

PLANNING COMMITTEE



22 JUNE 2015 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Bligh, Councillor M G Bucknor, Councillor D W Connor, Councillor A Hay, Councillor Miss S Hoy, Councillor D Laws, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton.

APOLOGIES: Councillor S Clark (Vice-Chairman), Councillor M Cornwell

Officers in attendance: G Nourse (Head of Planning), Mrs S Black (Team Leader), Mrs R Norman (Senior Development Officer), R McKenna (Principal Solicitor - Litigation), Miss S Smith (Member Services and Governance Officer)

*** FOR INFORMATION OF THE COUNCIL ***

P12/15

F/YR14/0991/F

WHITTLESEY - LAND SOUTH AND WEST OF 300 EASTREA ROAD - ERECTION OF A FOOD STORE WITH CAFE, PETROL FILLING STATION AND CAR WASH WITH ASSOCIATED PARKING, LANDSCAPING AND HIGHWAY WORKS INCLUDING FORMATION OF ROUNDABOUTS AND CHANGE OF USE OF AGRICULTURAL LAND TO FORM COUNTRY PARK WITH ASSOCIATED LANDSCAPING

The Chairman suspended Standing Orders for 12 minutes at the beginning of the meeting to allow members time to read additional documents and updates in relation to the items on the Agenda.

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.

Members considered 7 letters of objection, 12 letters of support and were made aware of an online petition in support of the application and 3 representations from 3 separate addresses and Stephen Barclay MP.

Officers informed members that:

- As an addition to the recommendation detailed on page 23 of the Agenda an additional point is included as follows:
 - Section 106 Agreement;
 - Conditions;
 - **Referral to the Secretary of State;**

- The Section 106 is progressing and currently comprises the following elements:
 - No commencement until a Highways Agreement has been entered into to carry out and complete the Eastrea Road roundabout;
 - Submission of detailed plans for the Country Park including access and its completion;
 - Provision of a local information display;

- Submission of a Travel Plan and its implementation;
 - Completion of the Eastrea Road roundabout prior to the occupation of the food store;
 - Provision of the Hopper Bus Subsidy and Infrastructure contribution;
 - Enter into a 10 year agreement from the date of opening to maintain and operate the Country Park. Following this to consult with the local community and set up a Country Park Legacy Body to continue the maintenance;
 - To agree a sum to facilitate 'Retailer Workshops' in lieu of the 'All the little Shops' scheme which is no longer operational;
- A solicitors letter has been received on behalf of Mr Forster concerning the following points (in summary):
 - Confirmation that the 1985 permission for Gildenburgh Water (GBW) and leisure facilities is extant which has potential for significant traffic generations;
 - The submitted Transport Assessment does not refer to the 1985 planning permission (F/0781/85/F) and therefore fails to take account of additional traffic flows;
 - Considers the consultation comments of the Local Highway Authority (LHA) to be unsound;
 - Requests that the applications be deferred;
- In response to this letter the following points are relevant:
 - The LHA have responded to the points made in the letter as follows:
 - *For clarity the extant permission that I referred to in my highways statement was making reference to the 44 bed hotel complex, restaurant and social club (F/YR00/0075/F);*
 - *The elements of the 1985 permission (F/0781/85/F) that have been implemented have been considered satisfactorily in the Sainsbury's Traffic Assessment (TA). This document was also assessed by Lou Mason-Walsh (Cambridgeshire County Council (CCC) TA Team) and deemed acceptable;*
 - *There were no conditions imposed relating to the 1985 permission or indeed the 2000 permission that required Mr Forster to change the GBW access configuration on Eastrea Road from the simply priority junction (access) that's currently there now. This means in capacity and safety terms the access arrangement was always considered to be acceptable by the Local Planning Authority (LPA) and LHA;*
 - *The Sainsbury's application proposes to prohibit right turn movements at the GBW access thus making it left in left out. Removing the right turn movements on Eastrea Road means vehicles queueing to turn into GBW will no longer have to gap seek, instead they will use the Sainsbury's roundabout (Approximately 50m away from the GBW access). Equally vehicles queueing at the GBW access will not have to wait for a vehicle turning right onto Eastrea Road, instead they will use the Larkfleet roundabout to the west. The prohibition of right turn movements at the GBW access will also have a positive effect on the movement and free flow of traffic around the Larkfleet roundabout. East bound traffic will not encounter a right turning vehicle queueing to turn into the GBW access immediately after exiting the Larkfleet roundabout;*
 - *I conclude I have no reason to believe that the Sainsbury's access arrangements will be detrimental to the safety of highway users as a whole including those accessing or exiting the GBW access nor will there be unacceptable capacity issues that will result at the GBW access even if Mr Forster's 'valid' permissions become fully operational;*

