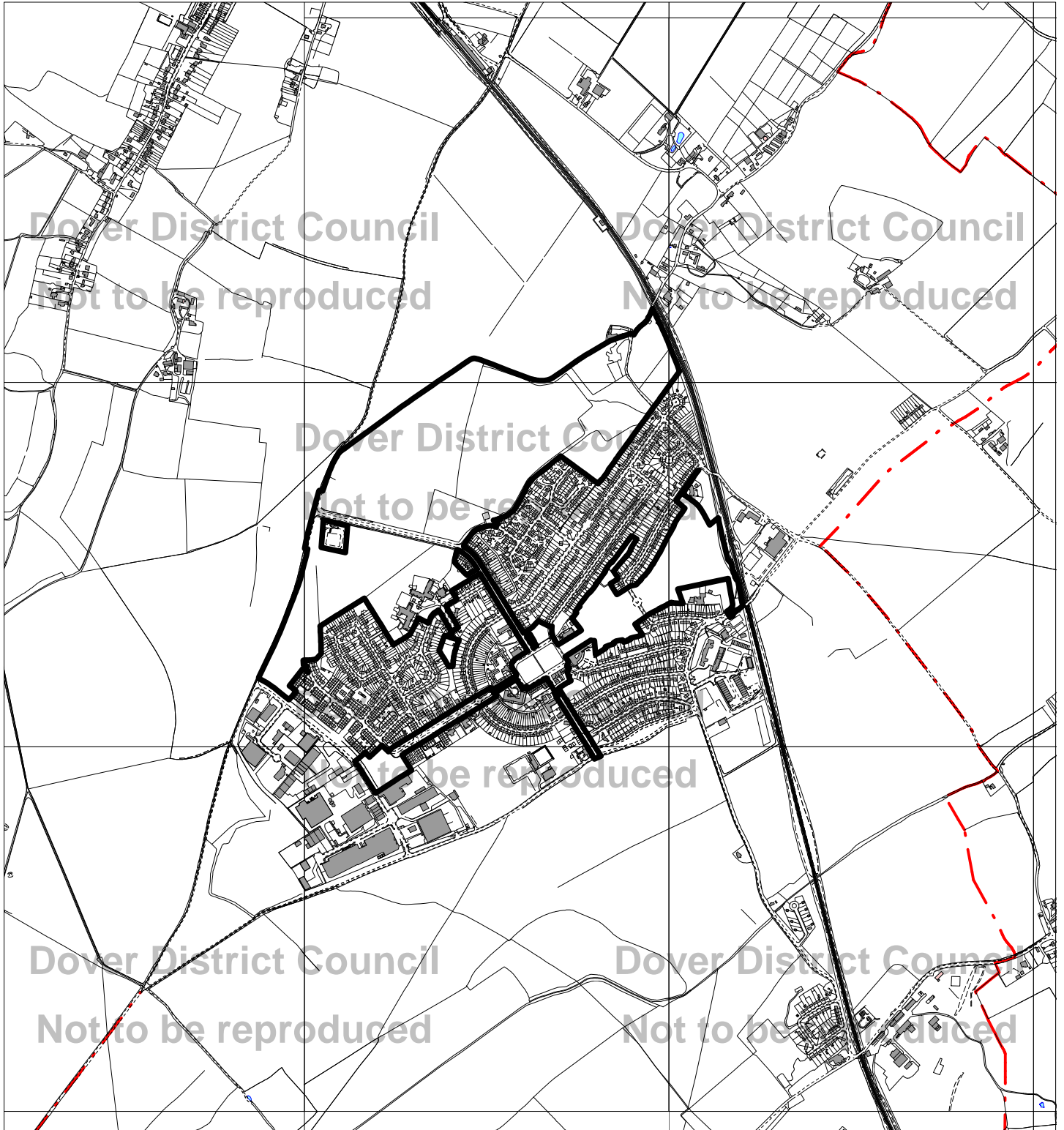


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Application: DOV/15/00444

Aylesham Village Expansion

Aylesham

TR23045253



Update to Report to Planning Committee of 23 July 2015

DOV/15/00444 - Variation of Condition 14 of planning permission DOV/14/1206 by removing the wording 'and 1218/43/07A (junction improvement 20)': application under Section 73 – Aylesham Village Expansion

Reason for the Report – on 23 July 2015 Committee resolved that Application No DOV/15/00444 be deferred in order to allow discussions to take place between Highways England, the developer and the Local Planning Authority to consider what measures can be taken at the A2/A260 junction to mitigate the increased use of the junction as a result of the Aylesham development. (Min Ref 32). This report outlines progress and requests Committee's instructions on a possible way forward.

The report to the 23 July Committee is attached at Appendix 1.

