

PLANNING COMMITTEE



23 JANUARY 2013 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M I Archer, M G Bucknor, Mrs V M Bucknor (substitute for Councillor D Patrick), D W Connor, M Cornwell, D Hodgson, M J Humphrey (substitute), B M Keane, S J E King (substitute), A Miscandlon, Mrs F S Newell, T E W Quince, D Stebbing and W Sutton.

APOLOGIES: Councillors Mrs K F Mayor and D R Patrick.

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

Also in attendance was A Ranatunga (Barrister) and Ms S Reynolds (Cambridgeshire County Council Highways).

The Chief Solicitor reminded members that taking part in this meeting they must have an open mind. Members may have made statements or discussed options in advance of the meeting, indeed many have taken part in votes at previous meetings. This is acceptable provided that members are prepared to approach today's meeting with the possibility of changing their view, taking into account only the material considerations and giving a fair consideration to the points raised. Suggestions have been made by one of the parties that certain members may be predetermined for this meeting, it is officer's view that the evidence presented does not indicate a real risk that individual member's minds are closed and, therefore, the Council has written back to the relevant party to confirm this. However, the decision is one for members and if any member feels that they have a closed mind to the issues they should remove themselves from committee.

*** FOR INFORMATION OF THE COUNCIL ***

P152/12 LEGAL IMPLICATIONS REGARDING PLANNING MATTERS

The Chief Solicitor presented a report on legal challenges to the decisions of the Planning Committee on 29 August and 19 September 2012 in respect of planning applications F/YR11/0482/F, F/YR11/0895/O and F/YR11/0930/F. He informed members that:

- it is very rare that such a report is presented to committee and he does not recollect such a report at any authority he has worked at. However, it is permissible at any time before decision notices are issued for the authority to reconsider its position;
- in the present case challenges have been made to the decisions of the Planning Committee in respect of all three applications;
- having considered each of these areas of challenge and whilst some are more likely to succeed than others all of the decisions have a substantial risk that they will not be sustainable in face of challenge;
- the committee has two principal options open to it:
 - to accept that there is risk, but to proceed with the existing decisions on some or all of the applications and await the determination of the various challenges

- to reconsider each of the applications today;
- if members choose to stick with the existing decisions this will probably produce a significant challenge to the decisions made and could delay the eventual construction of any development for a significant period of time;
- if members reconsider the applications this will enable the authority to put forward decisions which are as sustainable as possible and, therefore, mitigate the risks of challenge. It cannot be guaranteed there will not be challenge, however, the stronger the Council's position is the lower that risk is and the greater likelihood of the decisions being upheld;
- in reaching their conclusion, members must weigh the usual presumption of the certainty of an original consideration of the committee with the situation before it where substantive risks attached to each decision and the likelihood that they would not be sustainable in their present form.

Members made comments, asked questions and received responses as follows:

- Councillor Archer requested clarification that the first option is deemed to be more risky? The Chief Solicitor confirmed this to be correct as the three decisions are currently all susceptible to challenge and it is unlikely that the Council could defend this challenge;
- Councillor Archer asked if the applications are determined afresh today there could still be a challenge from one or other party due to the decision made today? The Chief Solicitor advised that nothing is guaranteed and there is a likelihood that there may be challenge, but the purpose of re-considering these applications is to take the Council from a position where the current decisions would fail if challenged to one where the decisions can be defended. Officers are not saying that members have to blindly follow officers' recommendation, but there are issues with the decisions as they currently stand and the Council needs to be in a strong position;
- Councillor Miscandlon stated that there is an error in the report on page 8, 15 ii) should refer to 10 (a) (iii) and (b) (ii) and not 8. The Chief Solicitor confirmed that this was correct and should also be corrected at point 12.

Proposed by Councillor Humphrey, seconded by Councillor King and **decided that planning applications F/YR11/0482/F, F/YR11/0895/O and F/YR11/0930/F be reconsidered.**

P153/12 WHITTLESEY PLANNING APPLICATIONS:

F/YR11/0482/F

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)

F/YR11/0895/O

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)

F/YR11/0930/F
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 (SAINSBURYS SUPERMARKETS LTD)

Further to minutes P64/12, P65/12, P66/12 and P88/12.

Members considered letters of support and objection for all applications.

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:

F/YR11/0482/F

- a further 224 letters of support have been received making the following points - would prefer food store to residential, prefer products offered, need for supermarket in Whittlesey, would generate jobs, would visit town more if it had a supermarket, preferable to Sainsbury's, issues with the Station Road location and no real need for country park
- 7 additional letters of objection have been received - majority of people want Sainsbury's, provision of country park would be beneficial, increases competition
- the applicant has written to the Council noting that the name of the former nursery was "Arbers Nursery". This is noted
- the applicant has also submitted further correspondence dated 22 January 2013 stating that the applicant is prepared to now offer a contribution of £251,000 towards a hopper bus to improve the links between the Harrier food store site at Eastrea Road and the town centre and to provide an improved Bus Stop Infrastructure. Officers note the proposed financial contribution of £251,000 towards a hopper bus scheme and consider this to be an acceptable level of contribution in respect of that element of the suggested Section 106 Agreement
- the applicant also wishes to provide a revised offer of £150,000 towards a town centre and market square contribution rather than £250,000 to compensate for the fact that the contribution towards the hopper bus has been increased by £101,000. They suggest the sum of £50,000 to improve bus staging, £50,000 improvements to lighting, £25,000 street furniture and £25,000 hard and soft landscaping. Officers note the proposed suggested town centre contribution of £150,000, but as set down under Paragraph 13.56 of the main report, officers are of the opinion such a contribution would not meet the requirements of the CIL regulations and should, therefore, not be sought as part of the proposed Section 106 package for the Harrier application
- a letter has been received from Tesco Stores Ltd dated 18 January 2013, which sets down the history of its search for an appropriate location for a Tesco store in Whittlesey. It notes that two supermarkets should not be permitted due to risk to the town centre and suggest that the move of the approved food store from Station Road to Eastrea Road is the only option that will ensure the vitality and viability of the town centre is retained. It notes that localism is not a device to set aside the statutory provisions of the Development Plan, suggesting that its proposed scheme is compliant with the Development Plan. It suggests that the scheme complies with relevant planning policy, is more sustainable than the competing proposal (Sainsbury), the Tesco scheme leaves additional residual land for housing development for which a scheme is being developed, the scheme will release the Station Road site for employment uses, the scheme includes measures such as a hopper bus service to connect the store to the town centre and also states that the contract between Harrier and Tesco to provide a Tesco store at Station Road is sound

- correspondence has also been received from Gateley dated 21 January 2013 on behalf of the Co-Operative Group suggesting that the proposed Section 106 Agreement, which will remove the Station Road consent is conditional and lacks certainty. It suggests the Station Road consent is a significant material consideration and will exacerbate the impacts of any consents at Eastrea Road. The proposed Section 106 does not prevent other retail developments or schemes being brought forward at Station Road. In respect of the proposed retail sites it suggests that a full and comprehensive analysis of the attributes of all sites in comparative terms should have been undertaken. It suggests that the Council should have taken into account on whether or not the impact of just one store on the town centre is significantly adverse and unacceptable, it refers to Roger Tym's advice to the Council prior to the granting of the Station Road site that the application should be refused on impact grounds. Officers do not consider that a cumulative study is required to meet the requirements of the CIL Regulations; the purpose of the obligation is to ensure the delivery of only one food store within the town consistent with the retail impact studies, which meets the necessity test under the regulations

F/YR11/0930/F

- a further 11 letters of support have been received from members of the public stating that Sainsbury's would be beneficial to the town, increases competition, best scheme for local environment, community and jobs, and scheme would provide a country park
- Indigo Planning Ltd, agents for the Sainsbury application, has submitted further correspondence dated 18 January 2013 suggesting that there are flaws in the committee report relating to these applications. It disputes the point made in the report that the Harrier/Tesco site is more sustainable and suggests that whether one is more sustainable than the other is determined by the connections between those sites and the town centre rather than relative distances. It is suggested that the Sainsbury proposed hopper bus would provide a more effective service than that provided by Tesco. Officers comment that, although provision of acceptable public transport links is a material consideration when considering sustainability, so is the location of new development. The proposed Sainsbury's scheme is on open agricultural land and not identified for development within the adopted Local Plan or the emerging Core Strategy. It is not, therefore, considered by officers to be a sustainable location for development.
- Indigo suggest that as the Core Strategy effectively moves the original Development Area Boundary upto the edge of the Sainsbury site then it is wrong to object to the Sainsbury scheme on that basis. It also suggests that the proposed country park would ensure that coalescence between Eastrea and Whittlesey does not occur. Officers comment that the Harrier site falls within a strategic allocation for future mixed use development as set down within the emerging Core Strategy. Indigo appear to be suggesting that an extension to a proposed extension somehow makes the location acceptable - it does not, the Sainsbury site remains open countryside under the emerging Core Strategy policy
- Indigo refer to the various assessments made of retail impact and note that in considering the viability of the Station Road site, Roger Tym and Partners concluded that the site would not be viable for a major food store if a competing store was to be developed at Eastrea Road. On this basis, Indigo disagree with officers that there remains the potential for two out of town food stores. It is also suggested that the cumulative impact of two stores (ie Sainsbury trading on Eastrea Road and Tesco trading at Station Road) would be less than two stores trading at viable levels. It suggests that the Station Road consent is not a serious development proposal. Officers comment that as noted in the main committee report, Tesco are contracted to occupy the Station Road site and despite the conclusions of the Roger Tym report considering viability of the Station Road site there is no guarantee that a Tesco store would not be developed at that site. The contract between Tesco and Harrier is, therefore, in officers' view a strong material factor

- Indigo are critical that an EIA screening was not submitted by Harrier. As noted in the main committee report, careful consideration was given to the need for an EIA by officers for the Harrier site, but was not considered necessary taking into account the EIA regulations
- reference is made to the fact that the 750 letters of support for Harrier in the main pre-dated the submission of the Sainsbury scheme. It is suggested that since the submission of the Sainsbury scheme there has been overwhelming support for that application
- Indigo refer specifically to the contract between Harrier and Tesco to deliver a food store at the Station Road site and suggest that it is naive to consider that Tesco would open an unviable store. Officers comments are that as previously noted, the contract between Tesco and Harrier is a strong material consideration and cannot be discounted
- reference is also made to the provision of the country park, suggesting there is a need for this park and officers are incorrect in stating there is no need for this facility. Officers comment is as noted in the committee report, previous assessments do not indicate a need for such an extensive area of open space. The shortfall should be addressed within the existing urban area and within the new strategic allocations
- correspondence has also been received from Sainsbury's dated 18 January 2013 suggesting that it is important to note that there can be only one new food store in Whittlesey and that it offers more to Whittlesey than the Harrier scheme including a country park and infrastructure for the business park proposed by Whitacre. It also suggests that Sainsbury is the more popular choice locally. In relation to the planning officer recommendations, it suggests that officers have ignored the significant benefits of the country park and also suggest that Tesco would not occupy an unviable store at the Station Road site. Reference is also made to the existing position of the Development Area Boundary which would move eastwards under the Core Strategy policy and adjoin the Sainsbury site
- with regard to the sequential test, it is stated that the Sainsbury proposed hopper bus service will have superior links to the town centre and is, therefore, more sustainable than the Harrier scheme. Sainsbury also state that the Harrier site is allocated for housing which would assist in meeting local housing targets
- reasons for approving the Sainsbury's application and refusing the Harrier application are also set down
- Middle Level Commissioners note the information supplied to them by the applicant provides an acceptable surface water disposal solution

Other Comments:

- two letters have been received raising concern in relation to the timing of the meeting, querying the need to reconsider the applications, no need for supermarket, would prefer a bypass and road improvements, wish to avoid further delays in process and a new supermarket would provide wider choice.

Members received presentations, in accordance with the public participation procedure, from Mr Prichard, Mr Simpson, Mr Taylor and Mr Thomas, on behalf of the applicant for application F/YR11/0482/F. Mr Prichard informed members that he is Director of Planning at Marrons, who are the Planning Consultant for Harrier. Mr Prichard expressed the view that despite recent changes to the planning system in terms of localism, the planning framework should be considered in accordance with planning policy and the report makes it clear that this proposal accords with policy and should be approved, with it being made clear that the name of the retailer who might operate the store is irrelevant in planning terms.

Mr Prichard made the point that the officers and retail consultant's reports state that only one store can be accommodated otherwise the vitality and viability of the town centre would suffer and this proposal would ensure that only one store would be created by relocating the Station Road store to Eastrea Road. He expressed the opinion that the contract between Harrier and Tesco is sound and the only decision that can logically be made in line with planning policy would be to permit this

application.

Mr Prichard referred to the sequential approach and that this proposal is on land identified in the Core Strategy where development of a supermarket is an appropriate use complying with local policy and objectives. He feels that this store would be closer to the town centre than the existing consent, with it being a natural extension to the town as opposed to Sainsbury's proposal and representing a more sustainable location, as concluded by officers and, in his view, the only decision that can be made is to permit this proposal as it is a sequentially preferred site.

