

PLANNING COMMITTEE



29 AUGUST 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, Mrs J French, A Miscandlon (substitute for the vacancy that exists), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick, T E W Quince, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillors M J Curtis, B M Keane and Mrs K F Mayor.

Councillor M J Curtis attended the meeting, not as a Planning Committee member, but as a District Councillor, to speak, but not vote, on all three applications.

Officers in attendance: G Nourse (Chief Planning Officer), Ms A Callaby (Planning Performance Manager), Ms E Grima (Developments Agreement Officer), Mrs E Cooper (Member Support Officer) and I Hunt (Chief Solicitor).

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

*** FOR INFORMATION OF THE COUNCIL ***

P63/12 STANDING ORDERS

Proposed by Councillor Hatton, seconded by Councillor Mrs French and **decided that Standing Orders be suspended to permit Councillor Curtis to speak at the meeting as a District Councillor and to extend the time permitted for objectors to speak to 10 minutes.**

**P64/12 F/YR11/0482/F (24.6.2011)
WHITTLESEY - SITE OF FORMER EASTREA NURSERY, EASTREA ROAD,
ERECTION OF A FOODSTORE 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)**

Further to minute P151/11 of 9 May 2012.

Members considered letters of objection and support.

Officers informed members that:

- three additional letters have been received raising concerns that the proposed Tesco is too close to residential property, raising doubts that the alternative Station Road site would be built and concern regarding traffic issues
- a letter has also been received from Taylor Wimpey noting that they own the nursery site and have granted Harrier an option to purchase. They note that Larkfleet cannot build its current roundabout without the agreement of Taylor Wimpey to sign a Section 278 Agreement and it is willing to sign an agreement so long as Harrier's position is protected in relation to their delivery timetable. They suggest that both the Harrier and Larkfleet

schemes are easily capable of minor modification to accommodate either of the proposed roundabout schemes

- a letter has been received from Gateley LLP on behalf of the Co-operative Group, who note that the Co-operative Group object to both proposals and suggests that the Station Road site remains an important material consideration in the determination of both of the Eastrea Road applications - they state that because the Council has not revoked the Station Road consent or currently executed the Station Road site then the Station Road consent remains an important material consideration, as taken cumulatively with the Eastrea Road site it will harm the vitality and viability of the town centre. They also suggest further detailed analysis of the attributes of the Station Road site and the Eastrea Road site (Harrier) should be undertaken before a decision is taken and the application be deferred
- an additional letter dated 23 August 2012 has been received from ICIS Consulting Ltd, acting on behalf of Harrier Developments, stating that Harrier and the landowner Taylor Wimpey have attempted for some considerable time to reach agreement with Larkfleet, but Larkfleet have been unwilling to co-operate. Supporting information is attached to the letter which notes that the County Council will not permit the construction of the Larkfleet Homes roundabout until agreement is reached with Harrier and Wimpey. It is noted that no third party agreement is required to construct the proposed Harrier roundabout
- a further letter has been received from ICIS Consulting Ltd dated 29 August 2012, where it is proposed that rather than provide a monetary contribution of £150,000 Harrier would prefer to provide a Hopper bus service. In addition, Harrier has offered a voluntary Market Square Enhancement Contribution of £250,000 payable prior to the food store opening. The contribution would include works to relocate/improve the bus staging area, improvements to lighting, additional street furniture and hard and soft landscaping improvements
- officers note the offer of these specific contributions and would recommend acceptance of the Market Square Enhancement Contribution as proposed. Provision of a Hopper bus service rather than a monetary contribution would be an acceptable alternative and these items would be included within a Section 106 Agreement if members are minded to approve the application.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws made the point that the Harrier Developments and Sainsbury supermarket applications were submitted at different times to Whittlesey Town Council as consultees and this is why the Town Council supported both applications when they were originally submitted.

Councillor Mrs Laws expressed the view that the application for Harrier Developments does not bring or offer a contribution to a much-needed bypass or relief road for Whittlesey Town or the A605, with Whittlesey remaining the only Fenland town without a bypass, which seriously impairs its growth and economic opportunities. She made the point that the site is considered derelict, but feels that the applicant has already disposed of an established hedgerow adjacent to Eastrea Road leaving the site a complete eyesore when entering or leaving Whittlesey for a considerable amount of time, with the site appearing to be more derelict than before and in a very poor state of care.

Councillor Mrs Laws expressed the opinion that both applications before members today for an out of town supermarket are outside of the Development Area Boundary (DAB), but she feels the emphasis appears to be that Harrier Developments site abuts the present DAB line and Sainsbury's is approximately 180 metres away from it. She made the point that this former Eastrea Nursery site gained full planning permission for 69 dwellings in December 1997 and she feels that it is logical that this would be a natural extension for housing development and not an out of town supermarket.

Councillor Mrs Laws stated that last week Town Councillors held a meeting to discuss the latest draft Core Strategy, which is out for consultation, and it is known that there are approximately 550 dwellings in the pipeline, but Whittlesey falls short of sites for a further 600 properties required as the draft Core Strategy states the need is for 1,100 dwellings. She asked if it made sense to lose a housing development site and from viewing the draft Core Strategy this application site is definitely earmarked for housing.

Councillor Mrs Laws expressed the view that the principle reason for deferring all three applications in May 2012 was to request an independent survey asking one vital question - what would be the cumulative impact should the Sainsbury's application gain approval on the Eastrea Road site and should Harrier Developments decide to build a food store at its approved site located in Station Road - which she feels has not been asked or answered fully. She asked why the Roger Tym and Partners report was amended and what and why this was amended before being presented at this meeting?

Councillor Mrs Laws referred to the Roger Tym and Partner report, which states that the Station Road site unattractiveness to a food store operator is further compounded by the significant impact of the level crossing on the access to site, making the point that this is nothing new and Harrier Developments must have taken this into account when submitting its planning application for the Station Road site. She made the point that construction has never started and Whittlesey is still waiting for an out of town food store.

Councillor Mrs Laws referred to the change of enhancements at the twelfth hour from Harrier for a Hopper bus service and a monetary contribution for Market Place enhancements, which has not been mentioned previously. She stated that she understands that Harrier Developments build and lease the store to Tesco's for a period of 25 years, asking what happens before or after 25 years should Tesco's decide to vacate the premises; will Whittlesey be left with an empty store or with a new occupant that is a non-food store?

Councillor Mrs Laws expressed the opinion that Whittlesey is already well furnished by Tesco's trading in Ramsey, March, Wisbech, Stanground, Hampton and Peterborough, with a further store to be located in Chatteris, which has gained planning permission, but is waiting to be built. She feels that many Whittlesey residents have registered the fact that they would welcome another retail outlet offering them a choice.

Councillor Mrs Laws made the point that there still seems to be differing comments from several parties on the road structure and access roundabouts. She again referred to Roger Tym and Partners report, which states that "it is unlikely that one of the top four operators would bring forward a smaller store format on Station Road if a competing operator brings forward a larger format on Eastrea Road".