- In addition, the 2000 planning application for Gildenburgh Water was considered within the Transport Assessment (pages 23-24) which assessed the possibility of additional traffic generation from this application. As such, additional leisure uses over and above what has been implemented on site have been considered in the assessment of this scheme and therefore the Transport Assessment and the comments of the LHA are considered to be robust;
- 3 further letters of **support** from 2 new addresses have been received noting the following points (in summary):
 - Due to the time and location of the meeting a number of people will be unable to attend but it is important that Fenland District Council (FDC) do not see the lack of attendees as lack of support for the supermarket and country park;
 - Collectively the town of Whittlesey has given a lot of support to this scheme and will lose faith in FDC if this doesn't go ahead;
 - Whittlesey is forever expanding therefore this supermarket is needed;
 - The supermarket will not impact upon the town as many people will still shop in the town itself as well;
 - Currently we have to drive to Ferry Meadows for a Country Park experience. The Country Park would provide a local area for those who do not drive;
 - The store and country park will be a wonderful bonus to the town which needs regeneration other than new housing.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Whittlesey Town Council. Councillor Mrs Laws informed members that she was not taking part as a Planning Committee member but speaking as a representative of Whittlesey Town Council and this had been noted by the Legal representative in attendance. Councillors Mrs Laws stated that she was representing Whittlesey Town Council members, she had spoken at Planning Committee on the Sainsbury proposal and the Country Park and this had all started four years ago. She informed members that the plan had been approved in principle, the debate at this meeting was to consider a revised layout and store changes.

Councillor Mrs Laws stated that Whittlesey has no national superstore, it has a small and two independent food retailers, with the nearest supermarket being 7 miles to the west in Peterborough. She pointed out that the local Business Forum for Whittlesey supports this package, the presence of a superstore will encourage local people to say in town to shop and not to travel to Peterborough, March or Wisbech. Councillor Mrs Laws stated that the town (Whittlesey) has supported this proposal to the hilt and Whittlesey Town Council has supported Sainsbury in expectation of improvements to the quality of the town. Sainsbury has researched the commercial potential and Whittlesey Town Council is impressed by Sainsbury's presentation and how they have engaged with Whittlesey Town Council throughout the process.

Councillor Mrs Laws stated that Sainsbury have been open in what they will bring to Whittlesey, the hopper bus is much needed and will be a great benefit to the food store, local business and the country park. The country park will be for all age groups and is welcomed. There is a pledge of financial support over the next 10 years and with the help of enthusiastic volunteers could become a reality, similar to Ferry Meadows. The Country Park will widen leisure and cultural opportunities to meet local needs.

Councillor Mrs Laws pointed out that the proposal will create employment opportunities, will use local trades for the building work and staffing, these are key issues and are welcomed by Whittlesey. She stated that this will bring trade for local business and increase leisure and tourism which all are trying to promote in Fenland and requested that we all grab this opportunity with both hands.

Councillor Mrs Laws stated that Sainsbury are professionals and want to improve the lives of our population and members decision will impact on this generation, 2-3 generations ahead, Whittlesey and the district. Councillor Mrs Laws stated that she would like to plead for this application to be approved and not let Whittlesey be like Chatteris.