Mr Prichard expressed the view that the Harrier scheme, together with the Larkfleet scheme would comply with the Core Strategy and it would secure via a Section 106 the revocation of the Station Road permission so only one new large food store is built in Whittlesey. He made the point that the site is previously used land having been a nursery and would not result in development in the open countryside or correlation of the open gap, and would allow the Station Road site to be used for industrial development.

Mr Prichard reiterated that this proposal accords with both local and national policy, satisfying key policy tests and, therefore, localism in the planning system and, in his view, would not have an adverse impact on the town centre. He feels that the site is well located to the existing Development Area Boundary, on identified land in the Core Strategy and can be brought forward without constraint on any matters. He requested that members endorse officers' recommendation.

Councillor Archer referred to Mr Prichard stating that Harrier is committed to building a site in Whittlesey and if Sainsbury's is granted the Station Road site will be built out, asking why it has not been built out before now? Mr Prichard advised that this matter has been discussed with the committee previously, planning permission has been granted in Station Road, however, this site became available and it was thought that it would be a preferable solution to pursue. A Reserved Matters application has been submitted to the Council for Station Road, so work is in progress on this scheme.

Councillor Archer stated that he was not on the committee previously when these applications were discussed and he is not convinced that Tesco would build a site anywhere. Mr Prichard advised that a representative from Tesco would address the committee shortly and would be able to give members details of proposed stores. He stated that details have recently been submitted for the pre-conditions commencement on the Station Road site and Tesco are contractually bound to provide a store in Whittlesey, which at present would be provided at Station Road.

Mr Simpson informed members that he is Corporate Affairs Manager for Tesco and gave reassurance of Tesco's commitment to build a store in Whittlesey, with this search having been undertaken for some time. He stated that if this site is not approved the store in Station Road would go ahead.

Mr Simpson expressed the view that there is support for a supermarket and it is about principle not about which supermarket should come forward, with professional advice saying that Whittlesey can only support one supermarket and permission was granted on the Station Road site in 2010. He made the point that this application seeks permission to relocate existing permission, with the competitor seeking permission for a second store.

Mr Simpson expressed the opinion that Tesco is looking to occupy the site as soon as possible and has a watertight agreement with Harrier to take forward the Station Road site, which is a material consideration that should be taken in account. He feels the application has considerable support locally and asked members to follow officers' recommendation and support the application.

Councillor Stebbing asked Mr Simpson why the Eastrea Road site has been left in a disgraceful condition, being one of the main roads into Whittlesey? Mr Simpson advised that they want to move forward with the application as soon as possible and would be on site as quickly as they can, but if this is not the case it would develop the Station Road site.

Councillor Hodgson made the point that opinion is suggesting that Whittlesey cannot cope with two large stores, but Wisbech has six stores, three of which are very large and all out of centre for a population of 21,000, and it is being suggested that Whittlesey cannot cope with two large stores with a population of 13,000 people and he cannot see a problem with this. Mr Simpson advised that is what the sequential test and retail impact shows and that the Eastrea Road site is preferable, but feels that this is a question for officers.

Councillor Hodgson asked Mr Simpson that if permission is granted today the existing permission would get cancelled? Mr Simpson advised yes, subject to a discussion with Harrier.

Councillor Connor expressed the view that the same commitment was given in Chatteris and Wisbech for new stores and to the outsider it seems that not much progress has been made in these towns, asking Mr Simpson what are the promises to the people of Whittlesey? Mr Simpson expressed the opinion that members should be considering the application in front of them, however, Tesco will be making an announcement shortly in Wisbech and land issues are being dealt with in Chatteris, with it anticipating being on site as quickly as possible.

Councillor Archer asked Mr Simpson, taking into account what he has said about professional advice on only one site being acceptable, would Tesco pull out of Whittlesey if permission was given to its competitor? Mr Simpson advised that it would build the Station Road site, but it is felt that the Eastrea Road site is more preferable.

Councillor King asked Mr Simpson why when he made his statement he was emphatic about pulling out of Station Road, but backtracked when asked the question by Councillor Hodgson? Mr Simpson advised that the position would be discussed with Harrier, but Eastrea Road would be built if permission is given and not Station Road.

Councillor Humphrey referred to Page 46 of the report, third bullet point, which states that the owner of land at Station Road would enter into a Section 106 Agreement agreeing not to implement the consent that exists on this site.

Councillor Sutton referred to the mention by Mr Simpson that the Eastrea Road site is closer to the town centre than the Station Road site, asking how much closer? Mr Simpson advised that the Technical Officer would be able to answer this question. Councillor Sutton expressed the opinion that he believes the distance is the same.

Councillor Mrs Bucknor asked Mr Simpson for clarification on the increase of funding for the hopper bus service and how long this funding would last for? Mr Simpson advised that colleagues from their highway team would be able to answer this question.

Mr Taylor informed members he is a Barrister instructed on behalf of Tesco and he would be speaking about the contractual position between Harrier and Tesco. He referred to the suggestion that these parties are not contractually committed and this view is wrong as Tesco is committed to provide a store at either Eastrea Road or at Station Road, with Tesco contracted to fit out the new store and enter into a 25 year lease. He made the point that permission already exists for a store at Station Road, so the contractual commitment to build it and fit it out exists.

Mr Taylor stated that if the Eastrea Road scheme is granted, Harrier is obliged to enter into a Section 106 to revoke the planning permission for the Station Road site and this store would not

come forward. He made the point that copies of the redacted contract have been provided to the Council and the Council's solicitor has confirmed that those contracts are in place.

Mr Taylor expressed the opinion that it is theoretically open to Harrier and Tesco to vary the contract, but it needs agreement from both parties and it has been stated by Harrier in writing that it would not be varied or amended. He feels that whether the Eastrea Road site is approved or refused, a 25 year lease would be made and a Tesco store would be coming to Whittlesey.

Mr Taylor stated that there is consensus that opening two stores in Whittlesey would have a material adverse impact on the town centre, which is simply not big enough to accommodate two stores, with Tesco, the Council and its consultants agreeing. He expressed the view that if the Eastrea Road scheme is permitted there is not sufficient capacity for another store without adverse impact on the town centre.

Councillor Mrs Bucknor asked Mr Taylor if the Eastrea Road site was not developed by Tesco is there any legal impediment as the identified use is for housing development? Mr Taylor advised he was unable to answer this question.

Councillor Stebbing asked Mr Taylor if the Eastrea Road site is not granted today is there any contractual arrangement for the size of store in Station Road? Mr Taylor advised that there is only one planning permission and that planning permission would be implemented. Councillor Stebbing asked if the store would not be modified due to the potential restriction in use? Mr Taylor advised that the contract does not provides for modification in the size of the store at Station Road as far as he is aware.

Mr Thomas informed members that he was speaking on behalf of Harrier in relation to transport matters. He referred to officers' mention within the report that there was extensive discussion on the Station Road consent, namely the impact of the railway crossing, and, in his opinion, the committee has previously agreed that the railway crossing would have no impact on a food store in Station Road despite the submission of Vectos, with it being deemed as not a deterrent given the view of the committee and highways.

Mr Thomas stated that, as part of the Eastrea Road application, a financial contribution would be made of £251,000 to fund a bus service linking the town centre to the Harrier development and improvements to the bus stop, which is the same as the offer made by Sainsbury. He stated that the anticipated life is 5-7 years and he would anticipate that the County Council would, with the funding, be able to guarantee a service for at least 5 years.

Mr Thomas expressed the opinion that a great deal of disinformation is being spread by Larkfleet regarding the deliverability of the access and roundabout, with Larkfleet saying that their current permitted roundabout was deliverable although it knew that highways would not permit its construction without consent to closure of the nursery access and a meeting was held in 2011 with Larkfleet where agreement was given to close the existing access when the new roundabout was provided. He stated that Wilcon Homes and Harrier's position has been repeatedly confirmed that it would close the access subject to stepping rights, with the current Larkfleet roundabout having capacity for Harrier and Larkfleet as does the proposed Harrier roundabout.

Mr Thomas referred to Larkfleet not being able to provide its roundabout due to red line and ownership issues and that Wilcon Homes have submitted an application for a centralised roundabout on Eastrea Road, which it is able to deliver as it has rights to the highway land. He asked members to support officers' recommendation to approve the Harrier development, which does not, in his view, compromise the Larkfleet application.

Councillor Bucknor asked Mr Thomas what triggers the withdrawal of funding for the hopper bus? Mr Thomas advised that the applicant is providing a sum of money to the Council, with the original proposal being to provide the service itself.

Councillor Hodgson referred to the suggestion that the extra Sainsbury's roundabout would gridlock Whittlesey and he has been told that Whittlesey is gridlocked quite often anyway. Mr Thomas expressed the view that when account is taken of current applications and Larkfleet the spacing is too close and it locks solidly in both directions, with this, in his view, being confirmed to officers by highways.

Councillor Archer expressed concern over the arrangements for the bus service, asking Mr Thomas what happens when the money runs out for this service bearing in mind that all bus services are being cut? Mr Thomas advised that the original proposal was to provide the hopper bus service, but the applicant was asked to make a contribution instead. He stated the money would go to the Council to be used to fund the bus service and improvements to the bus infrastructure between the site and town centre.

Councillor Connor referred to the issue with viability of the Station Road site and journeys he has made from his home when the railway gates were closed 7 and 9 minutes, feeling that there would be an adverse effect on whether the store on Station Road would be used. Mr Thomas advised that the transport assessment on the Station Road site was carried out in 2009 and made assumptions on gate openings and effect on traffic, with the worse case scenario being the gate would be closed 50% of the time following the count of every opening and closure of the gates in a 16 hour operating period. This was re-visited in 2012 and the analysis still concluded that it would not have a significant effect.

Councillor Cornwell stated that he is still uncertain which Council receives the £251,000 to provide the hopper bus as long as the funding lasts? Mr Thomas advised that as far as he is aware the money would be paid to Fenland District Council and if it transfers it to the County Council or provides an annual subsidy for the bus service that is its decision.

Councillor Mrs Bucknor expressed her confusion about the roundabout issue and requested clarification on whether Mr Thomas is saying that the roundabout proposed by Tesco for the new nursery site would not cause difficulty for either Sainsbury or Tesco or if the new roundabout would cause significant problems due to the narrowness of the road? Mr Thomas advised that the proposed Harrier roundabout on the south side of Eastrea Road does have sufficient capacity to deal with Harrier, Larkfleet and development to the east, whereas the current consented Larkfleet roundabout does not, in his view, have capacity to deal with Sainsbury's to the east and its new roundabout does not, in his view, have sufficient capacity to deal with all applications.

Councillor Cornwell made the point that the A605 is not a local road, but a strategic road, which is extremely important in Fenland and asked Mr Thomas if any consideration has been given to smart traffic lights which slow down traffic or any other alternatives to a roundabout? Mr Thomas advised that in the context of their application the only alternative that works safely is a roundabout. They would not propose traffic lights as whilst they slow down traffic it would be much more difficult to create capacity, whereas, in his opinion, roundabouts give more capacity and make junctions safe and traffic lights would create a major crossroads, which would look horrendous.

Members received presentations, in accordance with the public participation procedure, from Mr Smith and Mr Hodgson, the applicant and agent for planning application F/YR11/0895/O. 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, asking what has now changed as the proposal is being recommended for refusal and why was he encouraged and not discouraged to pursue the application at his great expense.

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, including Thorney Athletics Club, and local input is welcomed. He made the point that Fenland District Council did not want to take on the financial liability of the park and Sainsbury's and himself have guaranteed to take on the costs themselves as they want to put Whittlesey on the map.

Mr Smith expressed the view that the park would give something back and he has no intention of damaging the town centre, believing that it would attract people to come to Whittlesey and make it a vibrant place. He stated that his comments are not sweeteners, but genuine offers, as he is passionate about Whittlesey.

Mr Smith expressed the opinion that the business park would create local employment and provide community benefits, and he has received reports from Savills to show that there is a need and people want to proceed with the units, such as an eye hospital and veterinary clinic. He feels that a different type of employment would be attracted to this business park than that on Station Road and the two sites would not be in competition.

Mr Smith expressed the view that Fenland is described as lacking vision and enterprise and he does not agree, he has won approvals for many sites in Fenland and if the Government had not "pulled the plug" he would have delivered the College of West Anglia and extension of the park in March. He stated that he has a track record of delivery citing some examples and asked that he be given the opportunity to deliver this scheme in Whittlesey.

Mr Smith acknowledged that it is bad policy to knock the opposition, but, in his view, Harrier have delivered nothing in Fenland except uncertainty and he feels that there are no grounds for a legal challenge to the Sainsbury and Whitacre proposals. He expressed the view that this proposal brings the beginning of the changing face of Whittlesey, delivering something tangible and beneficial to Whittlesey. He hopes that members vote for what is best for Whittlesey and are not bullied by the threat of legal action, which, in his view, is a scare tactic.