Councillor Mrs Laws expressed the view that Harrier Developments/Tesco have presented their proposals on a "take it or leave it" basis with little apparent concern for the future of Whittlesey as a community. She notes that it is officers' recommendation to approve this 'swap shop' planning application arrangement, but stated that the majority of the Town Council are not in favour of pursuing this application and would ask members to refuse it.

Councillor Mrs French referred to Councillor Mrs Laws stating that Whittlesey needs another 500 houses, but it is her understanding that the Town Council were opposed to the application from Larkfleet Homes, so asked her does the Town Council welcome a residential development on this site? Councillor Mrs Laws advised that the Town Council was not opposed to the principal of additional dwellings on the Larkfleet site, however that the Town Council had site specific issues with the Larkfleet site as part of the site lies in a flood zone area.

Members received presentations, in accordance with the public participation procedure, from Mr Connolly of Larkfleet Homes, Mr Pepper of the Co-operative Group, and Mr Parker of Whittlesey Business Forum, objectors to the proposal. Mr Connolly informed members that he is Land Director for Larkfleet Homes and he reiterates Larkfleet's position in that it has consent to the north of the Harrier Developments site for 460 houses, care facility and ancillary retail.

Mr Connolly referred to the fact that it has been reported that Larkfleet cannot reach agreement with Harrier, but made the point that it will not reach agreement as Larkfleet will not move to a position that Harrier wants it to. He stated that Larkfleet has an approved roundabout on highway land, which has always shown access into the Harrier scheme and it does not require Harrier to sign a Section 278 Agreement.

Mr Connolly stated that a field access does need to be closed to accommodate the approved roundabout, which is a legal matter that Larkfleet would be undertaking. He reiterated that it was reported at the last meeting that an agreement has been reached with Harrier, but made the point that this was a false and misleading statement, as it does not have agreement with Harrier. He does not understand why Harrier do not want to use the roundabout position that has been approved?

Councillor Mrs French acknowledged that Larkfleet has permission for 460 dwellings, but she thought the care aspect to the scheme had been removed? Mr Connolly advised that it has, but it may go forward in the future. Councillor Mrs French made the point that the Section 106 contribution was reduced to enable Larkfleet to deliver the homes, asking when this was to take place? Mr Connolly advised that Larkfleet is looking to start the scheme early next year.

Councillor Miscandlon referred to the officers' update asking for comment on the statement that "supporting information is attached to the letter which notes that the County Council will not permit the construction of the Larkfleet Homes roundabout until agreement is reached with Harrier"? Mr Connolly advised that no agreement has been reached with Harrier, Harrier will not move its position and Larkfleet does not see why it needs to move its position. He stated that the closing of a field access to enable the roundabout is a separate legal matter.

Mr Pepper of the Co-operative Group stated that what he is about to say is in relation to both superstore proposals as it feels that both schemes contravene policies. He asked members to consider whether they want to protect the Town Centre, with them being advised previously that the Station Road site would have an adverse impact on the Town Centre, and it could now be faced with one, two or maybe three food stores.

Mr Pepper expressed the opinion that Station Road has an existing consent and until it is revoked this should be taken into account in the retail assessments of the applications. He feels the proposal would impact on the Town Centre, which is already threatened by the Station Road application.

Mr Pepper referred to the fact that Tesco is expected to provide linkages to the Town Centre, which he feels is a token gesture rather than creating linkages, asking why anyone would want to visit the Town Centre when they could do all their shopping at the store? He feels the existing Co-operative Store is an anchor in the Town Centre and by approving both applications it would reduce the footfall in the town.

Mr Pepper made the point that the Co-operative is not anti-competition, it welcomes further investment in the Town Centre, but it feels that one, two or three food stores in an out of centre location does not provide a level playing field for the Co-operative to compete. He expressed the opinion that these proposals would have an adverse impact on the vitality and viability of Whittlesey Town Centre as a whole, and a supermarket should be located in the right place in the

Town Centre to fulfill its economic and social role.

Mr Pepper expressed the view that both applications should be deferred until the retail assessment takes into account the Station Road site.

Mr Parker of Whittlesey Business Forum stated that it is the opinion of his members that this proposal offers no advantages to Whittlesey Town Centre, it is purely for the benefit of Tesco, with no additional features and on land allocated for residential use. He expressed the view that the proposal carries no extra advantages and would mean fewer visits to the Town Centre and no benefits in terms of extra employment or recreational facilities.

Mr Parker expressed the view that Tesco has refused to talk to them about either the Station Road or Eastrea Road site, with the Station Road site having sat empty for two years, suggesting that Tesco have waited for someone else to do something and then take action by submitting this proposal. He raised concern that if permission is granted what guarantee is there that the permission would not be 'sat on' again, believing that Tesco would have ways or means to get out of its legal agreement.

Mr Parker stated that the Business Forum recommends refusal of this proposal.

Councillor Miscandlon asked Mr Parker how many local businesses does the Business Forum represent, believing that it is a small number in the Whittlesey area? Mr Parker advised that the Business Forum represents 25 businesses and, in his view, these members are more in touch with the people of Whittlesey than anyone else in the town. Councillor Miscandlon asked for clarification on his comment that there would be no extra employment on the Tesco site? Mr Parker advised that there would no extra employment over and above the permission that exists on Station Road, whereas the other scheme has facilities for other businesses to be opened in the area.

Members received a presentation, in accordance with the participation procedure, from Councillor Curtis in objection to the proposal. Councillor Curtis started by stating that Tesco does not adhere itself to the people of Whittlesey by flyposting around the town and he is not happy with what Tesco has done today.

Councillor Curtis expressed the opinion that the idea of quashing planning permission on a totally separate site is questionable and being challenged, referring to his asking of officers twice for examples of precedents, which he received yesterday evening. He stated that the first is a Wisbech agreement with Tesco, which, in his view, can be discounted as a relevant agreement because Tesco has ultimate control of the land being disposed of, and the second is an agreement in Huntingdonshire, which is incredibly complex and he has not had time to analyse properly. However, it is not the same circumstances as this proposal, but it does seem to suggest that quashing is possible, but it must have the agreement of the landowners, and members should get an unequivocal guarantee that they have seen evidence from the landowners that they are in agreement with this quashing.

Councillor Curtis referred to the Vectos and Roger Tym and Partners report, which prove what the people of Whittlesey already know that if either of the planning applications is approved, Station Road is not viable. He feels that the officer recommendation is based on the fact that two viable supermarkets would have a negative impact on the Town Centre and it is clear that only one of those supermarkets would be viable, with his survey showing that less than 5% of residents would use the Station Road supermarket if there was one in Station Road and Eastrea Road. He would argue that the level of business that Station Road would generate would be at such a low level it would not impact on the Town Centre.