Since that report was compiled, the policy position has not changed but further objections have been received as follows:

Nonington PC – unanimously support Linda's (*Councillor Keen's*) objection to this part of the Aylesham plan being cancelled. The slip road onto the A2 has been the scene for many near misses and is far too short. With the increase in traffic not just from Aylesham but Hammill's development at Woodnesborough the idea that this slip road is left as it is, is extremely shortsighted and potentially lethal.

Leader of Shepway District Council - we strongly support the imposition of the slip road; it is without doubt one of the shortest and most dangerous in the country.

In addition 7 representations on application DOV/15/0952 (concerning the dwelling threshold and substitution of signals for a roundabout at a nearby junction) have also included objections to this application as follows:

- Object to the attempt by the developers to get out of their obligation to improve the slip road
- The slip road needs lengthening to make it safe
- The slip road is at a poor angle and is not long enough
- The slip road is dangerous, visibility is poor and there is not enough length to join the A2 comfortably and safely
- There is an urgent need to extend the slip road onto the A2

Committee will recall that Highways England did not object to these proposals and it has proved challenging to make progress in accordance with the resolution. However, following much discussion and after several site meetings, a possible way forward has been identified.

There is nothing to be gained through the installation of more signs as the merge of the slip road and A2 is already clearly marked. However it has been concluded that it would be possible to improve visibility by clearing vegetation in the area lying between the slip road and the northbound carriageway of the A2 ("the nose"). In

addition clearance could take place along the margin adjacent to the A2 from the merger sign to the nose. This would improve visibility for vehicles on the A2 and would also be beneficial for cyclists using the A2 who are then directed across the slip road so they may continue their journey more safely. Such a scheme would need to be developed in consultation with Highways England following an ecological survey. Related costs for this and carrying out the scheme would fall on the developers and that is understood informally to be acceptable to them.

The mechanism would be to vary condition 14 along the following lines

Condition 14 as it stands

A2/A260 Junction Improvements

No more than 25 residential units hereby permitted shall be occupied until and unless the works to the A2/A260 junction shown on drg number 1218/43/06C (junction improvement 21) and 1218/43/07A (junction improvement 20) prepared by Alan Baxter Associates, or such scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved in writing by the Local Planning Authority have been completed and opened to traffic

Reason : To ensure that the A2 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

As noted in the 23 July report, omitting the words “and 1218/43/07A (junction improvement 20)” would effectively drop such works.

Suggested alternative

No more than 25 residential units hereby permitted shall be occupied until and unless **a scheme and programme to clear vegetation in the area between the northbound slip road and the main A2 northbound carriageway, have been submitted to and approved by the LPA and implemented in accordance with that programme** and the works to the A2/A260 junction shown on drg number 1218/43/06C (junction improvement 21) or such scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved in writing by the Local Planning Authority have been completed and opened to traffic

Reason : To ensure that the A2 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and **to improve visibility** in the interests of the reasonable requirements of road safety.

If the Committee is content with this approach, it is recommended that the Head of Regeneration and Development be authorised to settle the detailed wording, consistent with Committee’s wishes.

COMMITTEE’S INSTRUCTIONS ARE REQUESTED

Appendix 1

- a) **DOV/15/00444 - Variation of Condition 14 of planning permission DOV/14/1206 by removing the wording 'and 1218/43/07A (junction improvement 20)': application under Section 73**

Reason for the Report - called in by Councillor Linda Keen on the grounds that there is enormous local interest in this proposal because the current slip road is very dangerous and needs improvements as originally scheduled

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

NPPF

- Para 205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- Para 206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects

Core Strategy

- Policy DM 11 Location of Development and Managing Travel Demand - Planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- Policy DM 12 Road Hierarchy and Development - The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

- d) **Relevant Planning History**

DOV/07/1081 and 08/1095	Hybrid applications in two parts (a) an outline application for up to 1210 dwellings and associated works and (b) full permission for up to 191 dwellings and associated works – granted together with a Planning Financial Contributions Agreement (PFCA) and accompanying S.106 agreement.
DOV/13/120	variation of conditions including 1, 3, 5, 15, 22, 24, 32, 34, 38, 45, 51, 52, 56, 68, 76 and 77 (all essentially related to allowing the early development of shops and dwellings at Market Place together play areas and construction works etc.) under Section 73 – granted
DOV/14/338	variation of conditions including 88 (timing of bat survey), 110 (renewable energy strategy) and 112 (workforce agreement) of 13/120 under Section 73 – granted
DOV/14/756	variation of condition 58 of 14/338 (Market Square Affordable Units timing) under Section 73 – granted
DOV/14/883	variation of condition 85 of 13/120 (gas reduction equipment details timing) under Section 73 – granted
DOV/14/1206	variation of conditions 16 (junctions 5 and 12), 48 (Code level 3 on two dwellings) and 85 (gas reduction equipment details timing) under Section 73 – granted
DOV/15/68	removal of conditions 40, 41 and 42 all relating to sports pitch provision (with provision made through a PFCA) and variation of condition 43 of 14/338 under Section 73 – current

e) **Consultee and Third Party Responses**

Kent Highways and Transportation – the junction in question is in the jurisdiction of Highways England and KCC have no input into whether the works should be carried out or not

