermarkets if they are viable, but he hopes that this proposal would make Whittlesey more of a tourist area and people from outside the area would spend money in Whittlesey.

Mr Camplin informed members that he is a member of the Friends of the Country Park, who are already making plans for the park, which he feels would be a huge asset to the town. He made the point that the Country Park can only be created with the funding from Sainsbury's, who are willing to fund it for 10 years at no cost to the tax payer, and he asked that the proposal be approved so everyone can enjoy the park.

Members made comments, asked questions and received responses in relation to all three planning applications (F/YR11/0482/F, F/YR11/0895/O and F/YR11/0930/F) as follows:

- Councillor Mrs French raised concern that whichever application is approved that no provision is being made for funding for a bypass and feels it is an ideal opportunity to ask for a contribution. Ms Reynolds from the Local Highway Authority advised that transport colleagues are aware of the wish list for a bypass, but without a standard no money can be requested. She made the point that a bypass would not occur in the medium-term as the cost of a bridge over the railway would cost 7-8 million without the cost of the road on top. Councillor Mrs French stated that she is not convinced that there is not a way around asking for a contribution for improvements. Ms Reynolds advised that it is not reasonable to do so as there is no likelihood of a scheme coming forward;
- Councillor Curtis stated he is torn on these applications as members are making a decision which may upset a lot of Whittlesey and he does not think members would be here today if residents thought they were getting value from the Co-Operative in the town centre. He is passionate about the bypass issue because it offers huge benefits to Fenland due to the access to the A1 and it will be included in the long-term strategy of the County Council so funds can be raised for it, but he does feel it is too early now. He referred to the strength of feeling, with 700 letters of support for Tesco and 200 for Sainsbury, which does not reflect what has been said to him, recognising that the letters in support of Tesco were submitted before the Sainsbury's application was submitted, and since this application has been submitted, there have been 246 letters in support of Sainsbury, 8 in support and 6 against Tesco, which provides more of a challenge to the number of representations made. He accepts that there is a clear demand for a supermarket in Whittlesey, but objection to a Tesco v Sainsbury store is not a planning reason to make a decision. He questioned the applicability of the Core Strategy, he thinks that as it is in draft form and subject to

amendment, less weight should be given to the Core Strategy, localism is a feature of the NPPF and he questioned whether saved policies from the Local Plan can be taken into account by reading the NPPF, although he struggles with the idea of giving significant weight to a Local Plan that is 19 years old. He feels the biggest issue and at the crux of today's argument is the sequential test, he does not believe there is much difference between the two sites, but there is the issue of an extant planning permission on Station Road, which needs to be given weight, but he questions the viability of any store in this area, especially with the traffic waiting at the railway crossing, which is closed for 28 minutes in every hour in peak times, which may increase with a proposed upgrade, and he feels that the viability of any superstore in Station Road has not been considered by Roger Tym and Partners if one in Eastrea Road is approved. His view is that the weight of Whittlesey opinion is in favour of a Sainsbury's supermarket due to the Country Park and he does not think this should be ignored, there is, in his view, a lack of green space in Whittlesey and Fenland. He made the point that a decision needs to be made that can be upheld on appeal and in the courts. Officers advised that in relation to saved policies of the Local Plan and the NPPF, this issue has been investigated and it is the opinion that saved policies do count and the Local Plan still carries significant weight. It is felt that Roger Tym and Partners have taken into account the Station Road location when making its assessment. An open space study has been undertaken in Whittlesey, which identified a need in the north and west of the town, but not the east. Councillor Curtis felt that it could be legitimately argued that the Country Park helps to assist with this need. Ms Cottle from Roger Tym and Partners advised that the retail issue surrounding the schemes was assessed, there is an extant scheme, which if not brought forward by Tesco could be by another provider;

