

## COMMITTEE UPDATE

**Application reference:** F/YR13/0879/F

**Applicant:** Canon Kirk (UK) Ltd

**Agent :** Andrew Hodgson - Savills

**Location:** Land West of the Old Council Depot, Gaul Road, March, Cambridgeshire

**Description:** Variation of Condition 12 of Planning permission F/YR09/0648/F (Erection of 135 houses with associated garages and parking) in relation to a signal controlled junction for the previously approved roundabout scheme.

**Reason for Committee:** The application was previously considered by the Planning Committee on 5 March 2014. This report provides an update to the previous resolution in light of the recent information provided by the applicant.

### 1 EXECUTIVE SUMMARY

The application proposes to deliver a signal controlled junction in lieu of a roundabout previously approved under F/YR09/0648/F which is considered by the LPA in consultation with the LHA to be necessary in order to mitigate against the impact of the development on the highway network, specifically the junction of Gaul Road and the A141, March, Cambridgeshire and would therefore satisfy policy LP15(C) of the Fenland Local Plan (adopted May 2014) and make the associated development acceptable.

However, since the previous Planning Committee determination in March 2014, the applicant has advised that they are unable to commit to any timeframe to deliver the signal controlled junction and advises that the scheme is not presently viable and therefore cannot be delivered with the associated development.

The control over the timing of the delivery of the signal controlled junction scheme is considered necessary in order to make the associated development acceptable and its timing would therefore be secured through the imposition of a planning condition. Therefore, as the applicant has openly advised that due to financial reasons they cannot agree or commit to any timing to deliver the signal controlled junction, the LPA are unable to support the application as the implementation of the scheme could not be reasonably controlled through conditions that would otherwise impose timing of its implementation. To do so would likely result in a failure to deliver the scheme within the timeframes which would likely result in a breach of planning control. The LPA considers it would be unreasonable to issue a decision notice that would, at the time of grant, place the owner of the land in breach of planning control. To impose an unreasonable condition would fail the requirements of paragraph 206 of the NPPF (the six tests of planning conditions) which is unacceptable and would leave the LPA potentially open to challenge.

**The recommendation is to refuse the application.**

## **2 SITE DESCRIPTION**

- 2.1 The site to which this application relates is the junction of Gaul Road and the A141 in March, Cambridgeshire and is associated to the existing housing development at Gaul Road which is currently under construction (F/YR09/0648/F). The eastern arm of Gaul Road leads into March and the Western arm terminates at a dead end, single track road leading to Gaul Farm.
- 2.2 The Council's Council Tax records indicate that of the 135 dwellings granted planning permission, 40 are currently occupied and the applicant advises that 49 dwellings of the 135 dwellings granted planning permission have been completed.

## **3 BACKGROUND**

- 3.1 Members will recall that this application was previously approved by the Planning Committee on 5 March 2014. The committee report and Minutes are attached for reference.
- 3.2 In summary, this application seeks to amend Condition 12 of planning permission F/YR09/0648/F. Condition 12 requires the following;

*Prior to the commencement of any work on site, a scheme showing full construction details of the new roundabout to be provided on the A141 including the realignment of Gaul Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out and completed in strict accordance with the approved scheme, prior to occupation of the 50th dwelling on the site or within 2 years of the commencement of development whichever is soonest and thereafter retained.*

*Reason - In the interests of highway safety*

- 3.3 This application seeks to amend condition 12 to deliver a signal controlled junction in place of the originally proposed roundabout. The application seeks to make the amendment under s.73 of the Town and Country Planning Act 1990 which results in the grant of a new permission incorporating the changes and would also require any pertinent conditions and planning obligations of the original permission to be transferred across to the new permission via a section 106 deed of variation.

The applicant advises that this application is made primarily in order to strengthen the financial viability of the associated development and in order to provide a design solution that would provide greater flexibility in accommodating future growth.

- 3.4 At the Planning Committee held on 5 March 2014 Members approved the application subject to the conditions as specified on the associated committee report. One such condition is that prior to issuing the permission, the completion of the associated section 106 deed of variation was required, to ensure that all existing/ outstanding planning obligations were transferred across to the new permission.