Councillor Hodgson asked Mr Smith after the 10 year period has expired who is going to maintain the country park? Mr Smith advised that there has been lots of ideas for the park and it is hoped that it would be able to generate its own upkeep after 10 years, feeling that if he was given 60 acres of land and could not make it work he would be disappointed. Councillor Hodgson asked if it is the Friends of the Country Park that would own the park? Mr Smith advised that the Friends group would run and govern the park using local input.

Councillor Hodgson asked Mr Smith if the business park is dependant upon the success of the Sainsbury's application? Mr Smith advised that the two are interlinked as Sainsbury is helping to pay for the infrastructure of the business park and would attract people to the country park.

Councillor Miscandlon expressed the view that the use classes for the business park are all uses that are related to the town centre and he feels it would have a detrimental impact on the town centre. Mr Smith advised that it is not his mission to have a detrimental impact on the town centre

and if it is the case he is happy to change the use classes.

Councillor Mrs Bucknor asked Mr Smith what is the current public open space position in Whittlesey as officers state there is sufficient capacity? Mr Smith advised that, as far as he is aware, there is a requirement for additional public open space in Whittlesey.

Councillor Stebbing asked Mr Smith to assure members that the roundabout access can be adjusted to fit in to whatever happens with the Larkfleet scheme? Mr Smith advised that he has a good relationship with Larkfleet and the roundabout can be moved into a position where all can be accommodated as long as agreement is given by Highways.

Councillor King advised Mr Smith that he did not answer the question about ownership of the country park. Mr Smith advised that at the moment of time the country park would initially belong to Whitacre Management, but he intends to give it to a charitable organisation that wants it. Councillor King asked Mr Smith if he knows of any other areas where money has been generated to upkeep the maintenance of a country park? Mr Smith advised not. Councillor King asked Mr Smith that, therefore, his ideas are untested? Mr Smith confirmed this to be the case.

Councillor Mrs Bucknor asked Mr Smith why he does not believe there to be sufficient public open space in Whittlesey? Mr Smith advised that he believes this question should be asked of the planning experts, which he is not, but as far as he is aware there is a shortfall in Whittlesey.

Councillor Humphrey asked Mr Smith that he has made it clear that the business park would not go ahead without Sainsbury's application being approved, so this proposal relies on Sainsbury's being successful and being delivered? Mr Smith responded in the affirmative.

Councillor Quince asked Mr Smith when works could start on site if the application is approved? Mr Smith advised probably next week.

Mr Hodgson informed members that he is a Planning Consultant with Savills. He referred to the Development Plan position and made the point that the Core Strategy in Fenland is emerging and there is a Cabinet meeting tomorrow to discuss the submission version of this document, therefore, the Core Strategy is not approved and there is the opportunity to potentially change it tomorrow to include the Sainsbury's store and business park sites.

Mr Hodgson acknowledged that planning law is clear that applications should be determined in accordance with the Local Plan unless material considerations determine otherwise and, in his view, there are a wide range of material considerations for an application with Sainsbury's that delivers more to the community. He expressed the opinion that the business park would generate significant employment opportunities, aligned to the Sainsbury's application in respect of infrastructure, with the site having been marketed and considerable interest being shown as the site would lie next to a Sainsbury's, with the report dismissing, in his opinion, that there are uses for the business park lined up.

Mr Hodgson stated that work to interest users to the business park has been going on for over a year and it would deliver a number of employment uses in this area. He expressed the view that the Station Road site would be for "dirty" uses and the uses on this site want prominent road frontage and would be "clean" employment uses, such as an eye hospital, roadside takeaways and a number of retailers who would not locate down Station Road as it is a poor location for these uses.

Mr Hodgson expressed the opinion that the demand for the business park is only there if the Sainsbury's store comes forward and the proposal would not come forward anywhere else in Whittlesey. He made the point that there would be facilities on the Larkfleet Scheme so this

proposal would be beneficial to this development also.

Mr Hodgson expressed the view that there is strong support for this proposal and phase 1 is 80% let, subject to Sainsbury obtaining permission.

Councillor Cornwell expressed confusion about some of the business uses that were mentioned and then reference to the Larkfleet development as he feels that a large amount of the uses being talked about would mean people coming into Whittlesey? Mr Hodgson advised that all uses have been taken into account with traffic movements and people coming into Whittlesey. Uses are being looked at that find it beneficial being next to a food store, but the final mix of uses would not be known until contracts are in place, but there is firm interest from a family pub.

Councillor Cornwell asked Mr Hodgson how this proposal would affect the businesses in the town centre? Mr Hodgson advised that there may be some affect, but the type of pub that it is in discussions with does not exist in Whittlesey at present.

Members took a 10 minute break.

Members received presentations, in accordance with the public participation procedure, from Mr McGrath, Mr Axon and Mr Oxley, on behalf of the applicant for application F/YR11/0930/F. Mr McGrath informed members that he is a planning advisor and he has a sense of deja vu as this is the third time he has spoken on this application, which has clear support for approval, and questioned why it is back at committee again thinking that only a few select officers know.

Mr McGrath expressed the opinion that despite support the application is recommended for refusal with reasons being of the Development Area Boundary and the Station Road consent, but he feels there has been no mention of the clear desire for a Sainsbury's store and country park, believing that localism is not for officers in this case. He made the point that the Sainsbury's site is two minutes further on than the Harrier site and it makes no sense to say it is further outside the Development Area Boundary when it adjoins it and is a clear and defensible boundary, with the country park, to Whittlesey.

Mr McGrath expressed the opinion that the Station Road site is a red herring, asking why it did not proceed when the Harrier application was refused in August and he believes that the level crossing cuts it off being down 20 minutes in an hour at peak time, with local members and people knowing this and the only people not to have grasped this fact being officers. He made the point that the Council commissioned Roger Tym and Partners, who has confirmed that the Station Road site is not viable and the advice that was paid for is being ignored by officers.

Mr McGrath expressed the view that the Station Road site is not viable, would not be built out, making the point that contracts can be varied and Tesco have not become the dominant force by building unviable stores and, in his view, Tesco have not built viable stores so would not build an unviable one. He believes that if Tesco did open a store in Station Road the turnover would be so poor due to the crossing that the cumulative impact of a Station Road site and a Sainsbury's store in Eastrea Road would be acceptable to the town centre.

Mr McGrath expressed the opinion that officers are trying to "brush under the carpet" the Sainsbury's scheme and country park, which has ecological, health and recreational benefits and creates a longstanding requirement in the Local Plan for a country park. He feels the easy solution is to grant both stores on Eastrea Road, but made the point that Whittlesey can only support one successful store and if two are granted on Eastrea Road nothing would happen, with the no development scenario meaning that Tesco still continue to get shopper's money in Ramsey and Peterborough.

Mr McGrath referred to the Harrier site being allocated for housing in the Local Plan and asked why remove a housing site? He feels that if the Tesco application is removed, there would be housing on the Harrier site, a new Sainsbury's store and country park. He hoped that members would also support this proposal.

Mr Axon informed members that he is a transport planner and expressed the view that a happy relationship exists with its roundabout and that consented for Larkfleet, with there being no evidence as stated by the Tesco speaker that it does not work. He feels that it has good permeability and accessibility within and between the various elements in this area, which includes Larkfleet, Sainsbury, country park and business park, with ready access to the rest of Whittlesey. He also stated that they are happy with and would support, if necessary, Larkfleet's new proposed roundabout.

Mr Axon expressed the opinion that the site is sustainable by location, management and design, being adjacent to the Larkfleet and business park sites and readily accessible, in a number of ways, to the town centre. He feels the Tesco site is designated for housing land.

Mr Axon stated that a hopper bus would be provided, with the route worked up over a period of time in consultation with local people and the County Council, ending up with a service that provides an excellent facility for Whittlesey from 7am to 7pm with 30 minute frequency. He stated that the amount of money being provided has been agreed with the County Council to make it self-serving, providing pump priming for the service to remain in perpetuity, which he believes is much better than the funding proposed by Tesco.

Mr Axon feels that there is a difference to the eleventh hour proposal by Tesco to bring their level of funding of the hopper bus equal to the level of Sainsbury's as Sainsbury has agreed the funding on the basis of a detailed set of discussions, with the revenue coming from the people visiting, not just Sainsbury, but also the business park and even though Tesco sought to bring forward a level of funding equal to their scheme it does not provide a service equal to theirs as it does not derive benefit from visitors to the business park. He expressed the opinion that Sainsbury's bus service is better and has the capability to provide a better service day by day and be self-sustaining.

Mr Axon referred to the Station Road site and expressed the opinion that a store on Station Road is not attractive due to the level crossing, referring to his graph showing that more often than not there is between 50-75% chance of a customer being held up by the level crossing, with the inconvenience being so great that in many circumstances customers may not make it through one closure to the next and there could be 400-500 metres of queuing in both directions. He feels that people would be put off by that level of inconvenience and minimise it by not using that store, which he feels corroborates that the Station Road store is not viable and even if built and operated within another store in town is not material to the conclusion on trading impact.

Councillor Humphrey stated that Mr Axon has made reference to the hopper bus, but not on the funding being made available or for the length of time it is being provided? Mr Axon advised that the proposal is to provide community transport funding of £251,000, with the money going further due to the added revenue that comes from customers due to the combined store and business park package and the idea is that the funding is to be self-sustained to continue forever.

Councillor Humphrey stated that if this is the case, does the Sainsbury's application rely upon the approval of the business park? Mr Axon advised that the bus service would be successful with just Sainsbury's, but it would be better with the business park coming forward, the sustainability test is still met but is not as good. He feels there is a greater chance of obtaining a better bus service with Sainsbury and the business park rather than the one proposed by Tesco.

Councillor Miscandlon referred to the hopper bus route being just around town, making the point that Whittlesey is a larger area and encompasses the villages that do not have transport systems. Mr Axon advised that bus services normally follow demand and it is possible that the route can be changed in consultation with the County Council who effectively receive the money. Councillor Miscandlon made the point that the people of these villages, many being elderly, cannot rely on buses and have to rely on neighbours, family or friends to where they go. Mr Axon stated that he understands this.

Councillor Archer asked Mr Axon to confirm that they had a detailed discussion with the County Council on a proposed bus service? Mr Axon confirmed this to be the case, with the involved discussions leading to the particular financial offer being provided. Councillor Archer asked what the bus time chart displayed by Mr Axon was? Mr Axon advised that the blue band shows the bus offer being proposed by Tesco's transport assessment report, which shows a shorter service than Sainsbury was always going to provide and not at all on a Tuesday. He made the point that Tesco's contribution now is the same as the one that Sainsbury's has always offered.

Councillor Bucknor asked Mr Axon whether the bus service will be a free, paid or subsidised questioning the sustainability of the service? Mr Axon advised that he did not have the exact figures, but it would be a paid service as they do not want to undermine other commercial operations and want to make the service self-sustaining.

Councillor Mrs Bucknor questioned the impact of the business park on the people using the hopper bus service as she would have thought more focus would have been put on the country park not necessarily the business park. Mr Axon advised that it is believed that there would be more movements to and from the business park compared to the country park, being a more regular movement and commuting pattern rather than the leisure pattern which is why the business park makes a difference and not the country park. The contribution the business park makes is 20-25% in terms of revenue uptake, which makes the difference of having a service that is self-sufficient in the future.

Mr Oxley informed members that he is Development Executive for Sainsbury's responsible for new store development in East Anglia and he expressed the opinion that this is a decision for members not officers, who are entitled to balance the merits of each scheme believing that members would come to the right decision for the people of Whittlesey. He feels there are sound planning reasons why members should find in favour of their scheme, with Sainsbury proposing a new state of the art store, consumer choice and he explained what the store would provide to draw people back into the town.

Mr Oxley stated that the Sainsbury's store would provide 250 new jobs, with most being provided to local people, and it is a single application with the country park, with 59 acres for the country park meaning relocation of the equestrian centre and provision of a community orchard, play area, dog walking facilities, sports pitches, and being a great facility for Whittlesey. He feels that the business park to the south of the site would deliver great employment opportunities and that the whole balance of the scheme is a major vote for the future growth of Whittlesey.

Mr Oxley made the point that Sainsbury has a track record of delivery in this area having opened four stores in East Anglia recently. He expressed the opinion that there is no issue on whether the Station Road site comes forward or not, he has doubts whether it would as he negotiates commercial contracts for a living and, in his view, all contracts may not be here tomorrow and he does not believe it is a good site.

Mr Oxley acknowledged that this is a big decision for members to make, but, in his view, Sainsbury promises a significant investment in Whittlesey, providing facilities for growth town status and would be a real vote for prosperity and growth for the future of Whittlesey.

Councillor Humphrey asked Mr Oxley how many stores Sainsbury's has provided with a country park and, whilst highlighting the benefits, where is the evidence that Whittlesey needs one? Mr Oxley stated that community support shows a need for it, there is a great desire to see a country park and a need for more open space in Whittlesey. Other facilities have been delivered in conjunction with Sainsbury's stores and Mr Smith would make the country park into a charitable trust, with him welcoming the challenge of breaking new ground.

Councillor Humphrey asked Mr Oxley that, whilst the bus service would be viable without the business park, would a Sainsbury's store go ahead without the business park? Mr Oxley responded in the affirmative stating the commitment is there.