- Councillor Mrs French asked about the relationship with the roundabouts? Ms Reynolds advised that there would only be two roundabouts not three. Councillor Mrs French asked Ms Reynolds if she is convinced the roundabouts would work? Ms Reynolds advised that there would be one roundabout between the Larkfleet site and Tesco site, but it depends upon who comes in first in Section 106 terms to the County Council which one is implemented, with the ideal being a centrally located roundabout. She feels that either roundabout, Larkfleet's or Tesco's, can come forward without prejudicing either development;
- Councillor Peachey made the point that the people of Whittlesey want a supermarket and it is the job of the committee to deliver it, considering what is a reasonable proposition and the right choice. There is no holistic response to a relief road, being told it is too early, but he asked when will it be the right time as there is very little land around Whittlesey for development to take place and recoup money to enable this road to be constructed, a bank account should be opened now to get it moving as there would be no proposition of a link road and Whittlesey will have "missed the boat". He made the point that the Council, Leader and Whittlesey councillors have had this issue on the agenda and been talking about it for some time;
- Councillor Mrs Newell commended Councillor Curtis on the points he put forward, but does not understand why Whittlesey cannot have two supermarkets, let market forces decide. She asked where did the sequential test come in when Wisbech was allowed six supermarkets and feels that there should be a fund for Section 106 monies to go into for a bypass;
- Councillor Connor expressed the view that a bank account should be opened and money put aside for a bypass. He agreed that market forces should decide and he cannot see why both applications cannot be given planning permission on the understanding that Tesco withdraw the Station Road site, and let them get on with it;

- Councillor Mrs French made the point that legal advice has stated that it is too early for Section 106 money for a relief road, but asked about CIL regulations and a unilateral agreement for provision of this road? Officers advised that they do not believe it is possible through these routes either;
- Councillor Curtis stated that he has more sympathy with a link road to Benwick Road, but does accept it is too early. He thinks the most important factor of the Section 106 is protecting and enhancing the town centre from the impact of a supermarket, which he thinks is acceptable, as he would struggle to support any application that does not put something in place to protect the town centre;
- the Principal Solicitor referred to members mentioning why both applications cannot be approved, but he emphasised that from the advice given by the retail consultant and the NPPF it is clear that two would have an adverse impact. Ms Cottle agreed and stated that the NPPF is there to protect the town, with any application for an out of town centre proposal having to meet the sequential and impact test. Both applications were looked at and it was felt that the Station Road site would have an impact on the town centre, with consistent advice provided that one supermarket will have an impact but two would cause significant harm to the town centre. The figures point to a huge impact on the Co-Operative and she questioned that if people are not visiting the Co-Operative are they going to use the other shops in the town centre?;
- Councillor Mrs French made the point that residents are leaving the town now to shop at Hampton or March as the Co-Operative is too expensive for them. Ms Cottle advised that it is accepted that there should be one supermarket, not two, which would keep people in the area;
- Councillor Mrs Newell asked where did the sequential test apply in Wisbech? Officers advised that the same tests would have applied in Wisbech. She expressed the view that there seems to be one rule for one town and one for another. Councillor Hatton made the point that Morrison's is actually in Norfolk;
- Councillor Murphy questioned people going out of Whittlesey Town Centre, he made the point that there would be nothing else but a supermarket on this site so people will go into Whittlesey to do the rest of their shopping;
- Councillor Quince asked why two supermarkets cannot be provided, with one of them assisting with tourism;
- Councillor Curtis referred to the result of the Sainsbury's retail study, which shows that 75% of residents of Whittlesey go out of town to do their grocery shopping. He is reluctant to approve two applications on Eastrea Road, but is less concerned about approving one on Eastrea Road and letting the one in Station Road take its course as he does feel this site is not viable. The Principal Solicitor asked if Roger Tym and Partners should undertake a viability assessment in this regard? Councillor Curtis stated that the issue is about whether any approved supermarket will have an impact on the Station Road site, which he does not feel has been considered by Roger Tym and Partners, only whether there should be two supermarkets. He asked if officers have seen an agreement that states Tesco are contractually obliged to provide the Station Road site? Officers advised that they have seen sight of an agreement, but have not assessed it. The Principal Solicitor asked if this was key to approving the applications? Councillor Curtis acknowledged that Whittlesey residents want a supermarket, but members need to get it right and, in his view, it may be that the right decision is a deferral as it is about the long-term future of the town. He feels

deferral may be a quicker option rather than an appeal or referral to the Courts, asking if it can be deferred for Roger Tym and Partners to undertake a viability assessment on the Station Road site, which he feels would be right for Whittlesey;

- Councillor Mrs French asked if the business park application can be determined, but the two supermarkets be deferred? She asked if the retail business park would go ahead if the supermarket applications were refused? Mr Smith confirmed that it would.

Proposed by Councillor Curtis, seconded by Councillor Scrimshaw and decided that the application be:

**Deferred to enable an assessment to be undertaken on the viability of the Station Road site on any approval for a supermarket in Eastrea Road.**

*(All members present registered, in accordance with Paragraph 2 of the Code of Conduct, that they had been lobbied on this application)*

*(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)*

6.35pm

Chairman