Councillor Curtis welcomed the offer of the Hopper bus service and financial contribution to the Market Place, but made the point that this offer is last minute and it has been known for a long time what Sainsbury's is offering, believing that they may be willing to offer the same. He referred to the argument that the Tesco site is brownfield and, therefore, better than the greenfield Sainsbury's site, making the point that there is not enough brownfield land allocated for 1,100 homes for Whittlesey in the Core Strategy and it has to be assumed that an economic strategy is going to identify land for enough jobs to make that additional housing sustainable, therefore, if the Core Strategy is to be delivered greenfield land is going to be essential for business and housing development, which, he feels, would make the Tesco option less desirable than a mixed use Country Park/supermarket development that preserves a large part of the open space.

Councillor Curtis expressed the opinion that he cannot see how Tesco can pass the sequential test and Sainsbury fail it, when the difference to the respective front doors from Cemetery Road roundabout is approximately 70 metres, feeling that they either both fail or both pass. He referred to an appeal judgment that he had produced in a pack to members that says "there must be a sequential advantage if one out of centre site could achieve better town centre linkages than the other", making the point that in this instance it was a site 1500 metres away from a Town Centre compared to one 1000 metres away, and these proposes a 70 metres difference.

Councillor Curtis expressed the view that he cannot see how members can give weight to the argument put forward by Tesco, in particular if Station Road and Eastrea Road are developed, with it being impossible to say that this has the equivalent impact on having two supermarkets when one of them is clearly unviable.

Councillor Mrs French asked Councillor Curtis to explain his comments about what Tesco has done today? Councillor Curtis advised that he has received complaints from residents about flyposting around the town, which he feels is absolutely scandalous. Councillor Mrs French made the point as Portfolio Holder that she hopes the Tesco will remove these posters and that she will be asking for a warning letter to be sent to them.

Members received a presentation, in accordance with the public participation procedure, from Mr Golbourne, a supporter of the proposal. Mr Golbourne informed members that he is the owner of the Station Road site, which is where the existing Tesco planning permission lies and, in his view, the land that has been optioned to Harrier and Tesco has sterilised the site and the sooner the decision is made, with everyone accepting that Eastrea Road is a better site, the sooner the Station Road site can be developed.

Mr Golbourne advised that of a 12 acre site on Station Road, 7 acres of land has been optioned to Tesco and of the remaining 5 acres, a 12,000 square foot workshop has just been completed and a new 10,000 square foot recycling facility is being built, which would create 30 new jobs in Whittlesey. He expressed the view that when new jobs are created it brings out of town money into the area, with 200 new jobs being created on his Station Road site in the last 36 months, and he provided members with the new businesses in this area and the numbers of jobs created.

Mr Golbourne stated that it is an advantage to him if Tesco move to the Eastrea Road site as it would release 7 acres of land that he would develop. He made the point that the second the decision is made the option would be ended and there is no question about whether he will or will not sign a Section 106 to remove the existing permission, it would be signed instantly the decision is made to move Tesco to Eastrea Road.

Mr Golbourne stated that he has lived in Whittlesey for 30 years and this decision has been a long time coming, with Whittlesey needing a supermarket sooner rather than later.

Members received presentations, in accordance with the public participation procedure, from Mr Prichard and Ms Dent, on behalf of the applicant for the proposal. Mr Prichard informed members that he is Director of Planning at Marrons, who are the planning consultant for Harrier Developments.

Mr Prichard expressed the opinion that planning permission for this proposal should be granted as there is, in his view, no sequentially preferable site available in terms of impact, with it not being materially different to the Station Road scheme and falling within an area identified for the future growth of Whittlesey. He expressed the view that the access is suitable and the County Council has accepted the roundabout.

Mr Prichard made the point that officers have advised members that the proposal is considered to comply with the Core Strategy, NPPF and the Local Plan, and the contractual position with Tesco is sound. He stated that the Station Road site is a material consideration, with the effects of the level crossing being known by Tesco before signing up to this site.

Mr Prichard stated that the proposal would provide an half hour hopper bus service to the town, which was part of the original scheme from Harrier that was subsequently changed to a financial contribution. He feels there is no evidence to support determination of the proposal against policy and asked members to endorse the officer recommendation.

Ms Dent informed that she is representing Harrier Developments and has been working on this project for five years. She expressed the view, after listening to others speaking, that the whole impact on the Town Centre is being downplayed, making the point that two out of town stores cannot be allowed to happen, and she feels that opinion is being based on the assumption that the Station Road site would not happen or trade, but there is a contract with Tesco and a permission at Station Road, which has the ability to trade as well as any other store would and cannot be disregarded.

Ms Dent expressed the opinion that if two stores were allowed they would compete against each other, which would create concern for the Town Centre. She made the point that retailer preference is not a planning consideration and she has grasped from local people that they want a supermarket, which, in her view, means Sainsbury does not have a greater pull than Tesco.

Ms Dent referred to the comments of Mr Parker who represents 25 businesses and stated that she telephoned 22 businesses in town, with only 5 being members of the Business Forum, therefore, she feels that Mr Parker does not represent businesses views and she is concerned about businesses in the town, especially if two stores are granted. She stated that a contribution has been offered to the town for the Market Place, which can be used to relocate the buses from this area and, in her view, this proposal is a strong solid plan that can be built quickly.

Councillor Mrs French expressed her amazement at Ms Dent's comments in relation to removing the buses from the Market Place as this is a decision for the Council and the people of Whittlesey. Ms Dent advised that in her opinion it was what the town wanted, but it would not be specific for this use and would be for the community to spend as they wish.

Members received presentations, in accordance with the public participation procedure, from Ms Gosling and Mr Thomas, on behalf of the applicant for the proposal. Ms Gosling acknowledged the difficult task that members have to make, with much evidence and more arguments on both sides to come, but she feels one of the most important things to keep sight of is the fact that how can a supermarket be provided without harming the Town Centre, with the town only being able to support one, and there is already permission for one on Station Road, which can be moved to a better site on Eastrea Road, and by approving both Tesco and Sainsbury's together the town would be damaged.

Ms Gosling stated that Tesco has an on-going commitment to advertise businesses and groups within its stores, it would provide a Hopper bus, which can be enhanced with Town Centre signage, the store would offer to join the Chamber of Trade to share ideas and expertise to enhance the town and it has made £900,000 of contributions to charities within the town. She feels that the proposal has a huge level of support and the 750 letters of support from local people should not be ignored.

Ms Gosling expressed the opinion that the decision is about what is best for the High Street and should be an evidence based process, with evidence provided to members by experts showing that this proposal should be approved for the sake of the town. She urged members to support officers' recommendation for approval.

Councillor Mrs French referred to the fact that Tesco says it is committed to build stores throughout the country, but asked Ms Gosling what is happening with the Chatteris and Wisbech stores? Ms Gosling advised that consent for Chatteris was only signed off in April, it has had to wait until the end of July for the Judicial Review period to end and Harrier Developments are now in the process of negotiating on highway issues, which should be completed by 5 September, and then works will commence on site.

Councillor Mrs French referred to the 750 letters of support and asked Ms Gosling for confirmation that the majority of these were proformas? Ms Gosling advised that proformas still count as a valid letter of support.