Councillor Humphrey referred to the fact that there were 750 letters plus another 200 plus letters of support for the Tesco application, but he can only find 207 in support of the Sainsbury's application. Mr Oxley advised that many of the letters for Tesco were received before Sainsbury submitted its application and he would be happy to have a straw poll of the amount of support from the people of Whittlesey at the meeting today.

Councillor Hodgson referred to the fact that it has been said that only one store can be provided, but he questioned, with six stores in Wisbech, could three not be viable? Mr Oxley stated that it has been proved by the Council's consultant that two stores on Eastrea Road would not be viable, but one on Eastrea Road and one on Station Road would not have as much impact. Councillor Hodgson made the point that Whittlesey would not be the only town where there are two stores next to each other. Mr Oxley advised that professional planning advice is that this is not acceptable.

Councillor Mrs Newell expressed her concern that Fenland's Local Plan, draft Core Strategy have been attacked, which is what members should consider, as well as officers who are unable to defend themselves and she takes exception to this. She also feels the comments from the Middle Level Commissioners have not been addressed. Mr Oxley advised that policy is emerging all the time, this is a chance to influence and put a different point of view. Officers made the point that the Middle Level Commissioners comments were provided to members in the update.

Councillor Miscandlon referred to the Environment Agency concerns regarding the petrol station underground tanks and asked Mr Oxley if the explosion risk has been considered to the local houses adjacent the site? Mr Oxley advised that, whilst not an expert, it is his understanding this is quite a common solution, you would not know they are there and they are shielded.

Councillor Miscandlon stated that there are businesses down the end of Gildenburgh Water and asked Mr Oxley what discussions were held with them on their right of access as it is being effectively closed off? Mr Oxley advised that the access would be ultimately closed off, but a new improved access would be created, with one not being closed off before the new one is in place. Councillor Miscandlon expressed the view that no-one from any of the developers has even spoken to any of these businesses. Mr Oxley stated that to his knowledge this is not the case as there has been on-going discussion between Mr Forster, the businesses and Mr Smith.

Councillor Archer asked Mr Oxley if he feels, in the later months, that he has had an open door policy with officers and County Council officers? Mr Oxley expressed the opinion that it has been a fraught few months, with accessibility not being as strong as in other cases and he did feel that they had a favourable decision from this Council following 9 hours of previous discussion. He acknowledged that it is an unusual application and appreciates that it is challenging as really only one application can be approved which puts pressure on applicants, members and officers.

Councillor Sutton asked Mr Oxley in the event that his application is approved and Tesco carry on with building out at Station Road, would that prevent Sainsbury from building on Eastrea Road?

Mr Oxley advised not, he has doubts on Station Road progressing as it has limited trading potential and feels that the Harrier application as a commercial development would have been built if they were going to build it.

Councillor Cornwell asked Mr Oxley if there is any reason why the store has been designed so that the actual building is presenting a blank wall to the houses on Eastrea Road and has any discussions been held with the householders in this vicinity? Mr Oxley advised that the side wall does have some visibility through it and a debate and discussion has been held with all householders who he feels are supportive of the scheme. He stated that the store has been laid out in this manner to obtain accessibility to the store from the car park.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws thanked members for unanimously agreeing to hold this special meeting for these three related applications in Whittlesey, with these important planning applications only being applicable to the town of Whittlesey.

Councillor Mrs Laws stated that Harrier Developments and Sainsbury's food store applications were unfortunately submitted at different times to Whittlesey Town Council as consultees, which is why the Town Council initially supported both applications. Since this time, the Town Council has seriously considered both applications, had the opportunity of weighing up both proposals side by side and has registered its change of recommendation since May 2011 in full support of the Sainsbury's food store with related country park and Harrier Developments Ltd/Tesco to remain at their approved location in Station Road. She made the point that the Town Council is not brand led and has only focused on the best development and package for its town.

In relation to the Harrier/Tesco application, Councillor Mrs Laws expressed the opinion that the site is considered derelict, but the applicant appears to have already disposed of an established hedgerow adjacent to Eastrea Road, with this being a prime location to Whittlesey and looks awful, and, in her view, the hedge should never have been removed feeling that if anyone else had done so they would have been asked to replant or fined, asking if this displays a company that actually cares about Whittlesey. She feels that Harrier has promised for several years an out of town food store, with approval in Station Road in 2010, but to date it has portrayed no urgency to build the much promised supermarket and Whittlesey remains without an out of town food store. She feels that this appears to be land banking and with a planning approval secured, acts as a deterrent for any other High Street competitor to engage in the planning system.

Councillor Mrs Laws asked, whilst acknowledging that it is not probably a planning consideration, as Harrier Developments has planning approval for two stores in Whittlesey and Chatteris if there is enough funding in place to build and can Harrier Developments actually deliver their proposed plans for both stores, especially in the present economic climate where it is known that banks are taking a more than cautious approach to any new projects? She referred to this proposal for an exchange of locations from an approved site at Station Road to a new site at Eastrea Road, but drew members attention to Page 20 of the officers' report confirming the contractual position with Harrier regarding the obligation for occupation of an Eastrea Road store and in the event the Eastrea Road store is not approved confirming its obligation to occupy the Station Road store, asking why an exchange of sites is being considered as Tesco have clearly stated, in her view, that the Station Road location would be perfectly suitable for them.

In relation to the business park application, Councillor Mrs Laws expressed the view that consideration should be given to the number of people out of work and that this application would be a valuable boost for local residents seeking employment. She made the point that economic development is very high on the Government's agenda and is committed to ensuring that the planning system supports sustainable economic growth.

Councillor Mrs Laws stated that Whittlesey is the only Fenland town without a bypass and given the present transport links and a railway crossing when entering Whittlesey these are major factors why vacant allocated land for its two designated industrial/commercial sites location in Station/Benwick Road and Kings Dyke are not proving to be attractive to any new industry. She stated that the Town Council feels that thinking outside of the box is required and every new business opportunity should be looked upon keenly that brings investment and employment to Whittlesey.

Councillor Mrs Laws referred to comments from Councillor Seaton, Fenland District Council's Portfolio Holder for Economic and Business Development, and from the Leader of Fenland District Council supporting new business in Fenland. She expressed the opinion that the proposed business park is not for any form of heavy industry or light engineering, but for both retail and professional use, which is not in direct competition with any other established businesses in Whittlesey or for consideration on Whittlesey's two designated industrial sites.

Councillor Mrs Laws stated that the Town Council has listened to its electorate and noted the individual letters of support submitted by local residents, with Whitacre's scheme bringing much needed jobs to the area.

In relation to the Sainsbury's application, Councillor Mrs Laws stated that the Town Council has been extremely impressed by this proposal and the manner in which Sainsbury has engaged with residents, local charity and fund raising organisations and most importantly the Business Forum throughout the planning process. She expressed the view that all indications are that Sainsbury wants to work in harmony with the town and existing businesses, and not run in direct competition with them. In her view, Sainsbury is well known, financially sound and an established company having a good and proven track record when developing a new business in or adjacent to a small town.

Councillor Mrs Laws expressed the opinion that Sainsbury's application and its related country park has been very visible and well documented in how and what they will bring to Whittlesey and its surrounding villages within a short period of time, with it long having confirmed the provision of a hopper bus service to operate every 30 minutes between 7am-7pm Monday to Saturday, which would be of great benefit not only to their store and the country park, but bringing residents from the villages into Whittlesey. She stated that the Town Council is particularly pleased with the link proposal to create a country park and this proposal seems to be a great opportunity to bring a decent sized food outlet to Whittlesey and gain a further public facility at the same time, at no cost to either Town or District Councils.

Councillor Mrs Laws expressed the view with the pledged expertise and financial support to develop a country park, this application brings a much-needed boost to local business, leisure activities, tourism and economic growth, which should be grabbed with both hands. She reminded members that it is a hard challenge for small businesses in Whittlesey to compete being so close to Peterborough and, in her view, people need further reasons to visit, stay and shop in Whittlesey, with the Sainsbury application giving that opportunity.

Councillor Mrs Laws made the point that the Town Council has listened to its electorate and asked that members listen to the overwhelming voice and written support from residents, the Business Forum and the Town Council, whilst acknowledging that this application does not comply with officers' recommendation feels that there is an opportunity of looking at this site in the "spirit" of planning law. She stated that as councillors members are elected by the people to work to the best of their ability in their wards and towns, asking members to consider their thoughts/feelings if the three applications in front of them today were being decided for their town or village.

Councillor Mrs Laws stated that the Town Council does not consider the option of two out of town supermarkets being located on Eastrea Road as it is not feasible, with the volume of motorists in and around Whittlesey needing to be diluted and not concentrating vehicle movements in one area by approving both out of town food stores with the already approved Larkfleet development for 450 plus dwellings. She feels that it would be a sensible solution for market forces to decide by having a Sainsbury development on Eastrea Road and a Harrier/Tesco development on their approved Station Road site.

Councillor Mrs Laws recognised that members would be fighting for the right development, best package and delivery for their town/village, with this decision at today's meeting having an impact not just on today's generation, but for two or three generations ahead. She expressed the opinion that everything she has mentioned are facilities residents have wanted for so many years, asking that members listen to the people of Whittlesey and for them to support the Town Council's recommendation for the Sainsbury's package giving employment opportunities, further leisure activities to regenerate the area and this wish list can only be achieved by members giving approval for the Sainsbury's food store, together with the related country park and business park application.

Councillor Archer asked Councillor Mrs Laws if the type of retail use proposed for the business park is not seen negatively by the Town Council? Councillor Mrs Laws advised that the business park is not looking to compete with the town centre and would consist of businesses that Whittlesey does not have at present. Councillor Archer asked Councillor Mrs Laws if the Town Council or Business Forum had had discussion with Sainsbury's on the types of uses? Councillor Mrs Laws advised that discussions have been held with Mr Smith.

Councillor Humphrey made the point that there is no control over the business uses being suggested and he feels that Whitacre would not have empty units to avoid competition, so he believes there may be some threat to the town centre. Councillor Mrs Laws stated that she thinks it would be very limited and the Town Council would not support it if it thought there would be any threat to the town. She stated that uses may need to be looked at, but if the Town Council had any fear of direct competition it would not promote that application.

Councillor Humphrey referred to the country park as being something that Whittlesey needs, which he fully supports, but asked Councillor Mrs Laws if this is the preferred location for it removing the linked supermarket application? Councillor Mrs Laws advised that it is as land to the north is not suitable, this site is on a main bus route and main road, with there being nothing near to the town centre that would offer the acreage that this proposal does. Councillor Humphrey asked Councillor Mrs Laws if the Town Council was not concerned about the sustainability of the country park? Councillor Mrs Laws advised that it was not, the Town Council thinks it is a good idea which would be in trust for the people of Whittlesey.

Councillor Humphrey made the point that there is lots of support at the meeting today for Sainsbury, but asked Councillor Mrs Laws why the people that supported Tesco did not write in and support Sainsbury? Councillor Mrs Laws expressed the view that letters for the Sainsbury proposal were individual letters, but those for Tesco were pre-printed and she believes that it takes a lot more for someone to write an individual letter rather than put your signature on a piece of paper and post it.

Councillor Archer referred to a similar smaller scheme to the country park in his village, with the Parish Council taking the responsibility for it along with other groups, and asked Councillor Mrs Laws if the Town Council has considered taking on the country park? Councillor Mrs Laws advised that the Town Council hopes to be asked to be on the board, but until it is known what direction is taken with these application there is very little that can be moved forward. She stated that the country park is embraced as it is all part of health and well-being, with the delivery of it

providing a facility for all age groups at no cost to either the Town or District Council.

Councillor Humphrey made the point that it is accepted by both applicants that one store in Whittlesey is sufficient, asking for the Town Council views on this as it seems to be supporting Sainsbury which if approved would mean that Whittlesey gets two stores. Councillor Mrs Laws stated that the Local Plan is dated 1993 and the town has moved on since then, she believes that a smaller store on Station Road and one on Eastrea Road would not be in direct competition and would serve the town well, but questioned whether Harrier build on the Station Road site as it has shown no urgency to do so.

Members received presentations, in accordance with the public participation procedure, from members of the public and interested third parties in relation to all the applications. Mr Pepper informed members that he is Regional Planning Manager for the Co-Operative Group and has been involved in this process from the beginning. He expressed the view that the centre of Whittlesey has a Co-operative store and he believes these proposals would reduce the overall footfall in the town centre, with minor levels of trade reduction having significant consequences.

Mr Pepper stated that the town centre offers a range of retail uses and, in his opinion, an alternative food store 1 mile from the centre of town would not provide any benefit to the centre be it economic or increased footfall. He questioned why people would use the hopper bus to come into town after completing a full shop in an out of centre store?

Mr Pepper made the point that the Council has already approved an out of centre store in Station Road, believing that both applications should be refused. He feels it is flawed that Tesco should be approved due to an extant permission on Station Road.

Mr Pepper expressed the opinion that there is no policy justification for any further store in Whittlesey and the National Planning Policy Framework and draft Core Strategy support the protection of the town centre. He does not feel that the impact of these applications on the town centre has been considered and the town centre first message conveyed. He urged members to make the right decision today for the town centre.