Members received a presentation, in accordance with the public participation procedure, from Mr Forster, an objector to the proposal. Mr Forster stated the original planning permission granted by the Council to Gildenburgh Water in 1985 has been lawfully implemented and is currently extant, this was confirmed by a letter from the Head of Planning on 10 June 2015. In this case further implementation is possible without the need for further planning permission from the Council. The planning permission from 1985 allows leisure uses for dryslope skiing, clay pigeon shooting, go-cart track, BMX cycles, running and exercise trails, pitch and putt, equestrian events and an adventure playground.

Mr Forster pointed out that the 1985 planning permission also allowed unlimited numbers of touring caravans, static caravans and camping facilities and these uses have potential for significant traffic generation. Mr Forster pointed out that Gildenburgh Water is the only brownfield site in the South East of Whittlesey and there is significant potential for additional leisure facilities and to help Fenland meets its housing targets.

Mr Forster stated that Sainsbury and Whitacre applications were both supported by the same Transport Assessment (TA) which claims to be a comprehensive assessment, however it does not mention Gildenburgh Water's 1985 planning permission and does not take account of additional traffic flows and in this way does not provide a sound basis to determine if the applications are acceptable in highway safety terms.

Mr Forster stated that the Local Highway Authority (LHA) as consultees based their comments of 15 April 2015 on lapsed permissions are not material considerations but if the Gildenburgh Dive Centre are still valid the LHA is happy to review their comments. The LHA response from 18 June 2015 condition 11 of the 1985 permission required the Gildenburgh Water access to be changed to a right hand turning facility before pitch and putt or equestrian events. The TA and LHA have to assess the Gildenburgh access in relation to all the potential uses in the foreseeable future, including the nearby residential, retail and commercial development, not on 1985, this has not been done and there is need for a proper assessment.

Councillor Owen commented that Mr Forster had been in favour of this application when it had been considered previously in February 2014 and asked him if he had a particular interest at that time. Mr Forster confirmed that he had but did not now.

Councillor Connor asked Mr Forster how many have used the Gildenburgh Water access over the three years. Mr Forster confirmed he had not counted but confirmed that 30,000 divers have visited the site since 1985 and scuba diving is growing as an activity and it is expected to increase further.

Members received a presentation, in accordance with the public participation procedure, from Mr Gray-Esson, a supporter of the proposal and Vice-Chairman of Whittlesey Country Park. Mr Gray-Esson stated that there are now new Councillors on Whittlesey Town Council but thanked Councillor David Mason as the Mayor of Whittlesey who has worked vigilantly to support Sainsbury and the Country Park Project. Mr Gray-Esson stated that he was here today and a lot of Whittlesey Councillors were also present and also want to achieve the proposal.

Mr Gray-Esson pointed out that members of the public were in attendance and have been involved in the planning process to approve the application with previous meetings being chaired by Councillor Hatton. He also remembered that Councillor Mrs Newell had suggested that Whittlesey should have two supermarkets, but would be happy to finish up with a Sainsbury.

Mr Gray-Esson stated that he is the Vice-Chairman of Whittlesey Country Park, turnout has been good at meetings, it has the commitment of management and the outcome is dependent upon the meeting here today and he urged all members to consider the concept of what this means to Whittlesey town people, it was fully supported at Whittlesey Planning Committee on 25 March and they fully support the amendment and urged members to support the proposal.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, the applicant for the Business Park. Mr Smith pointed out that this is 4 years later and Sainsbury are still behind him and the Country Park. Mr Smith stated that he represents Whitacre Management and has been working with the Sainsbury's Team for 5 years to deliver the much needed supermarket, Country and Business Park for Whittlesey. He stated that there is overwhelming local support for the scheme and he hopes that this will be the last hurdle to achieving their goal.