Councillor Connor asked Ms Gosling for indication on when the store in Wisbech is going to commence as this has been on-going for some time? Ms Gosling advised that consent was only granted last year and to enable the store to transfer to the new site the current site would become a business park, with 50% of the units needing to be let before this can proceed and it is nearly at this point. Tesco is in the process of buying the other site and as she is sure members can appreciate multi-million pound operations take time to complete.

Councillor Bucknor asked Ms Gosling if the Hopper bus would be an on-going service or time limited? Ms Gosling advised that her colleague who is speaking next would be in a position to answer this question.

Mr Thomas informed members that he is a consulting engineer and is the Highway Consultant for Tesco. Mr Thomas stated that the access and roundabout to the Eastrea Road site can be undertaken on its own land, involving no third party land, and the County Council would enter into an agreement for the roundabout, with Larkfleet's needing the closure of the Eastrea Nursery entrance. He expressed the view that the County Council has again confirmed this to be the case and that Harrier Developments and Taylor Wimpey have tried to resolve the issue in relation to the roundabout with Larkfleet, but it has declined to proceed to date with an agreement.

Mr Thomas reiterated that principal discussions did take place with Larkfleet, despite the comments of Mr Connolly, and that a further analysis has been carried out on the level crossing and submitted to the Council. He made the point that neither Harrier Developments or Larkfleet's roundabouts are affected by Sainsbury's proposal and, in his view, the Harrier Developments Eastrea Road site can be satisfactory accessed without detriment to the Larkfleet residential scheme by the construction of either roundabout.

Councillor Bucknor reiterated his question of whether the Hopper bus would be an on-going service or time limited? Mr Thomas advised that funding would be provided for seven years and after this period the system would be viable in its own right.

Councillor Mrs French expressed her confusion on what is being offered with this scheme, it was originally going to be £150,000 monetary contribution for transport but is now providing a Hopper bus and a £250,000 contribution to destroy the Market Place? Mr Thomas and officers advised that £150,000 was being provided for a bus service, but Tesco has now offered to provide the service itself, with the £250,000 being a separate contribution within the Section 106. Councillor Mrs French asked if the £250,000 contribution would be used in consultation with the people of Whittlesey, and not just "we are moving the buses"? Officers advised in the affirmative.

It was proposed by Councillor Mrs Newell, seconded by Councillor Quince, that this application, together with the other two being considered at this meeting, be granted planning permission as it was felt that it would not affect the vitality of the Town Centre, which was not supported by a majority on a vote by members.

Councillor Mrs French stated that the emerging Core Strategy Policy CS9 refers to the development of this site as being part of the development to the North and South of Eastrea Road for development including housing.

Proposed by Councillor Connor, seconded by Councillor Patrick and decided that the application be:

**Refused for the following reason -
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.**

Members do not support officers recommendation of grant of planning permission for the reason detailed above.

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

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue knowing a resident that lives in close proximity to the site)

(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)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

**P65/12 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 MANAGEMENT LTD)**

Further to minute P152/11 of 9 May 2012.

Members considered letters of objection and support.

Officers informed members that one additional letter has been received noting the scheme brings additional employment.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws informed members that the Town Council has seriously considered the number of local people out of work and this application would be a much needed boost for local employment, with economic development being very high on the Government's agenda and the commitment to ensuring that the planning system supports sustainable economic growth.

Councillor Mrs Laws drew members attention to the fact that Whittlesey is the only Fenland town without a bypass and 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. She expressed the view that every new business opportunity should be looked at keenly that brings both investment and employment to Whittlesey. She expressed the opinion that until a suitable highway structure is in place to serve Station Road/Benwick Road for the designated industrial/commercial area this would not attract any further business or economic growth, which is apparent by the number of empty units and the period of time they have remained unused.

Councillor Mrs Laws stated that the Town Council would like to ensure the type of businesses operating on the proposed retail element of the business park has a minimum impact on Town Centre trade. She requested that sensible opening and delivery operating hours are utilised, especially for HGV's 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 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 also 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 these goals".

Councillor Mrs Laws asked members to note the 168 letters of support for the proposal, together with an additional 23, received from local residents who feel it would boost the economy and bring more jobs to the area for local people and she asked how the strong wishes of the electorate can be ignored. She asked that under no circumstances should this proposed business park be considered for any type of housing development now or in the future.

Councillor Mrs Laws expressed her shock at the comments from Mr Golbourne on the use of the land at Station Road as the Town Council had no knowledge of this. She stated that the Town Council, after viewing the details of the proposal, recommend approval of the application.

Councillor Mrs French asked Councillor Mrs Laws, in relation to comments on an application for development in Station Road, wasn't the Town Council a consultee on County Council applications? Councillor Mrs Laws advised that she was not aware of this application and other members present were not either. Councillor Miscandlon stated that notification from Shanks and McKewen was dealt with via the Clerk of the Town Council approximately three weeks ago. Councillor Mrs Laws advised that she was not aware and other councillors also had no knowledge of it.

Members received a presentation, in accordance with the public participation procedure, from Mr Golbourne, an objector to the proposal. Mr Golbourne made the point that applications are

normally submitted to Fenland District Council, but as this is a recycling operation the application goes through the County Council and whilst he cannot explain why Councillor Mrs Laws did not know about this new business, he feels that councillors should visit the industrial site more often to find out what is going on in this area, making the point that the footings are completed and construction commences next week.

Mr Golbourne stated that he objects to this proposal as there is extra capacity at the Station Road site, with a total of 18 acres to be developed if the Tesco land is removed by a Section 106, and all his 30 industrial units are fully let. He expressed the view that it was only recently that Fenland District Council was looking to delist land and he feels that there is only a need for mid-sized units.

Councillor Mrs French asked Mr Golbourne what size of unit in feet does he mean by a mid-sized unit? Mr Golbourne advised that most enquiries he receives are for units of 5-6,000 feet, with evidence being available to prove this fact.

Members received a presentation, in accordance with the participation procedure, from Councillor Curtis in support of the proposal. Councillor Curtis stated that he has no regrets about the decision to defer the two supermarket decisions at the meeting on 9 May as, in his view, it was worth it to get the evidence base to back up the assumption that Station Road would be unviable, however, he does regret that he did not propose the approval of this business park as he feels there is no aspect of this proposal that is not good, it sits in a sensible place and would create much needed jobs for Whittlesey.

Councillor Curtis expressed the view that this proposal provides for a much better site than Station Road Industrial Estate, which already suffers because of the issues surrounding the railway crossing gates. He stated that he has details of the hold-ups at these gates based on current rail traffic levels, but there are plans for an East-West rail upgrade which would see much more freight traffic going along that rail line, which, in his view, would make the situation for a Tesco at Station Road more unviable and already challenges the improvement of that whole industrial area. He believes the likely increase in rail freight and the impact on Station Road is something that must be given weight to when considering this proposal and the supermarket one.

Councillor Curtis asked members to support this application.

Councillor Scrimshaw asked Councillor Curtis if he was District Councillor for this ward? Councillor Curtis advised he was not, he was District Councillor for Kingsmoor Ward. Councillor Scrimshaw referred to the objection from the Middle Level Commissioners and asked Councillor Curtis if there is a problem with this site? Councillor Curtis advised not, he expressed the view that Middle Level Commissioners should not be objecting, but should be ensuring that as the proposal goes through the Building Regulation stage that the scheme goes ahead, which is not a planning issue.