Councillor Archer expressed the view that people will think that the Co-Operative is protecting its own monopoly rather than saving the town centre. Mr Pepper stated that he fully understands how this could be perceived, but the Co-Operative supports the town centre first message and if the applications were of the right scale and location in the town centre it would not be making this representations as it is not felt that there is a level playing field. He asked if people would come into the town centre after visiting one of these stores, he does not think they would as you can get almost anything you want in stores of this size.

Councillor Archer made the point that it could be said that the Co-Operative is not offering what people want now? Mr Pepper stated that he understands that choice is a factor in people's minds, but he feels that the Co-Operative does provide a vital role in the town centre and choice is good, but it should be a level playing field and not have an impact on the wider Whittlesey centre.

Mr Swann informed members that he is a Transport and Highway Engineer representing Larkfleet Homes. Mr Swann stated that there is a demand for one store and from a transport point of view that has what has been assessed by all parties, with Larkfleet having outline planning permission which is accessed from a roundabout that has been demonstrated through a transport report that would work with either applications if they go ahead. He stated that proposed new roundabout for Larkfleet is 36 metres to the north of Eastrea Road and Harrier has been unco-operative in not closing an access, with the relocation of roundabout not something that has been undertaken lightly as it has delayed the scheme and moving the roundabout shows the new location works in transport terms, which has been confirmed by letter by the Highways Authority.

Mr Swann expressed the view that the Tesco development shows the roundabout to the west of Eastrea Road, which is contrary to the already consented roundabout to the East and acknowledged in the transport assessment submitted by Tesco, but feels more work is needed by the applicant that the consented development that Larkfleet has is not impacted by its development. He feels that from a highway design perspective Larkfleet has a straight access in and out and the one for the Tesco development involves bending the road to access it in and out, believing that the Larkfleet design is better.

Mr Swann expressed the opinion that the traffic between Larkfleet's roundabout and one for Sainsbury in either the old or new position is acceptable, he is happy that they both work and would have little effect on the Sainsbury roundabout.

Councillor Archer asked Mr Swann to confirm that he is saying Tesco's development would affect Larkfleet's development, but that Sainsbury's would not? Mr Swann confirmed this to be the position.

Mr Willis informed members that he is a Planning Partner for Shoosmith Solicitors representing Larkfleet Homes. Mr Willis stated that the reason he is at the meeting today is that Larkfleet has consent for 460 homes, which cannot be developed until it has a suitable access to the site via a roundabout and consent has not been agreed with Harrier to close a field access despite numerous discussions. He made the point that variation of the location of the roundabout has been applied for, which would not involve third party land as it is in the applicant's ownership or highway land.

Mr Willis expressed the view that members should bear in mind the impact of any decision today on housing, including affordable housing, on the Larkfleet site, with the application for a relocation of the roundabout being deferred last week to be heard on 6 February and it is hoped that this is granted so proposals can be submitted immediately. In his opinion, there would be timing on a roundabout coming forward if the Tesco scheme is agreed today and it could come back with a revised scheme to the detriment of Larkfleet, so certainty is required.

Mr Willis expressed the opinion that Larkfleet has been forgotten in the determination of these reports and whilst Larkfleet does not support either Tesco or Sainsbury, the highways evidence supports Sainsbury and Larkfleet just want to build its houses.

Mr Parker informed members that he is a retailer in Whittlesey, but is addressing the meeting on behalf of the Business Forum. Mr Parker stated that the Business Forum, together with other non-business members of the town, is in agreement with the Town Council that Sainsbury is the preferred option as it is felt that it adds more to the town than just another store, with the country park being another amenity for the town to enjoy for the foreseeable future bringing increased employment, enhanced leisure facilities and tourism, which Tesco could never hope to achieve.

Mr Parker raised concern as to why this meeting is being held today as, in his view, everything said in August still applies and a democratic decision was made, with him failing to see why it was overturned? He made the point that currently 80% of Whittlesey people drive out at least 8 miles to a supermarket to undertake their shopping and use the ancillary shops in these locations, with him believing that if a proportion of these shoppers can be retained in Whittlesey it could only be good for the vitality and vibrancy of the town centre.

Mr Parker stated that they are not afraid of competition, competition happens all the time and there is nothing to stop anyone opening the same shop in the town centre, competition can be good and can increase business. He provided the example of Weatherspoons opening in the town and there now being 8 vibrant restaurants in the town as people do not have to travel outside of Whittlesey to eat, which he feels could be the same for a food store.

Mr Parker referred to the hopper bus service, stating that he has spoken to Sainsbury's on many occasions and it can be used to access the country park and for shopping in the town centre, with people not having to go to Sainsbury's at all if they do not want to. He expressed the view that the planning permission on the Station Road site has had permission for three years and nothing has been undertaken on the site, with, in his view, this position not changing. He asked members to go with what they believe, supporting their electorate and confirm the Sainsbury's application.

Councillor Mrs Bucknor asked Mr Parker how did he obtain the figure that 80% were driving out of the town to other supermarkets? Mr Parker advised that when the first planning application was submitted this was the figure provided by the applicant at that time.

Councillor Mrs Bucknor stated that she does have a concern over the demise of the town and asked Mr Parker how many businesses the Business Forum represents? Mr Parker advised there are 25 paid up members, but it also deals with many other business people for a number of reasons.

Councillor Humphrey referred to Mr Parker saying that he did not mind competition, but made the point that surely the business park would take people away from the town centre. Mr Parker advised that it is believed that the town centre would be enhanced by the number of people remaining in the town boundary.

Councillor King referred to Mr Parker not being convinced that the Station Road site would ever be developed and asked him what if it is? Mr Parker advised that if it is developed it would probably enhance the overall shopping experience for people and they would have to come through the town centre to access this site.

Councillor Quince expressed surprise that Business Forum members are happy with this development and asked Mr Parker how many were in favour of it? Mr Parker stated that he would not say that the Business Forum is happy, but recognises that it has to move with the times, people want a supermarket and it wants the people to stay in Whittlesey to do all their shopping, with Sainsbury having offered ancillary schemes which he feels would help the town centre.

Members took a 10 minute break.

Mr Golbourne informed members that he is the site owner of the Station Road site, which has planning permission and is contractually assigned to Harrier and to Tesco so it is not going anywhere else. He referred to the speaker from Savills saying that Station Road is for the "dirty" end of the industry, but he feels he should have said heavy end of the industry, with employment being made on the Shanks site which has a 12 year lease with no breaks and him being very close to completing a deal on the railway sidings, which would bring many jobs to the area.

Mr Golbourne referred to discussions being held with another company who are contracting for Peterborough maintenance, so he is bringing with existing jobs another 100 jobs to Whittlesey and this is fact. He agreed that Station Road is the heavy end of development, together with manufacturers and big retailers, but, in his view, the types of units that would be located near to Sainsbury would be a retail park and that the town centre would find this out very shortly if these plans go ahead.

Mr Golbourne agreed that a supermarket is required in Whittlesey and that competition is needed in the town, but, in his opinion, retail units surrounding Sainsbury would be painful to the town centre. He feels that Mr Oxley was not so willing to take on Tesco head to head on Eastrea Road as he knows that Sainsbury is not as competitive as Tesco.

Mr Golbourne expressed the view that if the country park is disregarded, which he feels is a good idea and he does not have an issue with although he believes there are lots of nature reserves that are not used, Tesco would beat Sainsbury as it is more competitive head to head. In his view, the retail units on the business park would not be small industrial units as there is no need for them and if Savills are saying there is they are living in dream land.

Councillor King made the point that the applicant on the business park application did say that he would be prepared to have further restrictions on use? Mr Golbourne stated that there is not a limit on the use, it would be retail and would take any retail use in it. He expressed the view that retail units are built around supermarkets, this is a reality and if there is a condition to protect the retail elements in the town centre the site would not be viable.

Councillor Stebbing referred to Mr Golbourne mentioning the railway sidings and asked has the possible use of this been factored in to the railway plans? Mr Golbourne advised in the affirmative, it is connected to the main line and the road has been moved over to extend the railway line. Councillor Stebbing stated that he is not aware that it has been built in as part of the Railway Strategy. Mr Golbourne advised that this is a private siding and commercial operation, but it is using the main line as access.

Councillor King questioned Mr Golbourne's point on the situation regarding Tesco's permission on Station Road and requested clarification. Mr Golbourne stated that a question was asked by another councillor if the permission could be sold onto another supermarket and the answer to this is no.

Councillor Bucknor made the point that Mr Golbourne was introduced as a Whittlesey resident, but he assumes that he is more than this? Mr Golbourne advised that he is a Whittlesey resident, but also a commercial developer of A&C Industrial Properties.

Councillor Archer asked Mr Golbourne if he is talking about the guarantee of potential jobs if the Tesco land was released and it moved elsewhere? Mr Golbourne advised in the affirmative and that it would release seven acres of land for other use.

Councillor Sutton made the point that Mr Golbourne has made a conflicting statement to the Business Forum in relation to the business park. Mr Golbourne believes that the Business Forum would get a reality check. Officers clarified the class uses for the business park, which does not include A1 retail use.

Mr Mills informed members that he is Planning Consultant for Tesco speaking in objection to the Sainsbury application. The Chairman questioned his position in speaking in this category as representatives for Tesco had been given a chance to speak previously in the meeting. Mr Mills responded that Tesco are not the applicant of any of the applications before members today, therefore, in his view, he is a third party. The Chairman stated that he had no option but to allow Mr Mills to speak.

Mr Mills welcomed the fact that officers' recommendation is that Sainsbury's and Whitacre's applications should be refused, believing that the decision is simple if members want to protect the future of Whittlesey, encourage growth and protect the landscape in that they should follow the officers' recommendation.

The Chairman interrupted Mr Mills to ask members of audience to desist with forced coughing noises and allow Mr Mills to speak, otherwise he would have no option but clear the room. Mr Mills continued by expressing the opinion that this recommendation is based on clear evidence provided by the Council's retail consultant that only one food store can be supported, with two not being sustainable and would have an impact on the town centre, with various scenarios being tested to

come to the conclusion that only one store is acceptable.

Mr Mills expressed the view that the Station Road site is viable and deliverable, and Tesco is contractually bound to provide a store in this location, with officers having seen this contract which is watertight. He stated that Tesco control the only one and approved food store that Whittlesey can support.

Mr Mills expressed the opinion that Sainsbury's suggestions that its store is sequentially preferable is illogical and misrepresented as it does not provide policy support outside of defined centres, with the National Planning Policy Framework defining out of town as outside the Development Area Boundary. He feels that planning applications contrary to the Development Plan can only be considered if there are material considerations and he believes there are none, with the Harrier site defined as an urban extension to Whittlesey.

Mr Mills expressed the view that Harrier's relinquishment of the Station Road site would provide the onus for jobs and industry in this location. He reminded members about the localism agenda, which is not about choosing between supermarkets or about public support, and he feels that the Sainsbury application is contrary to these policies.

Councillor Humphrey commented that he is disappointed that not all the residents of Whittlesey have afforded members the opportunity to hear all speakers.

Councillor Archer questioned Mr Mills being allowed to speak as a representative from Tesco has already been allowed to speak? The Chairman agreed, but stated that he took legal advice and was informed that he should allow Mr Mills to speak. The Chief Solicitor stated that the applicant in the first application is Harrier and not Tesco, and whilst Tesco may sit behind Harrier they are separate parties. Councillor Archer expressed the view that he feels that Harrier/Tesco have been given a further separate "bite of the apple".

Members received a presentation from Councillor Curtis as a District Councillor for Whittlesey. Councillor Curtis expressed the opinion that the myth that Tesco has popular support should not in any circumstances be taken as fact, he did ask for the officers' report to be changed about the numbers of letters being received, with most letters for Tesco being submitted before Sainsbury's application was submitted and being proforma letters. He referred to a survey that he undertook that received a 14% return rate, which showed an overwhelming support for Sainsbury and whilst acknowledging that Tesco did submit its application first, in his view, Sainsbury started its pre-application discussion well ahead of Tesco.

Councillor Curtis made the point that the Council does not have an adopted Core Strategy and it is likely as it goes through the inspection process that it would be changed and it could be changed to reflect any decision that is made today. He expressed the view that the evidence and information that has been supplied about the sequential test is backed up by an appeal decision, which highlights that it is not just about location but also about accessibility, with the hopper bus for the Sainsbury's application making this site more accessible. He feels the difference in locations of the two sites is minimal and the last minute submission by Tesco in relation to a hopper bus should not be given weight as there has been no time to consider this properly, and, in his view, as these are multi-million pound planning applications being considered this is not the way to do business.

Councillor Curtis referred to one of the reasons that officers say they prefer the Tesco site is as it is within the Development Area Boundary, but he feels that if the Core Strategy is adopted the Sainsbury site would be adjacent to the Development Area Boundary. He made the point that the Core Strategy proposes 1,000 new houses for Whittlesey and the maps provided identify the Tesco site on Eastrea Road and the land to the north for 460 houses as the only sites to develop

these 1,000 houses so there is a gap of 500 houses where no-one has seen any evidence that they can be delivered. He feels that the decision made on 29 August that the Tesco site was better used for housing is correct and there is nothing in policy terms from members agreeing this again today.