Highways England – we have been in discussion with the developers' consultants for this project (MLM) and confirm that we are in agreement to the Variation of Condition 14 of planning permission DOV/14/1206. That is for the removal of the wording "and 1218/43/07A" (junction improvement 20). Refers to a previous email to MLM which stated"Our consultants have now reviewed the Technical Note that you submitted in respect of the A2 slip road improvement and I am pleased to advise that we do indeed concur with your Stage 1 SA conclusions. We do not therefore require you to pursue the A2 slip road further."

Ward Member - objects vigorously

- The slip road is very dangerous - it is too short and the sight lines are bad
- As it is wide, drivers unfamiliar with the situation can overtake on it which is very dangerous

- Queries traffic growth figures – coming out of recession and survey period untypical
- Application affects villages along A260 with the large housing development at Hawkinge, this is a busy road to Canterbury
- Slip road serves two A roads and is not fit for purpose
- Application seem to be prompted as work more difficult than thought but as nothing has changed how can Highways England and KCC apparently support this variation?
- The idea of the type E lane gain merger is ludicrous as shortly after this fast two lane road becomes two lanes at Lydden
- Presumably the main reason is financial – the developers should have costed it properly. Where does any saving go?
- All Committee members should be required to experience driving on to the A2 via this slip road

This email will be available for inspection at your meeting

Aylesham Parish Council – objects vigorously. The majority of the email is identical to that from the Ward Member but it also draws attention to correspondence with the developer's consultants MLM regarding treatment to the junction between the A260 where it meets the overbridge and where the original design to install a roundabout is now being considered for replacement with a light controlled junction.

Such proposals are understood to be in discussion between MLM and Highways England but are not formally before the Committee for decision.

This email will also be available for inspection at your meeting.

- f) 1. **The Site and the Proposal**
- 1.1 The site of the application comprises part of the Canterbury bound slip road to the A2 at the Aylesham/Barham junction where it is in dual carriageway form with a bridge taking traffic over from the B.2046 to join the A.260.
- 1.2 When planning permission was granted to 07/1081 and 08/1095, the Secretary of State directed that a condition be imposed as follows

HIGHWAY MATTERS

A2/A260 Junction Improvements

No more than 25 residential units hereby permitted shall be occupied until and unless the works to the A2/A260 junction shown on drg number 1218/43/06C (junction improvement 21) and 1218/43/07A (junction improvement 20) prepared by Alan Baxter Associates, or such scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved in writing by the Local Planning Authority have been completed and opened to traffic

Reason : To ensure that the A2 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 1.3 The condition was numbered 14 and this application seeks to vary it by omitting the words “and 1218/43/07A (junction improvement 20)”, which would effectively drop such works.
- 1.4 Plan 1218/43/07A shows the extension of the “hard nose“ of the slip road (i.e. that part of the hard surfaced area between the slip and the main carriageway) by some 85m with the carriageway increased over that length to a width of 7.7 m. In the locality, the land falls and then rises again in the Canterbury direction. To the west of the current highway boundary, the land is approximately at carriageway level on the southern boundary. However, it falls away into a ravine between the A2 and the old Dover Road when going towards the north. This varies but reaches depths between 2.5m – 7 m in the central area and 7m-9m in the northern section below A2.
- 1.5 The justification for this proposal to not carry out such works is set out in a Technical Note explaining how detailed design work has progressed since the planning permissions were granted. It notes that since the original assessment, the Snowdown development has been removed from the development plan. Its approach is to review the original information together with the current situation on the A2 including future detailed design and construction limitations of the improvements.
- 1.6 The work looks at traffic flows and accident data and predicted traffic growth over the period to 2025, applying sensitivity testing. It concludes that the revised traffic forecasts for traffic joining the A2 will be lower than previously envisaged.
- 1.7 A Stage 1 Safety Audit was undertaken to provide a “Type A – Merge Taper” (which the condition currently specifies) but since 2006, two lane tapers are no longer recommended and do not meet current standards. The safety auditor commented that standards suggest that traffic flows would support a “Type E – Lane Gain Merger rather than a Type A - Merge Taper”.
- 1.8 Providing the improvements as per drawing 1218/43/07A would result in significant earthworks, major construction works and future maintenance issues. The design is a departure from current standards as its width encourages overtaking on the slip. Such a configuration would be unlikely to provide any material benefit to the Trunk road network and could potentially introduce safety issues where currently none exist.
- 1.9 Over the last 10 years, changes in development mix, traffic growth and design standards now mean the previous proposals are unsuitable. Current standards would entail a “Type E Lane Gain Merge” and dropping a lane on the main A2 carriageway. Accident rates and projected flows on this slip road are unlikely to result in capacity issues to justify such an upgrading and there would be

network problems from dropping a lane. The conclusion is that the existing configuration of the A2 slip should remain.