Councillor Mrs French asked Councillor Curtis that as he was a supporter of upgrading the Kings Dyke crossing, would it not be better for businesses to be located in this location to support his campaign? Councillor Curtis advised that the upgrade to the rail crossing should be part of it, but without business development in Whittlesey it would remain a satellite town for Peterborough. He feels that the argument that things may or may not happen should not be used to stop development in Whittlesey.

Members received a presentation, in accordance with the public participation procedure, from Mr Parker of Whittlesey Business Forum, a supporter of the proposal. Mr Parker informed members that he supports the comments of Councillors Mrs Laws and Curtis that anything that brings business to Whittlesey has to be a good idea. He expressed the view that this proposal would run well alongside Sainsbury and provide more leisure and tourism based facilities.

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

Mr Smith expressed the view that, together with Larkfleet and Gildenburgh Water, he met with officers and the Leader of the Council, where the whole concept was encouraged and approved, with a master plan being asked to be prepared as it was seen as something that Fenland wanted. He stated that he was introduced to Sainsbury to deliver the Country Park and the business park, with another meeting held with officers and others and, in his view, again the concept was supported, with the adjacent Harrier Developments site being allocated for future housing.

Mr Smith expressed the opinion that the scheme has received tremendous support, with over 90% in support, and it is leagues ahead on an on-line poll. He stated that a Friends of the Country Park has been formed to take an active part in the Country Park, with facilities to be provided through the Friends group and local input is welcomed.

Mr Smith expressed the view that this proposal would put Whittlesey on the map, he stated that he was born in Whittlesey and wants to give something back to the town and improve it, not destroy it. He feels that the proposal would attract people to Whittlesey and make it more vibrant, providing much needed employment, with the funds generated by the development being used for community benefit.

Mr Smith stated that he is passionate about Whittlesey and has a track record of delivery asking that he be given the opportunity of delivering in Whittlesey. He feels that society is becoming ruled by legislation and regulation and if planning permission is granted it would be the beginning of the changing face of Whittlesey, hoping that members vote for what is considered the best for Whittlesey.

Councillor Mrs French asked Mr Smith about funding for the Country Park for 10 years? Mr Smith advised that it will be funded by Sainsbury's for five years and himself for five years. Councillor Mrs French asked what is going to happen after this time as Fenland District Council cannot fund it? Mr Smith advised that it is hoped that after 10 years the Country Park would be self-sufficient, being disappointed if it cannot be successful after 10 years.

Councillor Mrs French asked Mr Smith if he had any evidence of the pre-application discussions with senior officers? Mr Smith advised he has notes at home and in his diary, but nothing in writing from the Council.

Councillor Connor asked Mr Smith if he would be prepared after 10 years to put the Country Park in trust for the people of Whittlesey to look after? Mr Smith advised that he would be happy to do so as the whole idea of the park is for Whittlesey people.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson expressed the opinion in relation to flood risk issues that Middle Level Commissioners have withdrawn its objection on the Sainsbury's application, but still object to this application as it is in outline, with issues to be addressed at the Reserved Matters stage.

Mr Hodgson expressed the view that you only have to drive to Ramsey to see where two large stores can compete and the Town Centre still remain thriving. He expressed the opinion that the business park is not for industrial uses, which is well catered for at Station Road, but there is a need for other types of businesses in the town, small scale retail and an A3 restaurant use, with strong interest from a family pub operator.

Mr Hodgson stated that the Council says there is no interest in the business park, but there is already confirmed interest which means that Phase 1 is pre-let, subject to Sainsbury obtaining planning permission as delivery of the business park is subject to a Sainsbury's approval due to the costs with infrastructure. He expressed the view that the delivery of the business park would be providing more jobs into the town, more investment from business and provide options for existing businesses, all to benefit local people so that they do not have to drive out of town.

Mr Hodgson expressed the opinion that the proposal complies with the Core Strategy as investment and jobs is required to support housing and it is key to ensuring that jobs are available to allow major expansion of the town, with there also being significant Section 106 contributions. He expressed the view that the park would be developed in three phases, would generate more people to the Gildenburgh Water site and would be the best overall benefit for Whittlesey.

Mr Hodgson strongly recommended that members do what is best for the town, what the people want and for the long-term future of jobs in the town by approving the scheme.

It was proposed by Councillor Mrs Newell, seconded by Councillor Quince, that this application, together with the other two being considered at this meeting, be granted planning permission as it was felt that it would not affect the vitality of the Town Centre, which was not supported by a majority on a vote by members.

Proposed by Councillor Connor, seconded by Councillor Patrick and decided that members are:

Minded to grant planning permission, but the application be deferred until the next meeting for consideration of detailed conditions and the terms of a Section 106 Agreement only.

Members do not support officers recommendation of refusal of planning permission as members feel that there is a need for a business park to provide appropriate business space, and in terms of the Localism agenda it has the support of the people of Whittlesey.

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue knowing a resident that lives in close proximity to the site)

(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)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P66/12 **F/YR11/0930/F (7.12.2011)**
WHITTLESEY - LAND SOUTH AND WEST OF 300 EASTREA ROAD, ERECTION
OF A FOODSTORE 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)

Further to minute P153/11 of 9 May 2012.

Members considered letters of objection and support.

Officers informed members that:

- 18 additional letters have been received raising the following comments: the proposed country park will benefit local people and wildlife, the country park will ensure maintenance of open space between Whittlesey and Eastrea, the proposed store is located away from residential properties and will not cause a nuisance, business park and country park would be brought forward with Sainsbury's and preference for Sainsbury rather than Tesco
- further correspondence has also been received from Indigo, agents for Sainsbury, providing the following suggested Heads of Terms for a Section 106 Agreement should the planning application be approved:
 - a contribution of £191,000 paid by Sainsbury's to the County Council to subsidise provision of a hopper bus service for a five year period. The service to operate as follows:
 - a) a route between the proposed development along the eastern edge of Whittlesey to the Town Centre
 - b) between the hours of 0700-1900 Monday to Saturday
 - c) at 30 minute intervals
 - in addition, a contribution of £60,000 by Sainsbury's to the County Council for provision of appropriate bus stops to serve new hopper bus service
 - a financial contribution towards the initial set up and administration costs for an "All the Little Shops" scheme for independent retailers within Whittlesey. The purpose of which will provide an e-marketing platform for local retailers. Indigo have indicated they will provide additional explanation at the committee meeting
- a joint letter signed by Sainsbury, Whitacre Management Ltd, Larkfleet Homes and Ian Forster dated 16 August 2012 has been received, which notes that the Sainsbury and Whitacre schemes have been designed to take into account the Larkfleet consented roundabout on Eastrea Road. It is suggested that the proposed Harrier roundabout cannot be delivered as it conflicts with the consented Larkfleet roundabout and also suggests that on this basis a consent for the Harrier scheme may be open to legal challenge. The letter also states that there is no agreement between Harrier and Larkfleet in respect of a shared roundabout despite this suggestion by Harrier's representative at the previous Planning Committee. It is also suggested that Harrier should have submitted an EIA screening opinion for their site. The letter concludes that the parties involved in the Larkfleet, Sainsbury and business park schemes are committed to bringing the developments forward as soon as possible, whereas the Harrier scheme cannot be delivered.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws reiterated that the Harrier Developments and Sainsbury's applications were submitted at different times to the Town Council as consultees, which is why the Town Council had supported both applications when originally consulted.