Additionally and of relevance to this report, the aforementioned Condition 12 was agreed to be amended to read as follows;

*The signal controlled junction shall be provided at the A141, including the realignment of Gaul Road, and shall be carried out and completed in strict accordance with Drawing number CS/057368-T-02D dates stamped 21 November 2013 prior to the occupation of the 50<sup>th</sup> dwelling, or by the 1 April 2015, whichever is sooner and thereafter retained.*

*Reason: In the interest of highway safety.*

#### **4 LATEST POSITION**

- 4.1 Due to significant delays by the applicant and despite efforts by the Council's Legal team to progress the s106 deed of variation, the deeds were only signed (by the land owner and mortgagee) and returned to the Council on 1 April 2015. However, as the proposed, approved implementation date was 1 April 2015 and the deeds needed to be sealed by the County & District Councils before completion, it was deemed not appropriate by Officers to issue permission that would have resulted in the applicant being in immediate breach of the revised condition 12 in that they would not be able to deliver the traffic lights scheme by 1 April 2015 as agreed by Members at the Planning Committee of 5 March 2014. It is unreasonable for an LPA to amend a condition which cannot be complied within the time scale applied for and which places them in breach at the date of issuing the planning permission. (paragraph 206 of the NPPF).
- 4.2 Officers, in trying to be reasonable and negotiating a way forward therefore asked the applicant to amend the application seeking a revised date from them by which they intended to implement the traffic lights scheme so that an update report with an amended delivery time for the scheme could be presented to the planning committee for consideration.
- 4.3 On 13 May 2015 Canon Kirk's Construction Manager advised that they were not able to provide a revised date for delivery of the traffic lights scheme as the deliverability now relied on gaining planning permission for a further 90 dwellings on land adjacent to the development site and advised that the reason for this change in position was due to financial reasons.
- 4.4 The applicant has sought pre-application views on the proposal to develop the land adjacent (west) for approximately 90 dwellings. A meeting was subsequently held with Cannon Kirk and their Planning Agent on 14 July 2015 to discuss the proposal whereby Canon Kirk again clarified that they were unable to deliver the traffic lights scheme unless planning permission was gained for a further 90 dwellings on adjacent land. Canon Kirk advised that if planning permission was gained for a further 90 dwellings, this would enable finances to be released and the ability to then deliver the traffic lights scheme as approved.

The site proposed for the development of 90 further dwellings lies directly adjacent to the west of the site implemented under F/YR09/0648/F. Officers have advised the applicant that, in view of the site's location in Flood Zone 3 and the layout constraints imposed by the retention of the electricity pylon, the proposal could not be supported by Officers as it would be contrary to policies contained within the Fenland Local Plan 2014 and the NPPF. The land is not an allocated site within the Fenland Local Plan. The applicant has advised that they intend to submit a planning application for this imminently.

Notwithstanding this, Officers consider that this is not material to this application that is before Members.

- 4.5 The Local Highways Authority (LHA) has been advised of this latest situation and provided comments and data in respect of the development and the requirement to provide junction improvements.

The LHA have provided the latest accident data in this location and have identified it as being priority number 8 out of 92 sites around the County with 11 injury accidents over a five year period with an accident score rising from 9 in 2013, to 11 in 2014, to a current score of 16 (as of 2 July 2015).

The actual accident details provided are as follows;

- 3 vehicles exiting Gaul Road east colliding with southbound vehicles
  - 2 vehicles exiting Gaul Road east colliding with northbound vehicles
  - 3 shunts on the A141 in the vicinity of the junction
  - 1 shunt on Gaul Road
  - A vehicle attempted to 'U' turn in Gaul Road and collided with a south bound vehicle
  - 1 overtaking manoeuvre on the A141 as a vehicle turned right into Gaul Road
- 
- 2014 - 2 serious and 1 slight
  - 2013 - 1 serious and 1 slight
  - 2012 - 1 fatal and 1 slight
  - 2011 - 2 slight
  - 2010 - 2 slight

The LHA Lead Engineer has concluded from this data that "In [their] opinion, on the analysis of the accident types, a signal junction or roundabout would have a significant effect on both the reoccurrence and severity of the accident types displayed. Additionally, "If the capacity were to be increased, into and out of Gaul Road, [the Lead Engineer at CCC LHA] would not be surprised to see an increase in the top 4 accident types above"

- 4.6 In view of the comments and detail received from the LHA, it is considered that a condition requiring the delivery of a junction improvement scheme to the junction of the A141 and Gaul Road of either a roundabout or signal controlled junction, is necessary in order to make the associated development acceptable in the interests of Highway safety as per that originally imposed under F/YR09/0648/F.