Mr Smith stated that he has worked with and been responsible in assisting Sainsbury's to secure the land required to deliver the necessary access to serve both the Supermarket and the Business Park. Mr Smith pointed out that in order to achieve this it was necessary to secure a small piece of land from Mr Forster, the owner of Gildenburgh Water and at the last Planning Committee he was confident that this would be achieved and a contract had been drawn up as Mr Forster had fully supported the original applications, however Mr Forster failed to sign the necessary agreement, causing further delay and significant expense to revise and resubmit the two planning applications with a revised access. Mr Forster stated that he was still at a loss as to why Mr Forster would obstruct proceedings given that he was gaining an improved access at no cost to himself.

Mr Smith pointed out that the two applications in front of members are near identical schemes with the principle change being to redesign the roundabout access configuration, the other occupants on Gildenburgh Lane support the application before members and there are no objections to the roadworks proposed and requested that members approve the revised scheme.

Councillor Owen commented that members had heard from Mr Forster and it was strange that he had previously supported the application and now doesn't and asked Mr Smith what had changed. Mr Smith responded that he and two solicitors had been unable to reach an agreement, it had become extremely complicated, he had asked for a financial contribution when in the beginning there were none, when the whole scheme would benefit Mr Forster. The Chairman reminded Councillor Owen that financial matters were confidential and not relevant to this application, it is clear there were difficulties in securing permission to accept and enter Mr Forsters lane and the details were not required. Councillor Owen commented that he was trying to clarify the picture regarding Mr Forster's objection. The Chairman responded that he felt that this had been covered adequately.

Councillor Sutton commented that he was at the Planning Committee meeting which took place at the Manor Leisure Centre when the committee took a brave decision to support what Whittlesey people wanted, at that time everyone believed that the proposal would be built and occupied by now and asked Mr Smith if this committee should decide today to support this application again how sure was he and how could he convince this committee and the people of Whittlesey that it will be delivered.

Mr Smith responded that it will be delivered, there are some doubts that stores are cutting down, however Sainsbury are still behind the proposal and it is a credit to them as they have been through the mill and Mr Smith is confident that this store, the Country Park and Business Park will be built.

Members received a presentation, in accordance with the public participation procedure, from Mr McGrath, the applicant's agent. Mr McGrath stated that he is Sainsbury's planning consultant, commenting that he could see familiar faces on the committee and in the audience, stating that the application had been consistently supported, in May 2012 it was deferred and recommended for approval in August, February 2013 and finally granted in February 2014, it was challenged in the courts which caused significant delays. Mr McGrath stated that application is necessary to ensure that it is deliverable, the roundabout has moved slightly to the east to avoid using land that is out of their control, there are no problems with highway safety and no substantial changes other than this, Sainsbury have updated the layout of the store but no new planning issues are raised.

Mr McGrath stated that there are real benefits and a greater choice for Whittlesey residents, creating new jobs, there will be a state of the art foodstore on their doorstep, the Country Park will transform Whittlesey for Whittlesey and its residents. Mr McGrath stated that at the original meeting in March 2009 there was competition with Tesco, only one supermarket could come forward and Sainsbury was supported, it is what Whittlesey want and they are here today to support the application. Mr McGrath pointed out that some have tried to derail the process by causing great delay making this second application necessary. He stated that members have supported the proposal in the past and requested that they support it again.

Councillor Bucknor asked Mr McGrath for an update on the Hopper Bus and asked how long this would be supported? Mr McGrath responded that he thought it was 5 years. Officers responded that there would be an agreement and a schedule of obligation between the owners and the developer, with a Hopper Bus subsidy. CCC are entitled to pay a subsidy to a third party and the providers will review the provision on an annual basis. The Chairman asked if the timescale was on the S106. Mr McGrath responded that it would be as previously on the S106, it had been considered by lawyers and would be reviewed annually to make sure the need for it is required.