Councillor Mrs Laws highlighted the fact that both this planning application and the building is Sainsbury's, however, the application does not bring or offer a contribution to a much needed bypass or relief road for Whittlesey town or A605, with Whittlesey remaining the only Fenland town without a bypass, which seriously impairs its growth and economic opportunities. She expressed the view that the Town Council has been extremely impressed by the Sainsbury presentation and the manner in which it has set about trying to engage the public throughout the planning process.

Councillor Mrs Laws stated that both applications for an out of town supermarket are outside of the Development Area Boundary (DAB), but she feels that the emphasis appears to be that the Harrier Developments site abuts the present DAB line and Sainsbury's is approximately 180 metres away. She expressed the opinion that the Sainsbury's out of town supermarket is very visible and well documented in how and what it would bring to Whittlesey within a short period of time.

Councillor Mrs Laws referred to the officers' report which confirms the provision of a hopper bus service to operate 30 minutes between 7.00am to 7.00pm Monday to Saturday, which she feels would be of great benefit not only to the food store, but the proposed business park and Country Park. She stated that the Town Council is particularly pleased with the linked proposal to create a Country Park, which seems to be a great opportunity to bring a decent sized food store to Whittlesey and gain a further public facility at the same time.

Councillor Mrs Laws expressed the opinion that with the pledged financial support to develop a Country Park and management training/guidance from Sainsbury's over the next 10 years, together with the enthusiastic volunteers already signed up and prepared to work to develop a Country Park, it brings something to Whittlesey that no other Fenland town has, with the possibility of Whittlesey having its own mini Ferry Meadows attracting outside visitors. She feels that this application brings a much needed boost to local businesses, leisure activities and tourism with a tremendous boost to economic growth, so the opportunity should be grabbed with both hands.

Councillor Mrs Laws expressed the view that potentially the park offers a wide range of opportunities for leisure, social, cultural and community health with facilities to meet local needs, which would not just have an impact on today's generation, but for two or three generations ahead, with all of these facilities being wanted for many years. She asked that four recommendations be attached to any permission:

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

Councillor Mrs Laws referred to the new Localism Bill where as a Town Council it will be asked for views, participate in discussions for the town's future, asked to contribute financially but most importantly play a vital role in the decision-making and she feels that although this application does not comply with officers' recommendation, there is an opportunity to look at this site in the "spirit" of the law. She expressed surprise that Tesco has announced further contributions today, which have never been visible previously, making the point that Sainsbury has been visible from day one.

Councillor Mrs Laws asked members to listen to the overwhelming voice and written support from residents, the Business Forum and the Town Council to approve Sainsbury's linked planning application for an out of town food store and Country Park.

Councillor Mrs French stated that she welcomes the Country Park if the application is approved, but stated that long-term funding would be provided and asked Councillor Mrs Laws if the Town Council would be looking to take this on? Councillor Mrs Laws advised that not necessarily, although the Town Council would be fully supportive of the Country Park. She made the point that Sainsbury is offering a management fund to support it and she believes that if the Country Park comes to fruition it would receive support from various groups within the town.

Members received presentations, in accordance with the public participation procedure, from Mr Prichard of Marrons, Mr Thomas of Harrier Developments and Mr Cheetham, objectors to the proposal. Mr Prichard made the point that all these application were deferred at the May meeting for the receipt of further information, which has now been received, and the Station Road site is a valid consent, is contractually sound and would be built.

Mr Prichard expressed the opinion that if this proposal is allowed there would be two food stores in Whittlesey, which it cannot sustain and there could be a loss of 50% trade to the Co-operative, which could close, and other retailers in the town resulting in a significant decline in the retail offer and the town having limited potential to attract investment in the future. He feels that the application should be refused as it fails to accord with the sequential approach in terms of impact and fails to accord with policies.

Mr Prichard expressed the view that this proposal would create a food store in the countryside, contrary to the Core Strategy, and well outside the DAB. He feels to bet on the Station Road store not coming forward would be some sort of gamble and members should not gamble with Whittlesey's future.

Mr Prichard stated that he concurs with the findings of officers and urges members to endorse the recommendation.

Mr Thomas stated that he is speaking on behalf of Harrier Developments against the application, with this application proposing another roundabout which requires the closure of the existing access to Gildenburgh Water and the right of access to other properties to the south and it cannot proceed until agreement has been reached with these parties and, in his view, as it currently stands the application is incapable of being delivered. He expressed the view that this development would also close off the route of a viable eastern link road, which he feels should be given long-term protection by the Council.

Mr Thomas stated that the only roundabout that can be constructed without the use of third party land is the Harrier Developments one.

Mr Cheetham informed members that he is a resident of Station Road, he was against the permission of a supermarket on Station Road and, in his view, the Harrier Developments site on Eastrea Road is a better site, with Station Road not been the preferred site, but would be built. He feels the issue is about the right position for a supermarket, not about whether it is a Tesco or Sainsbury's, with only one supermarket being required and whether or not an individual feels that Station Road is viable, it does exist and has to be considered.

Mr Cheetham expressed the view that opinion as to when and if Station Road might happen are not relevant and he believes that Sainsbury's cannot be approved on top of the Station Road permission as it would destroy the Town Centre and would create a price war. He feels it is a simple decision and would be appalled if members failed to follow policies as recommended by officers.

Members received a presentation, in accordance with the participation procedure, from Councillor Curtis in support of the application. Councillor Curtis referred to the fact that Tesco are quoting 750 letters of support, but feels that all but one was submitted before Sainsbury submitted its application. He referred to the survey he had undertaken, which had a 14% return rate, with the majority of responses supporting Sainsbury, so he feels that the idea that Tesco is quoting support is farcical.

Councillor Curtis expressed the view that he does not believe, in this instance, that the sequential test has been applied correctly in that it does not look at accessibility and linkages, just geography, and in itself is not considered with flexibility. He feels that the Sainsbury's scheme provides linkages and protects and improves the vitality of the Town Centre, offers inclusion in the "All The Little Shops Scheme", a scheme designed to develop loyalty to Town Centre locations, and a half hourly Hopper bus from the Town Centre, with the number one priority of residents being the Town Centre.

Councillor Curtis referred to the officer comments in the report, which dismisses the need for a Country Park, but, in his view, this is in direct conflict with the Fenland District-wide Local Plan, which states "overall there is currently a shortfall of open space and recreational areas", with officers' claiming that this would be addressed by the Core Strategy, but he feels it can be addressed now, it is a great use of this space and the vast majority of Whittlesey people are excited by it. He feels that the idea that Sainsbury do not have such a strong presence locally coupled with a Country Park means that a good link advertising package and good connections with the Town Centre might actually bring visitors into Whittlesey and do more to enhance the Town Centre, has been ignored and he can see no evidence that this has been considered.