## **5 CONCLUSION**

- 5.1 Members resolved to approve application F/YR13/0879/F subject to completion of a s106 and subject to the delivery of the signal controlled junction by 1 April 2015. These conditions cannot now be met. Furthermore, the applicant has advised openly that they are now unable (due to financial constraints) to provide a revised timeframe for delivery of the scheme unless planning permission is gained for a further 90 dwellings on the adjacent land which Officers have concluded is not a material planning consideration.
- 5.2 As advised above, it is unreasonable to issue any planning permission or impose conditions where the deliverability of the associated element (by the applicant's

own admission) would not be possible and would place the applicant in breach of planning control.

5.3 In granting planning permission for the revised traffic lights scheme, the Council would need to ensure that any conditions controlling its timing met the 6 tests as stipulated under paragraph 206 of the NPPF which requires conditions to be;

1. Necessary
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects

5.4 In view of the latest position by the applicant and their open admission that they cannot agree to a timeframe, the LPA have no option but to recommend refusal of the application as to do so without imposing a timeframe to deliver the signal controlled junction scheme would make the residential development unacceptable in view of latest LHA accident data and imprecise in terms of delivery (point 5 above). It would be unreasonable of the LPA to unilaterally impose a revised timeframe given that the applicant has openly advised they cannot deliver the signal controlled scheme (point 6 above).

## **6 RECOMMENDATION**

6.1 Officers recommend that the application be REFUSED for the following reason;

*Reason:*

*The application seeks permission under S73 of the Town and Country Planning Act 1990 to vary Condition 12 of permission F/YR09/0648/F to allow for the provision of a signal controlled junction instead of a new roundabout. Whilst the principle of the variation is acceptable, the Applicant has confirmed that they are unable to confirm or commit to a timeframe for its delivery. For this reason the variation of the condition is considered to be unacceptable in planning terms as it would lack precision in terms of the timeframe for the delivery of the signal controlled junction and could not therefore be reasonably enforced against to ensure its implementation and, as such, would fail the test required under paragraph 206 of the National Planning Policy Framework.*

*Additionally, the applicant, in their application has sought permission to implement the signal controlled junction prior to the occupation of the 50th dwelling or by April 2015. Therefore, to grant permission at this time would immediately place the applicant in breach of planning control which again would fail the test required under paragraph 206 of the National Planning Policy Framework as it would be unreasonable.*

*For this reason the variation of Condition 12 is considered to be unacceptable as it would be contrary to Policy LP15 (C) as it fails to recognise the immediate need for the delivery of the off-site junction improvements in the context of the previously conditioned delivery timeframes and would, furthermore, allow for further development to take place on the site without securing arrangements for the implementation of measures against transport impact resulting in severe harm to the safety and free flow of traffic on the neighbouring highway.*

# Officer Report and Minutes of Planning Committee 5 March 2014

AGENDA ITEM NO. 9

Application Number: F/YR13/0879/F

Major

Parish/Ward: March/March West Ward

Date Received: 21 November 2013

Expiry Date: 28 March 2014

Applicant: Cannon Kirk (UK) Ltd

Agent: Mr D McKenzie, McKenzie Town Planning

**Proposal: Variation of Condition 12 of Planning Permission F/YR09/0648/F (Erection of 135 houses comprising with associated garages and parking) in relation to a signal controlled junction for the previously approved roundabout scheme**

**Location: Land West Of Old Council Depot, Gaul Road, March**

**Reason before Committee: Previous committee decision**

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

The site to which this application relates is the A141 / Gaul Road crossroads. The A141 north/south links Ely to Wisbech. The eastern arm of Gaul road leads into March and the western arm is a single track road leading to Gaul Farm.

All matters pertaining to the original 2009 proposal are unchanged; this application seeks consent to utilize a traffic signaled junction only. Therefore the main issues associated with this proposal are:

1. Highway Safety
2. Legal Agreement

The key issues have been considered against Local and National Planning Policies. It is considered that, on balance, the proposal would not result in an unacceptably adverse highway safety risk and an infrastructure contribution can be secured through a Section 106 Legal Agreement. Therefore this proposal is considered to be acceptable subject to planning conditions.