Councillor Sutton commented that there are two concession areas in the terms and asked Mr McGrath if members could be assured that the areas are bringing something new to Whittlesey and not what is already supplied in the town. Mr McGrath responded that it is difficult to control the type of business taking up residence, the concessions are normally Timpsons and directly linked to the foodstore. He responded that the applicant will be conscious of who will be in the town and won't want to compete with the businesses in the town and common sense will be applied.

Councillor Connor commented that the applicant must be commended for bringing the application back to committee, he made reference to the fact that shopping habits have changed and asked if members could have a cast iron guarantee that the supermarket would be built. Mr McGrath stated that he is a planning consultant and it is his job to get planning consent, once this consent is guaranteed it is up to the business, ie Sainsbury to build.

The Legal Officer confirmed that there is a draft agreement for the Hopper Bus for £60,000 with a subsidy of £191,000 paid to CCC with an obligation for them to provide the Hopper Bus with no time frame on it.

Members were informed that two officers were in attendance from the Local Highways Authority (LHA) and were here to answer questions from members. The LHA officers introduced themselves as A Woolnough - Development Management Officer and Lou Mason-Walsh - Principal Transport Officer and explained that they were in attendance to answer any questions pertinent to the Transport Assessment (TA):

- Councillor Miss Hoy asked the officers how much extra traffic they envisaged and the volumes expected. Mr Woolnough responded that they had considered the Gildenburgh Water access and it had not generated significant traffic and from the 1985 permission there was no requirement from Condition 11 to improve junction arrangements, it had been considered at the time and deemed acceptable. He explained that Condition 11 required the implementation of a right hand turn lane for pitch and putt and equestrian events which would require taking land on the north of the A605, this is now the Larkfleet site and would require a complete review. To satisfy Condition 11 a double roundabout would not need a right hand turn and supersedes the 1985 permission conditions;
- Mr Woolnough explained the entrance and exit would be a left out and a left in, this does not add significant distance to travel. He explained that there will be a physical island to prevent drivers from making a right turn, the two roundabouts are visible to any driver;
- Mr Woolnough confirmed that if there is a need for leisure and tourism signage this can be reviewed at the detailed design stage.

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

- Councillor Sutton commented that he was pleased to see that LHA had applied common sense, the layout is much better than the previous one, this is a common sense approach and the left in, left out works very well;
- Councillor Owen commented that apart from the minor alterations before members, the main structure still stands and this is a minor variation and he would be happy to recommend approval of the application;
- Councillor Connor commented that the application had been adequately debated and he proposed agreement of the officers recommendations to grant a supermarket at Whittlesey;
- Councillor Sutton commented that he had listened to all the debate and he had no problem supporting the application but would just like to make a statement *'it is disappointing that this has played out in the press and social media, where officers have been criticised unfairly, officers have pulled out all the stops on this application, unfortunately they do not have a voice to reply, I reply on their behalf, I have printed out the petition, most are fair comments, some are below the belt and unjust criticism and I would like to take this opportunity to thank officers in general and in particular Rebecca Norman;*
- The Chairman commented that he agreed with Councillor Sutton's comments, that social media had been grossly unfair to officers and they had obviously not been aware of the full detail.

The Legal Officer made reference to an objection raised that Sainsbury does not take into account the 1985 permission and asked the LHA officers to comment on the 1985 elements of the 1985 permission that have been implemented. The LHA officers responded that the Sainsbury application took into account the number of permitted developments which were evaluated to see if they were still valid and it was agreed that they were.

The Legal Officer asked the LHA officers if their overall opinion had changed in light of this recent challenge. They confirmed it had not.

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

Granted, subject to the Conditions reported and an additional point:

iii) Referral to the Secretary of State.