Councillor Curtis stated that another issue that is important is the idea that this scheme and the business park would fill a space between Whittlesey and Eastrea, but expressed the opinion that they do not, they partially fill a space with the Country Park mitigating this and there is still a large gap between The Tile Factory and the edge of Eastrea to the east of the Sainsbury site. He feels there is a clear precedent for this approximately a mile away between Eastrea and Cotes, where a village hall and housing scheme is partially filling the gap between two settlements, with this scheme being allowed on appeal, partially because of the community benefits of the village hall and this is also greenfield land.

Councillor Curtis expressed the view that this scheme is the sort that is supported by one of the NPPF core planning principles. He stated that he has deliberately tried not to just say "the people of Whittlesey say this, therefore, you must do this", he feels he has tied what he has said to planning and evidence based, but the truth is that the weight of planning evidence is in favour of Sainsbury, it meets the recognised need for open space in Whittlesey, it better meets the sequential test as defined by at least one recent appeal judgment and it meets clear public opinion.

Councillor Mrs French asked Councillor Curtis what the Little Shops Scheme is? Councillor Curtis advised that it is a scheme that offers on-line marketing of town centres and he feels that marketing of Whittlesey as a destination needs to happen, it is ripe for this advertising to draw people into it as a shopping experience.

Members received presentations, in accordance with the public participation procedure, from Mr Parker of Whittlesey Business Forum, and Mr B Parker, a local resident, supporters of the proposal. Mr Parker expressed the view that he believes that this application would be of benefit to the people of Whittlesey as it is felt that 80% of residents leave Whittlesey to undertake their shopping, with 20-30% undertaking additional shopping as well, and the town needs to capitalise on this so that people remain in Whittlesey to undertake their food shopping and undertake their additional shopping, hopefully bringing people back into the Town Centre.

Mr Parker expressed the view that this issue of a supermarket has been talked about for three years and he feels that only Sainsbury has been positive and helpful. He expressed the opinion that this proposal also provides a Country Park, which is a great opportunity for tourism and leisure and would hopefully create more jobs and bring people into Whittlesey as a destination.

Mr Parker stated that he believes this application should be approved, with members previously approving an application against officers' recommendation which failed the sequential test in Station Road and he feels that this proposal brings more to the town.

Mr B Parker informed members that he is a resident of Whittlesey and lives close to both proposals. He stated that from most of the people he has spoken to in and around Whittlesey the majority believe that Sainsbury would offer more and would be a better resource for Whittlesey itself. He expressed the view that Tesco seem to just want to develop a shop, residents want a choice and it is felt that Tesco would not give Whittlesey choice.

Mr B Parker expressed the view that he cannot see Tesco making any money, as if people want to use Tesco they will go to March or Peterborough. He reiterated that Whittlesey wants a choice. Members received a presentation, in accordance with the public participation procedure, from Mr Oxley, on behalf of the applicant. Mr Oxley expressed the view that there has been positive thoughts about what Sainsbury is proposing, creating 250 jobs which is much needed in this environment, and it would prevent significant trade leakage to other towns. He stated that the Hopper bus is an indefinite service to the town and the nine acre Country Park would be landscaped and maintained for a guaranteed 10 year period, together with the delivery of employment land on the linked application.

Mr Oxley expressed the view that it is accepted that there is only capacity for one store on Eastrea Road, with the question being whether one on Station Road and one on Eastrea Road can be sustained is not satisfactorily answered in the consultant's report. He doubts that in the absence of any store on Eastrea Road whether the Station Road site would come forward due to the limitations of the site.

Mr Oxley stated that this proposal would offer the Little Shops initiative, which would promote Whittlesey Town Centre to increase trade and is a new commitment from Sainsbury. He doubts whether the roundabout between the Larkfleet site and Tesco could be delivered, with there being no such problems with the Sainsbury roundabout which is, in his view, clearly deliverable.

Mr Oxley expressed the opinion that there are real benefits from the Sainsbury application, there has been an overwhelming demonstration of public support, a significant Section 106 contribution to the Hopper bus, new Little Shops initiative, Country Park, the delivery of pump priming finance for the adjacent business land, the scheme does not remove permitted residential land, it provides opportunities that are needed for the growth of the town, Sainsbury has a great track record of delivery and promises, and there is no real risk if the scheme is approved today. He feels that this application is the right decision for the community that members represent.

Councillor Scrimshaw referred to the Middle Level Commissioners opposing the application and requiring further submissions, asking Mr Oxley if this opposition can be overcome? Mr Oxley advised that this issue would be deferred to their hydrologist, but he cannot see any reason why they cannot be overcome.

Councillor Miscandlon asked Mr Oxley if the proposed Hopper bus route is only from the Market Place to Sainsbury's? Mr Oxley advised that the Highway Engineer would provide more details on the delivery of this service.

Members received presentations, in accordance with the public participation procedure, from Mr McGrath and Mr Axon, on behalf of the applicant's agent. Mr McGrath expressed the view that the clear need for a supermarket in Whittlesey has been agreed by all parties, with most residents wanting Sainsbury. He feels that Harrier Developments scheme cannot be delivered as there is conflict with its roundabout and the Larkfleet scheme, asking if it can be easily resolved why hasn't it?

Mr McGrath expressed the opinion that the Station Road site is a red herring, it is not viable as detailed in Roger Tym and Partners report, and if it was it would be open and trading now. He asked, even if the Station Road site is built, what is the harm, feeling that the officers' report is out of date as it is assuming that two stores would be harmful, but, in his view, fails to take into account the fact that the Station Road site is unviable and would underperform, and looking at the cumulative impact feels it is not significant on the Town Centre.

Mr McGrath made the point that Roger Tym and Partners identified a 10 million capacity in Whittlesey, expressing the opinion that a smaller Tesco store would turn over at less than 10

million and he feels that there would be capacity after Sainsbury and the Station Road site, which confirms the impact would not be significant. He feels that members can still give consent to this application with the Station Road site.

Mr McGrath referred to the officers' report which states there is no need for a Country Park, but he expressed the view that the Local Plan confirms there is a need asking where else it would be provided? He expressed the opinion that this application can be approved without fear of consequence for the Council and if members did support Sainsbury it would reflect the views of the people of Whittlesey itself.

Mr Axon informed members that he is representing Vectos. He expressed the view that the traffic effect of the competing scheme is much the same as this proposal, but sequentially Sainsbury, the Country Park and business park are preferable because they would be more accessible and the bus service being provided is better.

Mr Axon expressed the opinion that the Sainsbury's junction is compatible with the Larkfleet junction, whereas the Harrier Developments one is not, both cannot be built and it is not right to assume that it would sort itself out, with there is no agreement with Larkfleet and Harrier, making the point that Mr Connolly should know. He feels that even if agreement is reached neither junction has been tested for capacity on a Saturday and, in his view, a positive decision on the Harrier junction would leave the Council vulnerable to a compensation claim.