## 2. HISTORY

Of relevance to this proposal is:

2.1 F/YR05/0944/F	Erection of 135 dwellings comprising: 6 x 6 bed houses, 29 x 5-bed houses, 50 x 4-bed houses, 37 x 3-bed houses, 6 x 2-bed houses, 3 x 2-bed flats and associated garages and parking	Granted (Committee Decision) 4.4.2008
F/YR09/0648/F	Erection of 135 houses comprising of 34 x 2-bed, 48 x 3-bed and 53 x 4-bed with associated garages and parking	Granted (Committee Decision) 26.04.2011

F/YR11/0860/NONMAT	Non-Material amendment: Alterations to house type H (plots 1, 3, 21, 37, 39-40, 49, 51, 58-59, 62, 78-79, 82, 109, 112, and 121-123) including increase in width of dwelling, alterations to location/size of windows/doors and alterations to site layout to accommodate changes, relating to planning permission F/YR09/0648/F (Erection of 135 houses)	Granted (Delegated) 9.1.12
F/YR11/3027/COND	Details reserved by conditions 2, 3 (phase 1 only), 5, 7, 8, 13, 14, 15 and 16 (finished levels for phases 1 and 2 only) of planning permission F/YR09/0648/F (Erection of 135 houses)	Pending Consideration, surface water scheme still in discussion
F/YR12/0980/F	Variation of Condition 12 of Planning Permission F/YR09/0648/F (Erection of 135 houses comprising with associated garages and parking) in relation to construction timetable of roundabout	Supported by committee however pending decision awaiting outcome of this submission
F/YR13/0610/NONMAT	Non-material amendment: Plot 131 - Reduction in garden width; Plot 132 - change from double garage to single garage and amended siting; Plot 133 - addition of attached single garage; Plot 134 - garage and parking relocated, relating to planning permission F/YR09/0648/F (Erection of 135 houses comprising of 34 x 2-bed, 48 x 3-bed and 53 x 4-bed with associated garages and parking)	Granted (Delegated) 11.09.13
F/YR13/0939/NONMAT	Non-material amendment - Inclusion of a single-storey bay window to house types D & G - Plot nos's 44, 48, 50, 52, 60, 61, 63, 66, 67, 68, 74, 75, 76, 77, 80, 81, 91, 92, 93, 94, 110, 111, 124, 125, 132 & 133 and door replaced with window on side elevation of house type G in relation to planning permission F/YR09/0648/F (Erection of 135 houses comprising of 34 x 2-bed, 48 x 3-bed and 53 x 4-bed with associated garages and parking)	Granted (Delegated) 15.01.2014

### **3. PLANNING POLICIES**

#### **3.1 National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### **3.3 Fenland Local Plan Core Strategy (Submission Version) – September 2013:**

CS1: Presumption in Favour of Sustainable Development

CS13: Mitigating the Impact of a Growing District

CS15: Sustainable Transport Network

CS16: Delivering and Protecting High Quality Environments across the District

#### **3.4 Fenland District Wide Local Plan:**

E8 – New Development

### **4. CONSULTATIONS**

#### **4.1 *Town Council***

Support

#### **4.2 *CCC Highways***

Strategic Development - No objections provided that safety and capacity issues are resolved. Comments as follows:

Given the strategic role of the A141 the County Council seeks to maintain the free-flow of traffic as far as possible and minimise junction delays. The proposed signal-controlled junction operates within normally-accepted thresholds with degrees of saturation on all approaches below 90%.

The analysis includes committed developments, background growth in line with TEMPRO to 2022, and some non-committed development which provides further comfort on the robustness of these conclusions.

Although there are wider growth proposals for March set out in the emerging Local Plan, these proposals are not yet committed and would therefore need to be assessed on their merits at the appropriate time.



Subject to the proposals being acceptable in highway safety terms, and agreement being reached with County Council traffic signal engineers on detailed design issues including securing an appropriate commuted sum for maintenance, the County Council has no strategic objection in principle to the proposed junction arrangements.

NB: The formal response of the Signals Team and Road Safety Audit are awaited; however these represent the detailed delivery aspect of the Signals/Junction rather than the 'strategic principles' which are accepted as per the above.

**4.3 Planning Policy**

No objections – requests that County Council Highways review the strategic position of the proposal, particularly in light that the Fenland Core Strategy envisages allocating 2,000 dwellings to the west of March.

**4.4 Sustainable Travel Officer**

No objections

**4.5 Local Residents**

No letters of representation have been received.

**5. SITE DESCRIPTION**

5.1 The site to which this application relates is the A141 / Gaul Road crossroads. The A141 north/south links Ely to Wisbech. The eastern arm of Gaul Road leads into March and the western arm is a dead end, single track road leading to Gaul Farm.