Councillor Curtis expressed the opinion that the move of the Tesco store location is the most controversial aspect of its application, with the whole crux of their application being, give us permission on Eastrea Road or we will build on Station Road, however, Roger Tym and Partners report states that any permission on Eastrea Road would make Station Road unviable. He feels that the report from Tesco's own legal partners at no point challenges that Station Road is unviable, therefore, it has to be assumed that it has accepted that if Sainsbury is given permission that a Tesco store in this location is unviable.

Councillor Curtis stated that 28 minutes out of every hour the railway gates are closed on Station Road, which is before the rail improvements that are coming to Whittlesey which is going to shift more freight along this line resulting in closures for more than 30 minutes in the hour, which means this site becomes less viable, and a rail study is suggesting that London would also be pushing some of its freight in this direction so the position would get worse. He expressed the view that Tesco are not building viable sites so the likelihood of building on an unviable site is minimal, whilst accepting that contracts are in place members have been told by a Barrister that contracts can be altered, annulled and terminated.

Councillor Curtis asked what is Tesco most likely to sign up to; negotiate out of a contract that it has got or sign up to a 25 year lease on an unprofitable store? He believes that if Tesco end up with a store in Station Road everyone knows that people would not use this site when Eastrea Road is perfectly viable.

Councillor Curtis stated that there is no A1 retail use planned for the business park site, with the Core Strategy saying that Fenland would only need 7,800 jobs so there is a deficit in the amount of housing and the number of jobs the district wants to create. He referred to the point that Station Road is being cited for future business growth, but made the point that plots of land in this location have been vacant well before the recession took hold and, in his view, businesses would not move to this location as it is impracticable. He feels that the business park proposal is a more accessible and viable option for the economic growth of Whittlesey and business growth in Fenland.

Councillor Curtis expressed the opinion that the country park must be considered as an integral part of the Sainsbury application, but officers have refused to give it material weight, which he does not understand. He expressed the view that there is a clear and defined lack of open space in Whittlesey, there is still work to be undertaken on open space in the Core Strategy so weight should be given to the Open Space Audit and Local Plan, which shows there is a deficit.

Councillor Curtis expressed the view that the country park would provide and facilitate this shortfall in open space in Whittlesey and Eastrea, although it would create a surplus this should not be turned down as it meets an identified need. He made the point that there is overwhelming support for what a country park would provide for Whittlesey.

Councillor Curtis stated that the Sainsbury's store offers something different, that is not a monopoly by Tesco, and makes it more accessible, providing a All the Small Shops scheme allowing for the town centre to be marketed and he feels in spatial planning terms the Sainsbury's store and country park would provide a clear defined boundary between Whittlesey and Eastrea, with the site not taking up valuable housing land. He referred to one of the reasons for supporting Sainsbury at the last meeting as being localism, with officers recommending that this reference be removed, which he believes to be a mistake, drawing members attention to the comments from a Planning Minister that he has provided in his pack in regard to localism.

Councillor Curtis expressed the view that this is a choice between one supermarket and another that provides benefits to the town, which is the perfect opportunity for a localist decision. He made the point that all the evidence is the preferred solution is Sainsbury with the country park, which, in his view, is the far better offer and has the benefit of local support.

Councillor Curtis stated that he has suggested some propositions in his pack that members might wish to consider when coming to their decision, however, they are not in any way things that members should be obligated to use, they were just thoughts to be helpful. In conclusion, he asked members to be consistent, restore Whittlesey people's faith in Fenland and do the right thing by supporting Sainsbury and the country park.

Councillor Hodgson asked Councillor Curtis, due to the development of the rail line, would the 28 minutes in peak hours that the gates are closed going to get better or worse? Councillor Curtis advised that it would get worse, the gates are manually operated and the East-West upgrade would make it even worse. He referred to Tesco legal report, which at no point makes any attempt to challenge the fact that a Station Road store would be unviable.

Councillor Mrs Bucknor said her key concern was whether there was sufficient open space and she has received information that there is sufficient open space. Councillor Curtis advised that the Council's information is detailed in the pack he provided to members, with the most recent analysis being the Open Space Audit, which he thinks should be given weight as it talks about a deficit in Whittlesey, considering the villages separately. He stated that the other policy document is the Local Plan and shows an overall deficit of open space of 6 hectares or 15 acres, so there is an identified lack of open space.

Councillor King stated that he can see that Councillor Curtis is passionate about this, but he wants to understand why there is clearly antagonism to Tesco? Councillor Curtis stated that he is surprised by the level of antagonism in the survey, he has nothing against Tesco, has worked for them in the past and shops in their store at Hampton. He thinks there is a national issue with Tesco and its reputation, believing the way that Tesco has gone about this application in Whittlesey is wrong, it offers nothing to the town and he feels that it has used bullying tactics. He made the point that he has not said what he has because he is anti-Tesco, but he feels that the Sainsbury application with the country park and business park are by far the best applications for Whittlesey.

Councillor Humphrey asked Councillor Curtis, taking brands out of the equation, if he had the opportunity of providing a business park and/or a country park is Eastrea Road the location where he would ultimately put it? Councillor Curtis stated that this site is central and an accessible location for most of Whittlesey, surrounded by nice countryside and he cannot think of a better site. Development cannot take place to the north of Whittlesey and the Station Road location does not work for a business park. He feels the ideal location is to bypass Whittlesey and place a couple of business parks off the bypass.

Councillor Humphrey referred to Councillor Curtis mentioning there being 15 acres deficit in open space and asked has anything been provided since 1993? Councillor Curtis stated that he cannot think of anything, believing it may be the opposite as Whittlesey did have the Feldale Playing Field, which is the site that Larkfleet want to develop, so a good dog walking place has been lost to the populace of Whittlesey.

Councillor Archer asked Councillor Curtis why he thinks, despite two previous decisions of the committee to support Sainsbury, officers are coming down so strongly in support for Tesco? Councillor Curtis advised that he did not know, he has had ideas and suggestions put to him that he does not wish to repeat here, but he does not get it.

Councillor Sutton referred to Councillor Curtis mentioning money being put forward by Sainsbury for market town promotion and asked him to expand on this as there has been no other mention of this today? Councillor Curtis advised that he has spoken to Sainsbury today and it has confirmed this funding for the All the Small Shops scheme, which provides on-line marketing for town centre shops. He has asked for a promotion scheme for Whittlesey town centre as it has a fabulous history, does have something to sell, with the potential to do more and something like this to promote the town centre does more than the issues that affect the town centre.

A representative of each of the applications were allowed up to 10 minutes to respond to the speakers and sum up their position. Mr Prichard, on behalf of application F/YR11/0482/F, stated that Councillor Curtis suggests that the Harrier site might be better used for housing, however, in his view, it has been identified for a range of uses and could still accommodate some housing, with the rear being able to be brought forward for this use and potentially the land for the business park or Sainsbury could be brought forward for housing. He referred to Councillor Curtis talking about the huge impediment of the railway crossing, but made the point that the committee should not lose sight of the fact that Tesco took the original decision to commit themselves to this site in full knowledge that the railway crossing was there and how often it was closed, with Tesco being of the view that it was a viable site then and nothing has changed.

Mr Prichard expressed the opinion, in light of Councillor Curtis' play of what it states in the Development Plan, that members should have regard to the policies it has before them now not what might happen in the future, stating that the land has been identified for development and the proposal accords with Development Plan policy, which should have regard to sustainability and accessibility issues and the financial contribution made by Harrier is on par with Sainsbury's offer and the hopper bus service would serve the site on a route to be agreed with the relevant authorities, but, in his view, would work equally as effectively. He referred to the comments made in respect of the permission at Chatteris and stated that permission was granted nine months ago, further permission had to be gained to divert the public highway, which was forthcoming in September, work is being undertaken on moving the drain, which would be undertaken in May this year in better weather, and discussions are on-going with the Highway Authority on highway works. He can only echo Tesco's comments in reaffirming its position in respect of its Wisbech store.

Mr Prichard expressed the view that weight should be given to the Highway Officer's advice that there is no impediment of granting planning permission on any of the schemes as the Larkfleet proposals would have to be accommodated. He feels the business park application seems to have evolved on the "hoof" in what may or may not be accommodated on this site, with, in his view, all the uses having permitted development rights to change to an A1 use.

Mr Prichard expressed the view that much has been said today, but nothing that shifts the main thrust and recommendations of officers, who have used planning balance and concluded that the Harrier scheme is policy compliant and planning permission should be granted, similarly concluding that the Sainsbury scheme and business park are not. He feels that officers have exercised the balance on the merits of each applications and come down on the Harrier side.

Mr Prichard expressed the opinion that the grant of Sainsbury means that Whittlesey would have two supermarkets, which would adversely impact on the vitality and viability of Whittlesey and the only way to ensure that there is one new food store serving the community is approving the Harrier application thereby revoking the Station Road site.

Councillor King asked Mr Prichard to explain what he understands the term land banking to mean? Mr Prichard advised that land banking is a well established term in the property market, with house builders maintaining a land bank to ensure a continuous supply of land coming forward. It has been used in term of retailing, but in his experience holding land is an expensive business and an

inefficient way of doing business and Harrier is anxious to build the development to obtain its money back.

Councillor Keane stated that the money for the hopper bus has been increased, but it is still being operated one day less and for shorter periods than the Sainsbury's scheme. Mr Prichard stated that this is not correct, it would be identical in scale to what is offered by Sainsbury, but how the funding is spent and what bus service would be provided is at the discretion of officers.

Councillor Mrs Bucknor stated that members want to feel confident and trust whatever presentations are provided to them, however, she made the point that an announcement was supposed to have been made on the Wisbech Tesco site last spring. Mr Prichard stated that he represents Harrier and can only state what Tesco has informed him.

Councillor Archer referred to Mr Prichard criticising Whitacre for doing their plans on the "hoof", asking him if he did not think their hopper bus service plans were on the "hoof"? Mr Prichard advised no, with the comments on the business park being made due to the comments of Savills. He stated that the financial contribution of the hopper bus has been increased as officers said the other contribution proposed was not CIL compliant and could not, therefore, be relied upon. Councillor Archer expressed the view that Whitacre has been flexible in its approach to the business park, but Harrier seems to be matching Sainsbury's already very good offer. Mr Prichard reiterated that officers stated that the town centre contribution was not CIL compliant, which has led to the enhanced transport contribution.

Councillor Mrs Bucknor stated that Mr Swann of Larkfleet Homes spoke about the problem with the roundabout and it clearly delayed their development, but asked Mr Prichard why he say there is not an issue? Mr Prichard advised that the Larkfleet were informed from day one that its original roundabout involved Harrier land, Larkfleet ignored this and now realises it cannot build as originally proposed submitting an alternative proposal. The Harrier roundabout does not prevent access being provided to the Larkfleet site and a consent for the Larkfleet roundabout does not prevent permission being given for another application.

Mr Smith, on behalf of application F/YR11/0895/O, made it clear that the one thing he would never do is damage Whittlesey and whilst he has been approached by a clothes retailer on the business park this is not to say that he would allow one to be located here. He made the point that the application does not cover any A1 use, but he is happy for it to be conditioned to remove any rights to covert the uses to A1.

Mr Smith stated that he has had interest in the business park from an eye hospital, optician, veterinary surgery, which is the way he wishes the business park to move forward and has to be along these lines as it would be next to a country park and he has no intention of putting any retail on this site as it is a business park. He referred to a question raised by Councillor Miscandlon and advised that he has had lengthy discussions with businesses at Gildenburgh Water in relation to accommodating them in terms of access and even so far as he would provide security for them as they were concerned about this.

Mr Smith stated that the country park would be a facility, he is working closely with Thorney Athletics Club, and the park would be marked out in distances so people were aware of how far they have walked/run.

Councillor Connor asked Mr Smith when would the country park be handed over to Whittlesey to take possession of it? Mr Smith advised that Whitacre and Sainsbury are financing the build and would run the park for 10 years. He stated that the park can be signed over to whatever trust next week if he obtains planning permission and as he owns the park he can give it to who he wants.

Mr Oxley, on behalf of F/YR11/0930/F, stated that this meeting is about the future of Whittlesey, the future direction of travel and the growth of the town. He expressed the view that if members are minded to approve its application and are concerned about the Core Strategy and its implications, they still have the opportunity to amend it as it has not been adopted yet.

Mr Oxley expressed the view that Sainsbury is offering a substantial investment package to the town, one of the biggest seen with the country park, business park, bus service and web service for the town, which is fantastic for the town to grab. He feels that to approve the Tesco application means that members are refusing the benefits that his application offers.

Mr Oxley stated that he has no axe to grind with Larkfleet, who have given the facts as they see it, and have said that the Harrier scheme does affect its scheme and its deliverability. He expressed the opinion that the Station Road site remains unviable, with the information provided today making it more so, and he does not believe a store would be popular in this location as it would be second rate and the town deserves better.