Mr Axon expressed the view that a food store on Eastrea Road, with one on Station Road, would not be significant as the crossing is closed a significant amount of time which would be a deterrent as corroborated by the evidence supplied by Councillor Curtis in that only 5% of the people would use the Station Road store.

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 Hatton stated that he has listened to all sides and is amazed that all councillors state that the A605 needs improving and Whittlesey cannot sustain anymore growth until it is upgraded, but members are here determining two major planning applications, one of which entails two more roundabouts and a business park and the increase of HGVs on the A605. He asked what do people want as he is beginning to think that Whittlesey cannot sustain any more development until it gets a bypass. He asked the Highways Officer to explain the position on the roundabouts issue and what has been agreed. Sue Reynolds stated that the situation is that the roundabout schemes that have been presented to the County Council are all technically able to work. The Tesco roundabout can come forward without any proviso, the Larkfleet roundabout has an issue about deliverability as it requires closure of an existing access to the nursery site to the south and the Sainsbury's roundabout does work but it does require the access to the Gildenburgh Water to be closed in its present form and for it to take its access from the new roundabout;
- Councillor Patrick asked for the roundabout plans to be re-displayed. Officers showed on the presentation screen the roundabout layouts and Ms Reynolds clarified that there would only be one roundabout between the Harrier and Larkfleet site;
- Councillor Mrs French asked for clarification on the highway situation with regard to the Larkfleet permission as she remembers that there were comments that the A605 was not up to capacity according to Highways and another comment that it was up to capacity and if the stores do get approved what impact does it have on the A605? Ms Reynolds advised that from the information that she has received from colleagues each of the transport assessments has been found to be robust and no issues have been highlighted in terms of

capacity;

- Councillor Mrs French expressed the view that this is one of the hardest decisions that she has had to make as a Fenland District Councillor, with it not being about whether it should be a Tesco or Sainsbury, but about land use. She is concerned that the sequential test that has been undertaken does not stack up, making the point that Whittlesey has a population of approximately 13,000 with another 1,100 homes in the pipeline and currently 2 food stores, and March has a population of 20,000 and has 8 food stores. She feels there are so many issues and is surprised that Tesco has not delivered, having concerns over this with the Chatteris and Wisbech sites. Having listened to Sainsbury it does deliver and Mr Smith has delivered on a housing scheme in March. She is struggling on this decision and has not made up her mind;
- Councillor Mrs French expressed her concern regarding the report from the Chief Solicitor in relation to the contract between Tesco, Harrier and the landowner, she has never seen this being mentioned as a material consideration all the time she has been on Planning Committee and is another reason why she is struggling with the decision;
- Councillor Mrs Newell stated that she is minded to approve all three applications as at the end of the day it is market forces that determines what happens. All Whittlesey has is 1.5 supermarkets, with Chatteris going to have 3, and Whittlesey being bigger. She would recommend the approval of all three applications;
- officers advised that if the Sainsbury and Business Park applications were being recommended for approval these two applications would need to be deferred for final determination until the next meeting for the conditions and Section 106 terms to be presented to members for agreement. Councillor Mrs French expressed concern about the length of time that it takes to draw up a Section 106 and that these applications need to be referred back to the September meeting for agreement. The Chief Solicitor advised that the heads of terms for the Section 106 could be produced in three weeks, but not the full Section 106 Agreement. Councillor Mrs French stated that as long as there is a cast iron agreement from officers and Legal that these applications would be brought back to the next meeting with the heads of term she would support this, and if the applicant is not prepared to do this it be brought back to the next meeting for refusal;
- Councillor Mrs French asked if Mr Smith can achieve what is being asked for in three weeks? Mr Smith advised that he could.

It was proposed by Councillor Mrs Newell, seconded by Councillor Quince, that this application, together with the other two being considered at this meeting, be granted planning permission as it was felt that it would not affect the vitality of the Town Centre, which was not supported by a majority at a vote by members.

Councillor Connor proposed that this application and the business park application be granted, and the Tesco application be refused. The Chief Solicitor reminded members of the risk of challenge with the decision they were making; members should take into account that in approving Sainsbury's there would be the potential that two out of centre stores would be created impacting on the viability of the town centre.

Proposed by Councillor Connor, seconded by Councillor Patrick and decided that members are:

Minded to grant planning permission, but the application be deferred until the next meeting for consideration of conditions and the terms of a Section 106 Agreement only.

Members do not support officers recommendation of refusal of planning permission as members feel that the level of need for a new food store is justified and having heard the evidence presented members considered that the fact that there is an existing consent on the Station Road site will not adversely impact on the vitality of the town centre. Members considered that the scheme as a whole would provide more benefit to Whittlesey, particularly with the development of the country park. It was considered that in terms of the Localism agenda this scheme has the support of the people of Whittlesey.

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

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue knowing a resident that lives in close proximity to the site)

(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)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P67/12 SUPPLEMENTARY REPORT

Officers informed members that:

- additional correspondence dated 24 August has been received from Vectos in relation to the Station Road site and the impact of the level crossing. Vectos wish to clarify certain points which it considers are inaccurate as set down within the committee report. It suggests that the Station Road food store site will not be developed for a food store, but even if it were, would trade so badly that the combined impact with Sainsbury's at Eastrea Road would not be harmful to the Town Centre. The inconvenience caused by the level crossing would be:
 - the likelihood of being stopped at the level crossing which is between 19% and 86% (across two surveyed weekends)
 - the inability to forecast if one will be stopped or not (ie the unreliability of travel)
 - the inconvenience of being stopped (which whatever one argues will be significantly greater than at present given the up to threefold increase in traffic movement) and for potentially successive barrier closures
- in response to the Vectos letter, additional correspondence dated 28 August has been received from the Michael Thomas Consultancy (MTC) acting on behalf of Harrier Developments Ltd. MTC state that its methodology for analysing the impact of the level crossing is correct and rebut the criticisms raised by Vectos. MTC state that based on its survey work the delays caused by the level crossing would not represent a significant deterrent to potential customers. MTC query the statement by Vectos that the Station Road site will not be developed taking into account the contractual position between Harrier and Tesco. If two food stores are developed in Whittlesey, whilst acknowledging the position of the Station Road site is less favourable than an Eastrea Road store, use of competing offers on convenience goods, competitive fuel prices and other such marketing strategies will ensure that the Station Road store draws its share of customers. This situation (two stores) would be significantly detrimental to Whittlesey Town Centre.

Members took into account the supplementary report, and update above provided by officers, regarding the current food store applications located in Eastrea Road, Whittlesey, the content and conclusions of a report prepared by Roger Tym and Partners, the contractual position between

Tesco Stores Ltd and Harrier Developments Ltd, submissions by third parties and highway issues in relation to the Station Road site in making their decision in relation to planning applications F/YR11/0482/F, F/YR11/0895/O and F/YR11/0930/F.

6.25pm

Chairman