**6. PLANNING ASSESSMENT**

6.1 All matters pertaining to the original 2009 proposal are unchanged; this application seeks consent to utilize a traffic signaled junction only. Therefore the main issues associated with this proposal are:

**3. Highway Safety**

**4. Infrastructure Contribution**

**1. Highway Safety**

County Council highways have advised that there are no objections to the proposed scheme, which has been modelled on 300 dwellings (170 dwellings with extant consent and 130 potential dwellings west of the Cannon Kirk site( which have no planning status at this time, either in terms of permission or allocation) and is considered to be future proofed. It should be highlighted that the proposed signal-controlled junction operates within normally-accepted thresholds with degrees of saturation on all approaches below 90% and would therefore minimise junction delays.

The Fenland Planning Policy Team has requested a strategic view of the proposed signal scheme given that Policy CS9 of the Fenland Core Strategy envisages 2,000 dwellings to be allocated to the west of March. If CS9 were implemented any scheme that came forward would be considered on its own merit and modelled accordingly. Given the historic consent for the site as a stand-alone scheme it is not considered reasonable to place additional burden at this late stage on the scheme developers. It is considered that the only reasonable consideration can be whether the signalized junction will perform a traffic control function commensurate with the previously approved roundabout and this has been satisfied through modelling.

A road safety audit has been undertaken (January 2014) which identified a number of matters that have been addressed as part of amended drawings. These included improving forward visibility splays to the signals to prevent the running of red lights and realigning the crossroads to reduce the risks in times of a signal failure. Amended plans have been submitted and Officers remain confident that the 'detail' contained therein will prove acceptable to the LHA. A further update in this regard will be made to the Committee.

The scheme therefore is not considered to result in an unacceptably adverse highway safety risk and accords with Policy CS15 of the Fenland Core Strategy DPD (Submission 2013).

## **2. Infrastructure Contribution**

Due to the nature of the proposal an infrastructure contribution is required this will secure the ongoing maintenance of the Signalized junction. A legal agreement was previously secured as part of the original 2009 permission. Subject to the Applicants entering into a revised legal agreement the proposal would accord with Policy CS13 of the Fenland Core Strategy (Submission 2013).

## **7. CONCLUSION**

- 7.1 The proposal has been assessed in line with Local and National Planning Policies in relation to highway safety. The proposal would not give rise to any adverse highway safety impacts and an infrastructure contribution can be secured through a Section 106 legal agreement. Therefore subject to conditions the proposal is recommended for approval.

## **8. RECOMMENDATION**

**Grant – Subject to**

- i) Prior completion of S106 Deed of Variation**
- ii) Conditions as imposed on original Planning Consent – with the deletion of the condition relating to the roundabout delivery and the addition of appropriate highway conditions, which will be reported to committee**



**PLANNING COMMITTEE DATE:** 5<sup>th</sup> March 2014

**APPLICATION NO:** F/YR13/0879/F

**SITE LOCATION:** Gaul Road, March

#### **UPDATES**

The Local Highways Authority has raised no objection to the proposal; the junction would operate within accepted thresholds and with degrees of saturation on all approaches. This analysis has includes committed development, background growth and some non-committed developments. Although there are wider growth proposals for March Town, these proposals are not yet committed and would therefore need to be assessed on their own merits at the appropriate time

The scheme has been subject to a Stage 1 Road Safety Audit. Issues were initially raised in relation to junction design and signal phasing, which have now been adequately addressed for the planning stage. Accordingly, the proposals are acceptable, subject to detailed design as part of a S278 Agreement with this Authority to secure implementation.

According to the Stage 1 Road Safety Audit the junction is required to be lit.

A commuted maintenance sum will be secured by way of a Legal Agreement in accordance with County Surveyors Society advice document 'Commutated Maintenance Sums for Maintaining Infrastructure Assets'.

#### **CONDITIONS**

Condition 12 shall be varied to state;

The signalled controlled junction shall be provided at the A141, including the realignment of Gaul Road, and shall be carried out and completed in strict accordance with Drawing number CS/057368-T-02D date stamped 21st November 2013 prior to the occupation of the 50<sup>th</sup> dwelling, or by 1<sup>st</sup> April 2015, whichever is sooner and thereafter retained.

Reason: In the interest of Highway Safety.