Mr Oxley stated that Sainsbury is committed to delivering its scheme in association with Whitacre and takes the approach of working with the community, officers and members and even when the store is opened it aims to be an employer of choice in the community. He thanked the people of Whittlesey, who have turned out in great numbers, for supporting them, which he thinks shows a real desire to be part of the future of the town and they should be applauded for that.

Mr Oxley hopes that members vote for Sainsbury and Whitacre, which offers a comprehensive package for Whittlesey.

Members made comments, asked questions and received responses as follows:

- Councillor Stebbing stated that he came to Whittlesey 35 years ago and in all this time there has not been one infrastructure change in the town. He made the point that there used to be four retail units on Station Road, which have rapidly moved or disappeared. He made the point that Whittlesey is built on a gravel island, development would only happen in the East or West, as to the North are the Washes and the South is not suitable for major development, and, in his view, if anywhere near the number of houses required in Whittlesey is going to happen the Harrier/Tesco site needs to be considered. He feels that the business park would provide opportunities for people in the town. He stated that at the August meeting he supported the business park, Sainsbury's and the country park and he would be supporting them again today, he did not support the Tesco application in either August or its reintroduction in September and this position has not changed;
- Councillor Mrs Bucknor asked for clarification on two issues; the amount of open space required in Whittlesey and a view on the roundabout, with there being conflicting statements with Larkfleet saying that there are serious problems with the roundabout and Harrier saying it is not a problem. Officers advised that there is a shortfall of open space in Whittlesey, but the concern is that it should be addressed in the urban area of Whittlesey which should come forward in strategic allocations being brought forward. Ms Reynolds from Cambridgeshire County Council Highways stated that there was always a problem with the Larkfleet roundabout location as it required an existing access to be closed to the nursery site, it was thought it could be overcome, but as it has not, a new application has been submitted. Councillor Mrs Bucknor asked if this new roundabout impacts on Tesco? Ms Reynolds advised that there were always two separate designs for roundabouts, Larkfleet to the North and Harrier to the South, but there would only ever be one roundabout and it is a question of who submitted its roundabout first for technical approval if consent was approved;

- Councillor Connor echoed the comments of Councillor Stebbing in that in August the committee supported Sainsbury's, the country park and business park and he cannot see any reason why members are here today, asking what has changed from the August meeting? The Chief Solicitor made the point that the reason members are here today is set out in the legal implications report as substantial challenges have been received on the detail of the decisions made. He stated that he does not have a problem if members wanted to go forward with the decision made previously, but consideration must be given to the facts provided today rather than just saying that a decision was made previously so lets go with that. Members decided that re-consideration of the applications was the way forward and appropriate reasons would be needed for any decision today, if members wanted to support the proposal by Sainsbury/Whitacre they need to have clear and logical reasons to do so, which is debated in a clear and open fashion. Councillor Connor stated that he has listened to all speakers, he has had an open mind and his comments are his own;
- Councillor Archer expressed his astonishment that the committee is back again considering these applications again, when a decision has been made twice. He has serious concerns about the officers' approach to these applications and has received complaints from Sainsbury that they found officers' resistant to deal with them, asking why officers are being so compliant with one and not with another? Councillor Humphrey asked Councillor Archer how he has this information and no other member does? Councillor Archer stated that he was provided with this information through a Freedom of Information Request and did not ask for it;
- Councillor Archer asked how can one proposal and not the other have an adverse impact on the vitality and viability of the town centre? Officers advised that they do have to take into account the existing consent on Station Road, and the Tesco site on Eastrea Road is considered as a location to be more sustainable, with one of the benefits of approving the Tesco store on Eastrea Road being that it would remove the existing consent on Station Road, which could still be developed. Officers are concerned that to refuse Tesco and grant Sainsbury would lead to Station Road being developed, which would result in two stores in Whittlesey that could have an adverse impact on the town;
- Councillor Archer expressed the view that Tesco have made vague reference to the provision of a hopper bus service, but there is no information on how it would actually work? Officers advised that the offer, only received yesterday, is a financial sum that would be provided to Fenland District Council and it would work with the County Council to provide a scheme;
- Councillor King referred to there being an original application for the Fire Station site by Tesco, together with the Station Road site, and were there any other sites in the frame? Officers advised that there were other schemes, but they were considered not acceptable by the committee or withdrawn by the applicants;
- Councillor King asked, as the Core Strategy is in draft form, do members have the opportunity to change it tomorrow and what impact would it have on the decision today? Officers advised that there has been two consultation processes on the Core Strategy already, therefore, it would be difficult for it to be changed. Councillor King asked what weight should members give to the draft Core Strategy as it now stands? Officers advised that under the National Planning Policy Framework it can be given some weight. The Chief Solicitor stated that it would be difficult to change the Core Strategy tomorrow, but if members wanted to proceed with something that is not in accordance with the Core Strategy they are only giving weight to it and could proceed with a departure if appropriate material considerations indicate otherwise;

- Councillor King referred to the Harrier site being identified in the Core Strategy for mixed use development and asked what does this mean, could this be wholly housing? Officers advised it could be wholly housing. Councillor King asked if members would have the ability to refuse a retail use and approve a housing use in the future? Officers advised in the affirmative, with justifiable reasons;
- Councillor King asked for more information on A2, A3 and A5 uses? Officers advised that these uses are ones normally found in the town centre, but can be found outside. A2 is office use, A3 is cafe/restaurant and A5 is takeaway;
- Councillor King asked how it is possible to condition the withdrawal of the Station Road site? The Chief Solicitor advised that members would not be conditioning the withdrawal of this site; firstly the developer would only contractually develop one site and secondly there is capacity for the Planning Authority to remove a planning permission that has been granted to them, however, it may have to pay compensation, but it would not want to be at risk so as part of the agreement if the Council has to use the physical element of removing permission it would ensure the owner cannot obtain any costs. Councillor King asked if this is legally tried and tested? The Chief Solicitor advised that it has been used in Fenland without challenge and he knows it has been used in other parts of the country. He stated that it would make the permission unimplementable, however, if someone else wanted to submit another application in the future there is nothing to stop them;
- Councillor King expressed the view that from reading the report it was a finely balanced recommendation from officers. Officers did not agree, stating that they had looked at local and national planning policy and in pure logical planning policy terms the officers recommendation is correct;
- Councillor King gave his thanks to all the officers for organising this meeting, which he thinks has gone well;
- Councillor Bucknor asked if there is already an approved application on the Harrier site at this time? Officers advised not. Councillor Bucknor referred to the history, which states there is a residential mixed development. Officers advised that this is the Larkfleet Homes site;
- Councillor Bucknor asked for clarity on the comments of Mr Smith that he met with some officers and they encouraged him to go ahead with the country park, asking what context this meeting was? Officers advised that this would have been considered as pre-application meeting, however, no officers at this meeting attended. Officers when making recommendations have to look at planning policy at the time the application was made;
- Councillor Sutton expressed the view that the big issue seems to sustainability and he cannot see how the distance between two proposals makes one more sustainable than the other. He stated that he has undertaken his own survey on distances from the town centre to food stores; with the centre of Chatteris to its Co-Operative store being 0.8 miles, the centre of Chatteris to the proposed Tesco store being 1.3 miles and if you went via Huntingdon Road it would be just over a mile, the town centre of Wisbech to the existing Tesco is 1.3 miles, with a further 10th of a mile to the proposed new Tesco and the town centre of March to Tesco being 1.8 miles. All of these applications, except the existing Co-Operative store in Chatteris, are further in distance than the applications being considered today so again he reiterated how can one be sustainable and the other one not? Officers advised that it is not about distance as such, it is about the existing land use, and it can be argued that both sites are outside the Development Area Boundary, with the current use of the Sainsbury's site being agricultural and, therefore, classed as a less sustainable location.

Councillor Sutton made the point that members have differing views to officers on sustainability and he believes that both sites are sustainable, having no interest in whose name is above the door. He has listened to all the evidence and agrees with Councillors Connor and Stebbing based on sustainability;

- Councillor Hodgson referred again to the fact that Wisbech has over 5 supermarkets and asked why the discussion is that members should only approve one? Officers advised that each site and town is looked on its own merits in terms of trade, catchment area and it could be argued that Wisbech has a wider catchment area to sustain its number of supermarkets. Whittlesey can only sustain one supermarket in accordance with the retail consultant's report and it is believed that there is general consensus on this;
- Councillor Hodgson questioned approval of all three on 29 August and today it is only one for approval? The Chief Solicitor advised that the previous resolutions are not relevant to the consideration today and it should be based on what members have before them today. However, at the end of the meeting on 29 August members decided to approve Sainsbury and the business park, and not Harrier, and in September gave permission also to Harrier, but the officers' recommendation has not changed throughout;
- Councillor Hodgson asked if the road in the Station Road area is gridlocked regularly now due to the railway line as this was referred to as an issue? Ms Reynolds advised that she would not necessarily say it is gridlocked, transport colleagues would have assessed this area and could find no reason to recommend refusal;
- Councillor Hodgson asked if Fenland would re-consider taking on the management of the country park? The Chief Solicitor advised that this is not matter that directly relates to the planning application, but it could be investigated again at some point;
- Councillor Connor asked for confirmation that the proposed Harrier site could be used for housing? Officers confirmed it could in accordance with the emerging Core Strategy;
- Councillor Cornwell asked if the situation at Station Road could be alleviated by having a different crossing control at its railway gates, making the point that he comes from a town which has three very busy railway crossings, one of which serves access to the local Tesco and these are all barrier controlled? Officers advised that this could not be looked at as part of these applications. Councillor Cornwell stated that the point he was making that it could alleviate some of the arguments that have been made;
- Councillor Cornwell stated that he has fought for changes to the Core Strategy for the town of March and asked if Whittlesey members have done the same to get the Sainsbury, country park and business park sites included in the Core Strategy? With the permission of the Chairman, Councillor Mrs Laws advised in the affirmative and Councillor Curtis stated that a lack of open space has been raised in the consultation;
- Councillor Archer expressed the opinion that the Core Strategy is not set in stone and members could decide not to approve it tomorrow and the Harrier site is a proposed allocation for housing led mixed development. Officers advised that the Harrier site is identified as a mixed use site, which may include residential. Councillor Archer stated that if this site came forward for housing, as is the wish of the Town Council, it would make the Sainsbury site adjacent to the Development Area Boundary;
- Councillor Archer thanked the Chairman and officers for the running of the meeting, however, he does not like the approach that has been taken at the meeting and would like to have considered the applications one at a time. He supports the Town Council's

approach in that Tesco already has an approval so let them build it out if they wish, believing that if Sainsbury's is granted and Tesco has its current permission it should be left to see who builds. He feels localism is a relevant issue, plus Sainsbury's application brings huge additional benefits and has a bus service that is already worked out and he does believe that the Tesco application on Eastrea Road would have a detrimental impact on the existing application for Larkfleet. The Chief Solicitor advised that the Localism Act 2011 does not change the specific allowances of what members can or cannot take into account in planning, but gives the public a much greater involvement in local plans, with planning being about material consideration and planning grounds. Councillor Archer made the point that he has just received some planning training and was told that local opinion is a material matter, with it being up to members how much weight they give to it;

- Councillor Mrs Bucknor expressed the view that given the material considerations that need to be taken into account, she has taken into account the health and well-being of Whittlesey residents, which would be the benefit of the country park, and she has also listened to the strength of feeling of the Whittlesey Business Forum and Town Council. She feels that given the housing need in Whittlesey and restrictions to the north, it has to be considered that the Harrier site should be considered for mixed development, mainly housing. She does not like to go against officers as they are the experts, but all these points are, in her opinion, material facts and the Sainsbury package far outweighs the others, with the country park not just having a benefit for Whittlesey but also Eastrea and Coates;
- Councillor King made the point that on both the Whitacre and Sainsbury applications the Police Architectural Liaison Officer has raised some concerns, which were not addressed in the update. Officers advised that these applications were recommended for refusal, but there is no reason that these concerns cannot be overcome. Councillor King asked, if members are minded to approve these applications, that they should be conditioned to address these concerns;
- Councillor Quince stated that having listened to all opinion, he is of the view that the Harrier site should become housing, the Whitacre site he considers sound and would create employment, and the Sainsbury's site he considers sound and is obviously what the people of Whittlesey want;
- Councillor Connor expressed the opinion that the Whitacre and Sainsbury applications would satisfy the need for a supermarket and business park providing much needed jobs and a leisure facility for the people of Whittlesey and its surrounding villages, with him preferring the hopper bus service being put in place by Sainsbury;
- Councillor Sutton expressed the view that it has always been about localism and he has heard many times that members should be listening to what local residents want, which should be done today;
- the Chief Solicitor expressed the view that members have not grappled with two issues relating to the position of the Harrier/Station Road site, principally about the viability of the Station Road site, particularly with the level crossing and officers need confirmation about whether the Station Road site is viable and the evidence that Whittlesey can only sustain one out of town supermarket. He stated that the view put forward by Sainsbury is that if its application is approved it would make Station Road unviable, however, Harrier has a contract with Tesco to build the Station Road site, but this is only a contract between those parties and there is no ability for the Council to enforce this arrangement. Consideration does need to be given to the fact that if Harrier is not given consent for Eastrea Road would it build out on Station Road taking into account the consent it has;

- Councillor Sutton referred to the Roger Tym report and thinks it stated that there would be some impact on the town, but it would be much less with a Station Road and a Eastrea Road store. Officers advised that if there are two stores, one of which was trading badly, it would create a bigger impact than one store. The Chief Solicitor advised that Roger Tym and Partners did conclude that where you have got a Station Road store and a larger format store on Eastrea Road, it would be less likely that one of the top four operators would wish to operate Station Road. Councillor Sutton asked if this point can be used as a material consideration? The Chief Solicitor advised in the affirmative;
- Councillor King stated that he has heard evidence about the increase in rail traffic, with the application on Station Road being granted three years ago and, in his view, it would affect the viability of a store in this location due to the delays caused;
- Councillor Archer expressed the opinion that most people at the meeting do not think Station Road is viable and personally he also does not;
- Councillor Hodgson stated that whilst he does not particularly agree that Whittlesey cannot cope with two additional supermarkets, he would support Sainsbury's and the business park, use the Harrier site for housing and if Tesco decide to build out the Station Road site so be it;
- Councillor Connor stated that members need to ensure that the Council is not open to legal challenge and need assurance that whatever decision is made today would be ratified and not changed. The Chief Solicitor advised that members need to arrive at a resolution and summary reasons, officers will then adjourn to produce full reasons using the information members have provided to them.