(Councillors Bligh, Bucknor, Connor, Hay, Miss Hoy, Miscandlon, Murphy, Mrs Newell and Owen registered in accordance with Paragraph 2 of the Code of Conduct Planning Matters, that they had been lobbied on this application)

P13/15 **F/YR15/0054/O**
WHITTLESEY - LAND NORTH OF GILDENBURGH WATER, EASTREA ROAD -
ERECTION OF MIXED USE BUSINESS PARK TO INCLUDE EMPLOYMENT (B1),
COMMUNITY (D1) AND RETAIL/PROFESSIONAL USES (A2/A3/A5)

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.

Members considered 6 letters of support.

Officers informed members that:

- As per the update to F/YR14/0991/F as an addition to the recommendation detailed on page 43 of the Agenda an additional point is included as follows:
 - Section 106 Agreement;
 - Conditions;
 - **Referral to the Secretary of State;**
- The Section 106 is progressing and currently comprises the following elements:
 - The requirement for a Highways Agreement for the Eastrea Road roundabout prior to the commencement of development;
 - Completion of the Eastrea Road roundabout prior to the occupation of the development.
- The solicitors letter received relates to both F/YR14/0991/F and F/YR15/0054/O therefore the main points are repeated for ease of reference:
- A solicitors letter has been received on behalf of Mr Forster concerning the following points (in summary):
 - Confirmation that the 1985 permission for Gildenburgh Water and leisure facilities is extant which has potential for significant traffic generations;
 - The submitted Transport Assessment does not refer to the 1985 planning permission (F/0781/85/F) and therefore fails to take account of additional traffic flows;
 - Considers the consultation comments of the Local Highway Authority (LHA) to be unsound;
 - Requests that the applications be deferred;

- In response to this letter the following points are relevant:
 - The LHA have responded to the points made in the letter as follows:
 - *For clarity the extant permission that I referred to in my highways statement was making reference to the 44 bed hotel complex, restaurant and social club (F/YR00/0075/F);*
 - *The elements of the 1985 permission (F/0781/85/F) that have been implemented have been considered satisfactorily in the Sainsbury's Traffic Assessment (TA). This document was also assessed by Lou Mason-Walsh (Cambridgeshire County Council (CCC) TA Team) and deemed acceptable;*
 - *There were no conditions imposed relating to the 1985 permission or indeed the 2000 permission that required Mr Forster to change the GBW access configuration on Eastrea Road from the simply priority junction (access) that's currently there now. This means in capacity and safety terms the access arrangement was always considered to be acceptable by the Local Planning Authority (LPA) and LHA;*
 - *The Sainsbury's application proposes to prohibit right turn movements at the GBW access thus making it left in left out. Removing the right turn movements on Eastrea Road means vehicles queueing to turn into GBW will no longer have to gap seek, instead they will use the Sainsbury's roundabout (Approximately 50m away from the GBW access). Equally vehicles queueing at the GBW access will not have to wait for a vehicle turning right onto Eastrea Road, instead they will use the Larkfleet roundabout to the west. The prohibition of right turn movements at the GBW access will also have a positive effect on the movement and free flow of traffic around the Larkfleet roundabout. East bound traffic will not encounter a right turning vehicle queueing to turn into the GBW access immediately after exiting the Larkfleet roundabout;*
 - *I conclude I have no reason to believe that the Sainsbury's access arrangements will be detrimental to the safety of highway users as a whole including those accessing or exiting the GBW access nor will there be unacceptable capacity issues that will result at the GBW access even if Mr Forster's 'valid' permissions become fully operational;*
- In addition, the 2000 planning application for Gildenburgh Water was considered within the Transport Assessment (pages 23-24) which assessed the possibility of additional traffic generation from this application. As such, additional leisure uses over and above what has been implemented on site have been considered in the assessment of this scheme and therefore the Transport Assessment and the comments of the LHA are considered to be robust.