**Resolution: Grant subject to S106 Deed of Variation and suitable conditions**



**P171/13**      **F/YR13/0879/F**

**MARCH - LAND WEST OF OLD COUNCIL DEPOT, GAUL ROAD - VARIATION OF  
CONDITION 12 OF PLANNING PERMISSION F/YR09/0648/F (ERECTION OF 135  
HOUSES COMPRISING WITH ASSOCIATED GARAGES AND PARKING) IN  
RELATION TO A SIGNAL CONTROLLED JUNCTION FOR THE PREVIOUSLY  
APPROVED ROUNDABOUT SCHEME**

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

Officers informed members that:

- the Local Highways Authority has raised no objection to the proposal, the junction would operate within accepted thresholds and with degrees of saturation on all approaches. This analysis includes committed development, background growth and some non-committed developments. Although there are wider growth proposals for March town, these proposals are not yet committed and would therefore need to be assessed on their own merits at the appropriate time;
- the scheme has been subject to a Stage 1 Road Safety Audit. Issues were initially raised in relation to junction design and signal phasing, which have now been adequately addressed for the planning stage. Accordingly, the proposals are acceptable, subject to detailed design as part of a S278 Agreement with LHA to secure implementation;
- According to the Stage 1 Road Safety Audit the junction is required to be lit;
- A commuted maintenance sum will be secured by way of a Legal Agreement in accordance with County Surveyors Society advice document 'Committed Maintenance Sums for Maintaining Infrastructure Assets';
- CONDITIONS - Condition 12 shall be varied to state:
  - the signalled controlled junction shall be provided at the A141, including the realignment of Gaul Road and shall be carried out and completed in strict accordance with Drawing number CS/057368-T-02D date stamped 21 November prior to the occupation of the 50th dwelling, or by 1 April 2015, whichever is sooner and thereafter retained;
- Cannon Kirk have advised that 27 plots are currently occupied, 11 plots of the new phase have been started, with total occupancy likely to be 45 by the end of the year 2014;
- on the site inspection members raised issues regarding maintenance infrastructure contributions and appropriate triggers and officers reminded members that in March 2013 they decided to approve the extension of time limit to develop and implement a roundabout and it is appropriate to align timescale to the April 2015 deadline as the scheme is possible and feasible within a year in terms of carrying out the safety audit and build programme;
- the LPA would not have any influence in terms of the actual lights and officers have been advised by the LHA it is unlikely that the provision of high level lights would be pursued;
- Maintenance Infrastructure contributions relate to highway aspects of the scheme and longevity of the lights in situ, the contribution being based on the life cost of the project, Section 278 will be bought through this agreement;

- a roundabout was agreed as part of the scheme and the LHA are satisfied that traffic lights will provide a similar function to the roundabout and officers recommend the scheme for approval subject to variation of S106 and amended Condition 12.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs J French, District Councillor. Councillor Mrs French stated that she fully supports the application and March Town Council welcome the provision of traffic lights due to the number of road traffic accidents at the junction, resulting in fatalities and life threatening collisions, causing gridlock to the town as a result for up to 5-6 hours and putting a strain on emergency services. Councillor Mrs French stated that she was not in favour of traffic lights but agreed that they work exceptionally well at the Goosetree junction. She commented that she has been made aware of the S106/278 for maintenance of the lights, stating that the applicant will contribute. Councillor Mrs French raised concerns that the LHA request for a contribution of £200,000 from the applicant is unacceptable for 60 years of maintenance, as a smaller contribution amount was required for the maintenance of the lights at Wisbech Tesco for only 30 years, this being a much larger company compared to this application being a small developer. Councillor Mrs French pointed out that the developer is providing 21 acres of public open space when the development is finished and has spent a vast amount of money and the S278 is a vast amount of money and unreasonable, pointing out that the applicants are prepared to negotiate. Councillor Mrs French stated that she fully supports the application.

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

- Councillor Stebbing commented that if the traffic lights are the same as at the Goosetree junction they will be an asset;
- Councillor Murphy commented that traffic measures should be put in from the beginning of the development not at the end, this could be another year or two years and suggested that for any future similar applications traffic measures should be put in before the building starts, this is a bad junction and the traffic lights are needed now not later;
- Officers clarified that the S278 maintenance contribution has been discussed with the agent and that the LHA had advised that this will be subject to negotiation direct with the LHA. Officers advised that the timing condition for the traffic lights aligns to the decision made at December Planning Committee where the trigger point for the roundabout was agreed, this allows reasonable time for traffic assessments. There had been a robust evaluation of the time that it will take to develop the technical aspects of the proposal on highway terms and officers are satisfied that the timings are reasonable and achievable and will be built at an appropriate point in the building programme;
- Councillor Quince commented that he welcomes traffic lights at this junction as it is a dangerous junction;
- Councillor Murphy asked officers for clarification regarding when the traffic lights would be built. Officers responded that in accordance with requirements works will be completed by 1 April 2015;
- Councillor Mrs Newell commented that she has to wait for up to 15 minutes to exit the junction and often turns around and uses the Burrowmoor where there are no hold ups only on the Gaul Road junction;
- Councillor Sutton commented that there would be a cost for the development for a roundabout and agreed that the contribution should be paid for ongoing maintenance.