1.10 This Technical Note will be available for inspection at your meeting.

2. **Main Issues**

2.1 The main issues are

- Principle
- Highway safety
- General planning considerations

3. **Assessment**

3.1 When considering applications of this nature it is important to consider whether there has been any significant change in the policy framework and other material considerations since the planning condition was imposed.

3.2 The planning history has been set out at some length so that Committee can address this point. The original permissions (07/1081 and 08/1095) were issued in November 2012 when the planning context was carefully reviewed for changes since Committee consideration in 2009. This process was again followed when 13/120 seeking to vary conditions was reported to Committee for determination in July 2013. Planning permission was granted and condition 14 was carried forward. Since then there have been several further applications to vary conditions on 13/120 or a successor 14/1206. In each case whilst there have been changes in circumstances sufficient to justify the variation, in no case has there been any change sufficient to reconsider the principle of imposing the condition. Committee will note that 14/1206 itself involved a variation regarding junction provision, reflecting the outcome of detailed studies and the need for further technical work to find the best outcome. In many ways, such applications may be seen as fine tuning the planning approach as more detail is worked up and situations evolve. Committee will be aware that development is under way in Aylesham.

3.3 In general it is concluded that the policy presumptions in favour of the principle of the need for access to the A2 remain. However, the relevance of the condition and its requirements must be carefully assessed in line with NPPF and Core Strategy policies as identified above. Guidance indicates that Local Planning Authorities should be flexible and responsive to changes in circumstances to enable development to proceed whilst taking care to apply planning conditions correctly.

3.4 Committee will need to judge whether the proposal to delete this requirement in the formerly directed condition will result in a safe form of access or whether highway safety or the free flow of traffic would be compromised. The essence of the situation is that the present slip

road does not meet current standards. However, the Type A Merge Taper as required in the condition also would not meet today's standards as the additional 85m of "hard nose" would still not give an appropriate merging distance. In addition the widened slip carriageway would not meet standards. However, to move to a Type E Lane Gain Merge would result in the loss of the nearside lane of the A2 – meaning only 1 lane northbound. Bearing in mind projected traffic flows and accident records, this cannot be justified. Rather than carry out works which would still result in a below standard outcome, the conclusion is that the A2 slip road should stay in its current form.

- 3.5 It will be noted that the findings of the MLM Technical Note are accepted by Highways England who agree that the relevant words relating to junction 20 can be removed. Highways England is the successor organisation to the Secretary of State for Transport who directed the imposition of the condition in the first instance. Kent Highways' jurisdiction does not extend to this matter and in consequence the official response of Highways England is regarded as decisive. Committee will note the strong concerns of both the Ward Member and Aylesham Parish Council which are clearly sincerely held but these do not override the conclusion above.
- 3.6 On a more general basis, Committee will need to consider any environmental impacts entailed by the works and also the application of the 6 tests to guide the use of planning conditions
- 3.7 To carry out the works as previously required would have involved considerable earth moving and filling to the ravine area with consequent disturbance. In addition, they would result in the substantial loss of prominent and important trees currently lining the western side of the slip road. Removing words from the condition as proposed would obviate the need for such works and avoid notable environmental impacts on the locality which may be seen as a benefit.
- 3.8 It is also relevant to consider how condition 14 would meet the "6 tests." In light of the fact that Highways England no longer wish to direct the requirements for junction 20, were the words to remain in the condition, they would not be necessary or relevant to planning and to the development to be permitted. It is most unlikely that they would be enforceable or reasonable. Under the circumstances, the variation should be approved.
- 3.9 This will necessitate reissuing the permission with other conditions reiterated but updated where some may have been varied or discharged already.
- 3.10 The views of the Ward Member and Aylesham Parish Council have been taken into account together with all other material considerations but do not outweigh the conclusion that the variation should be granted.

g) **Recommendation**

I GRANT PLANNING PERMISSION

- II Powers be delegated to the Head of Regeneration and Development to settle the detailed wording of all other conditions and informatives forming part of the S.73 permission in accordance with the extant permission, as stated at 3.9 of this report, and in line with the issues set out in the recommendation and as resolved by the Planning Committee

Case Officer

Mike Dawson

Appendix