Councillor Owen asked officers for clarification, the report on page 37 refers to 6 letters of support, however, there is an objector at the meeting who is not mentioned in the report. Officers confirmed that at the time of writing the report there were no objectors and notification of the objector was not received until after the written updates were completed and the solicitors letter was received and included on both updates. The Chairman confirmed that the process was both fair and transparent.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Whittlesey Town Council. Councillor Mrs Laws stated that she would like to reiterate some points: Sainsbury has been on board all the time and the Business Park is not in direct competition with trade in the town. Councillor Mrs Laws pointed out that 4-5 years ago Whittlesey was in desperate need of a health centre to the east of the town, this proposal could provide a gymnasium or chiropodists which will meet with the Country Park theme of health and wellbeing and a health centre.

Councillor Mrs Laws stated that she had heard the concerns raised as to whether Sainsbury are on board and confirmed that from the dialogue had with their Chairman, they are actively interested in the store, Country and Business Park and we should put our faith in them and put the building blocks in place, Sainsbury's are going to deliver, the building programme was 2015-16 and this may now have moved but approval is needed today to kickstart the process. She pointed out that the voices are overwhelming from the Town Council, residents and the villages and care about what Sainsbury delivers to the town of Whittlesey. Councillor Mrs Laws requested that members kickstart the process by approving the application today.

Members received a presentation, in accordance with the public participation procedure, from Mr Forster, an objector to the proposal. Mr Forster confirmed that a copy of his presentation had been circulated to members, this was confirmed by the Chairman. Mr Forster stated that a comprehensive assessment needs to be completed before the committee considers this application. Mr Forster stated that the 1985 permission was no longer extant, the LHA should be reconsulted as safe operation of the junction is unsound and did not form part of the Sainsbury Transport Assessment and past judgments at the junction would not have contemplated roundabout in these applications.

Mr Forster stated that a comprehensive highway safety assessment has not been carried out and Gildenburgh Water should be given the opportunity to comment upon it. Mr Forster stated that the LHAs preference has always been for a 4 arm roundabout located close to the current Gildenburgh access to provide a dedicated replacement to the A605 which would accommodate consented leisure activities and potential future developments.

Mr Forster stated that he and all other landowners had been ready to sign the necessary agreements to support the original 4 arm roundabout. Between November 2014 and January 2015 emails passed between the parties and resulted in the requirement for Whitacres to lodge an undertaking with solicitors to pay various legal costs, a partial undertaking took place in August 2014 causing a loss of legal time, leaving 19 working days for negotiations and legal activity and 7 days to amend the proposed legal agreement.

Mr Forster stated that he had signed the final agreement for a 4 arm roundabout but on deadline day there had been a dramatic change from Whitacre's solicitors to change from a 4 arm to a 3 arm roundabout, with no arm to Gildenburgh Water. When other landowners turned up to sign the agreement they were turned away as the Sainsbury transport consultants had made the decision to downgrade to a 3 arm roundabout on 10 November and Gildenburgh Water were not told until 26 November missing the deadline for agreement.

Members received a presentation, in accordance with the public participation procedure, from Mr Smith, the applicant for the Business Park. Mr Smith responded to Councillor Sutton's earlier request as to whether this will be built. Mr Smith stated that he intends to deliver the Business Park, there are discussions for 6.5 acres to build a health centre and accommodation subject to planning permission for Constant Medical, to provide a cataract eye hospital and fitness and wellbeing centre from 1985, in contrast Mr Smith stated that he intends to build the Business Park and has ideas to provide services that will provide Whittlesey with a gym, support wellbeing and fitness and shopping. Mr Smith asked members to support the application.

Councillor Mrs Hay asked Mr Smith how many spaces are allocated within the plans for the Country Park. Mr Smith confirmed that there will be sufficient free parking. The Chairman explained that this application is for outline planning permission and full details will be dealt with at a further stage.

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

Granted, subject to the Conditions reported and an additional point:

iii) Referral to the Secretary of State.

(Councillors Bligh, Bucknor, Connor, Hay, Miss Hoy, Miscandlon, Murphy, Mrs Newell and Owen registered in accordance with Paragraph 2 of the Code of Conduct Planning Matters, that they had been lobbied on this application)

2.26pm

Chairman