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

**Granted, subject to the conditions reported.**

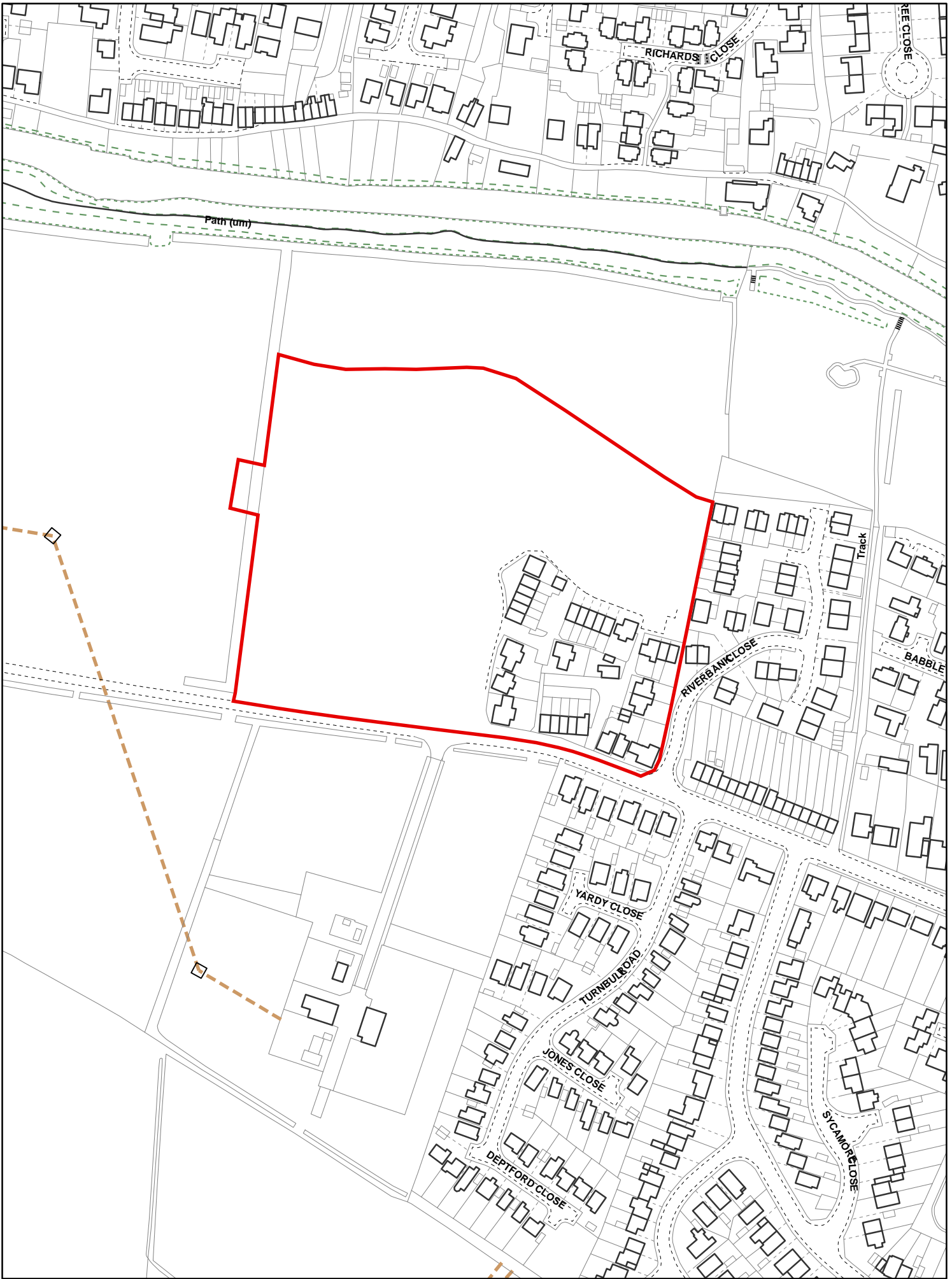
(Councillors Keane, Owen and Quince stated that they are members of March Town Council, but take no part in planning matters)