Proposed by Councillor Archer, seconded by Councillor Connor and decided that application F/YR11/0482/F be refused for the following reasons:

- the cancellation of the Station Road permission cannot be equated to Eastrea Road as it is not such a viable site
- the lack of available land for housing is a material consideration for this site, which is required to meet the aspirations of the Development Plan
- the sustainability of the site to Whittlesey does not apply due to the superior hopper bus and country park being provided by the Sainsbury's application.

Proposed by Councillor Connor, seconded by Councillor Stebbing and decided that application F/YR11/0895/O be granted for the following reasons:

- the proposal would provide employment for local people
- the proposal outweighs the conflict with the Development Plan when taken into consideration with the Sainsbury and country park application, which is felt would provide huge benefit to Whittlesey
- the proposal is considered not to harm the sustainability of the town centre.

Proposed by Councillor Mrs Bucknor, seconded by Councillor Stebbing and decided that application F/YR11/0930/F be granted for the following reasons:

- the proposal outweighs the conflict with the Development Plan in that it would provide health and well-being facilities for Whittlesey, a country park that would provide a natural break between Whittlesey and Eastrea and additional employment in the town
- officers views on sustainability are not supported
- it is not believed that the contract between Harrier and Tesco cannot be revoked or re-negotiated
- the viability of the Harrier Station Road site is questioned as the level crossing is a barrier to development and easy access to this site, which is predicted to increase, and there has also

- been a long time lapse to any action being taken on this site
- the proposal provides superior accessibility to the town and the site due to its hopper bus service provision.

The meeting was adjourned at 9.25pm for the Head of Planning, Chief Solicitor and Barrister to formulate the reasons drawing on the report and discussions today for members to consider and agree upon. Officers returned at 10.30pm and members agreed the following:

F/YR11/0482/F

Proposed by Councillor Archer, seconded by Councillor Stebbing and decided that the application be:

Refused for the following reasons -

The proposed development is contrary to Policy EMP4 of the adopted Local Plan and, therefore, contrary to the Development Plan notwithstanding its compliance with Local Plan Policies E1, E3, E8, E20 and TR3. Whilst the proposal is consistent with emerging Core Strategy Policies CS4, CS5 and CS9 it is considered that those policies carry limited weight.

The Committee considers that the Sainsbury's site is more sustainable having regard to its delivery of a country park and appropriate hopper bus service and that the grant of the Sainsbury's application carries significant weight against this application.

The Committee acknowledges that the retail impact evidence indicates that there is only scope for one large format food store in Whittlesey. Although the extant planning permission at Station Road and contractual commitment of Harrier to implement it is acknowledged, it is considered that Station Road will not be delivered as a consequence of the grant of permission to Sainsbury's. Significant weight is attached to the conclusions of Roger Tym and Partners (Report 13.43 and 13.44) and combined with the Committee's judgment that the level crossing at Station Road will be a significant constraint, it is not considered that the Station Road permission will be delivered. Although the contract between Harrier and Tesco is a material consideration, it is considered that it carries little weight because of the deliverability issues and that contracts can be varied for commercial reasons. In the circumstances, although there is a risk that the Station Road permission will be delivered, that risk carries little weight for the above reasons.

The Committee attaches some weight to the specific housing targets within the emerging Core Strategy Policy CS4 and the possibility that this site will come forward for housing development.

Members do not support officers' recommendation of grant of planning permission for the reasons set out above.

F/YR11/0895/O

Proposed by Councillor Connor, seconded by Councillor Stebbing and decided to:

Grant, subject to

- prior completion of a Section 106 Agreement on the following terms; construction and provision of a roundabout on Eastrea Road prior to the opening of the food store
- the following conditions:
 - approval of the details of:
 - the layout of the site

- the scale of the building(s)
- the external appearance of the building(s)
- the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority (LPA) prior to the commencement of development). Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission

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

- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology
- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters

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

- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site

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

- prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the LPA in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity
- prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity
- prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the LPA's reasonable satisfaction until completion of the development for Building Regulation purposes
- prior to the commencement of development, a plan for the protection and/or mitigation of damage to the population of water voles (a protected species under The Wildlife and Countryside Act 1981) and their associated habitat, both during construction works and once the development is complete, shall be submitted to and approved in writing by the LPA. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the LPA. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following:
 - evidence that the water vole habitat will be protected from any adverse effects resulting from development
 - details of any proposed enhancement of the habitat in other ditches and drains on the site so that these are more suitable for water voles
- prior to the commencement of development a plan for the protection and/or mitigation of damage to the county wildlife site and watercourses on the development site, both during construction works and once the development is complete, shall be submitted to and approved in writing by the LPA. The habitat protection plan shall be carried out in accordance with a timetable for implementation as approved
- prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the LPA in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable
- no development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the LPA. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site

- **the proposed internal floorspace proposed for each use class hereby approved shall not exceed 500 sqm for A2 financial and professional services, 1000 sqm for A3 restaurants and cafes, 1000 for A5 hot food takeaways, 4500sqm for B1(a) office use and 13,250 sqm for B1(c) light industrial use**
- **prior to the commencement of development, a scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the LPA. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity**
- **removal of permitted development rights for conversion into Class A1 use**
- **prior submission of a scheme for CCTV and boundary treatment detail.**

Members do not support officers recommendation of refusal of planning permission. Although it is considered that the proposed development is contrary to Policy EMP4 of the adopted Local Plan and, therefore, contrary to the Development Plan and that it is not accordance with emerging Core Strategy Policies CS4, CS5 and CS9, it is considered that the following material considerations taken together indicate that permission should be granted. It is also considered that the emerging Core Strategy policies carry limited weight.

The Committee attach significant weight to the fact that this proposal is part of a package together with the Sainsbury's store and country park, which is felt enhances that sustainability of both this application and that of the Sainsbury's store and country park. By imposing an appropriate condition (removing permitted development rights in respect of A1 uses) the proposal will not harm and may well complement the existing town centre offer. The proposal will provide employment to meet the growth of Whittlesey.

F/YR11/0930/F

Proposed by Councillor Mrs Bucknor, seconded by Councillor Stebbing and decided to:

Grant, subject to:

- **referral to the Secretary of State as a departure from the Development Plan**
- **prior completion of a Section 106 Agreement on the following terms:**
 - **prior to the commencement of trading to submit to the District Council proposals and a scheme for the provision of equipment and facilities for the display of local information directed to the promotion of Whittlesey Town Centre and its businesses, services and facilities and implement the said scheme as approved prior to the opening of the food store**
 - **prior to the opening of the food store and petrol filling station to pay the County Council a Hopper Bus contribution of £191,000**
 - **prior to the opening of the food store and petrol filling station to pay the County Council a Bus Stop infrastructure contribution of £60,000**
 - **prior to the opening of the food store and petrol filling station to pay the District Council a contribution of £37,000 to the "All the Little Shops" on line scheme for small retailers**
 - **to construct and layout the Country park in accordance with the plans submitted with the planning application**
 - **to maintain the country park for a period of ten years**
 - **on completion of the maintenance period to transfer the Country Park to a Maintenance and Management Company or other such body who shall maintain the Country Park in perpetuity. The beneficiary of the Country Park shall be agreed in writing by both the District and the Town Council**
 - **construction and provision of a roundabout on Eastrea Road prior to the opening of the food store**
 - **trading shall not commence from the food store or the petrol filling station until**

a travel plan co-ordinator has been appointed and a travel plan is submitted to the District and County Council for approval

- the following conditions:
 - the development permitted shall be begun before the expiration of 3 years from the date of this permission no development approved by this permission
 - shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary
 - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

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

- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site

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

- the amended remediation strategy**
- **prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the LPA in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity**
 - **prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity**
 - **prior to commencement of development full details of both hard and soft landscape works including those works associated with the country park shall be submitted to and approved by the LPA. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the LPA gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the LPA**
 - **prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the LPA's reasonable satisfaction until completion of the development for Building Regulation purposes**
 - **prior to the first occupation of the development hereby approved, the proposed on-site parking shall be demarcated, levelled, surfaced and drained in accordance with the approved plans. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme, and shall not be used for any other purpose**
 - **prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the LPA in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable**
 - **the development hereby permitted shall not be commenced until such time as a scheme to install oil separators and provide secondary containment for the above ground petrol storage tanks has been submitted to and approved in writing by the LPA. The scheme shall be implemented as approved**
 - **prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the LPA. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter**
 - **no development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of**

investigation which has been submitted by the applicant and approved in writing by the LPA. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site

- the convenience sales area floor space of the proposed food store hereby approved shall not exceed 2323 sq.m and the comparison goods sales area floorspace shall not exceed 743 sq.m (total 3066 sq.m)
- prior to commencement of trading from the approved foodstore, completed works on the Country Park shall include provision of pathways, highways access, car park and tree planting, in accordance with the approved plans
- prior to the commencement of development, a scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the LPA. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity
- the use hereby permitted shall only operate between the hours of 0700 - 2300 hours Mondays to Saturdays, and 1000 - 1600 hours on Sundays and Bank Holidays unless obtaining prior written approval from the LPA
- prior to the commencement of the development a scheme shall be submitted to and approved in writing by the LPA which details the construction and surfaces of the proposed access roundabouts, roads and footpaths. The foodstore hereby approved shall not be occupied until the roundabouts, roads and footpaths associated with the food store have been constructed and surfaced in accordance with the approved scheme
- prior submission of a scheme for CCTV provision and boundary treatment details.

Members do not support officers' recommendation of refusal of planning permission. Although it is considered that the proposed development is contrary to EMP4 of the adopted Local Plan and, therefore, contrary to the Development Plan, and that it is not in accordance with emerging Core Strategy Policies CS4, CS5 and CS9, it is considered that a number of material considerations taken together indicate that permission should be granted. It is considered also that the emerging Core Strategy Policies carry limited weight.

The Committee attaches significant weight to the benefits which the country park will bring forward (scope for recreation, health benefits for the community) which equally maintain an effective buffer between Eastrea and Whittlesey. The proposed development is in a sustainable location near to the Development Area Boundary and will be well connected to the town centre through the provision of an appropriate hopper bus service.

The Committee acknowledges that the retail impact evidence indicates that there is only scope for one large format foodstore in Whittlesey. Although the extant planning permission at Station Road and contractual commitment of Harrier to implement it is acknowledged, it is considered that Station Road will not be delivered if this application is approved attaching significant weight to the conclusions of Roger Tym & Partners (Report 13.43 and 13.44) when combined with the Committee's judgement that the level crossing at Station Road will be a significant constraint. Although the contract between Harrier and Tesco is a material consideration, it is considered that it carries little weight because of the deliverability issues and that contracts can be varied for commercial reasons. In the circumstances, although there is a risk that the grant of this permission will lead to two foodstores, that risk carries little weight for the above reasons.

Councillor Archer asked, now the process has been undertaken, are officers comfortable in the decision that it is sound on legal grounds? The Chief Solicitor stated that he did not wish to answer this in a public forum. Councillor Archer stated that he feels that best practice has been followed and discretion has been used as is allowable by planning members. The Chief Solicitor

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advised that the decision does address a number of issues that existed previously.

(Councillor Stebbing declared his Non-Pecuniary Interest in these applications, by virtue of a friend residing 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 stated that he is a member of Whittlesey Town Council, but takes no part in planning matters)

(Councillors Archer, Bucknor, Mrs Bucknor, Connor, Cornwell, Hatton, Hodgson, Humphrey, Keane, King, Miscandlon, Mrs Newell, Quince, Stebbing and Sutton all registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on these applications)

10.40pm

Chairman