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of her living in close proximity to the development)

(Councillor Owen declared a Non-Pecuniary Interest in this application, by virtue of him previously expressing favour towards this application which could be seen as being predetermined, and retired from the meeting for the duration of the discussion and voting thereon)







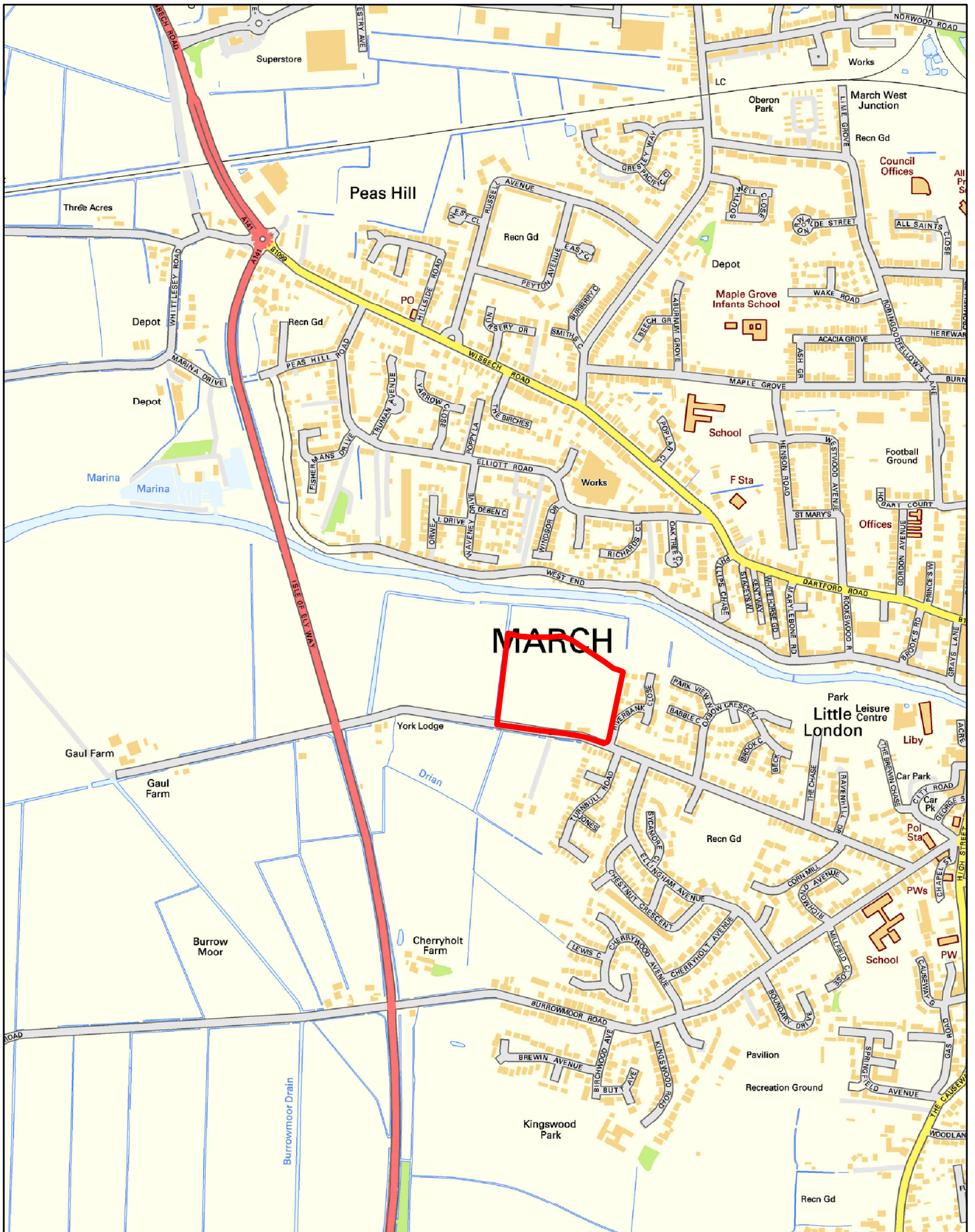
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