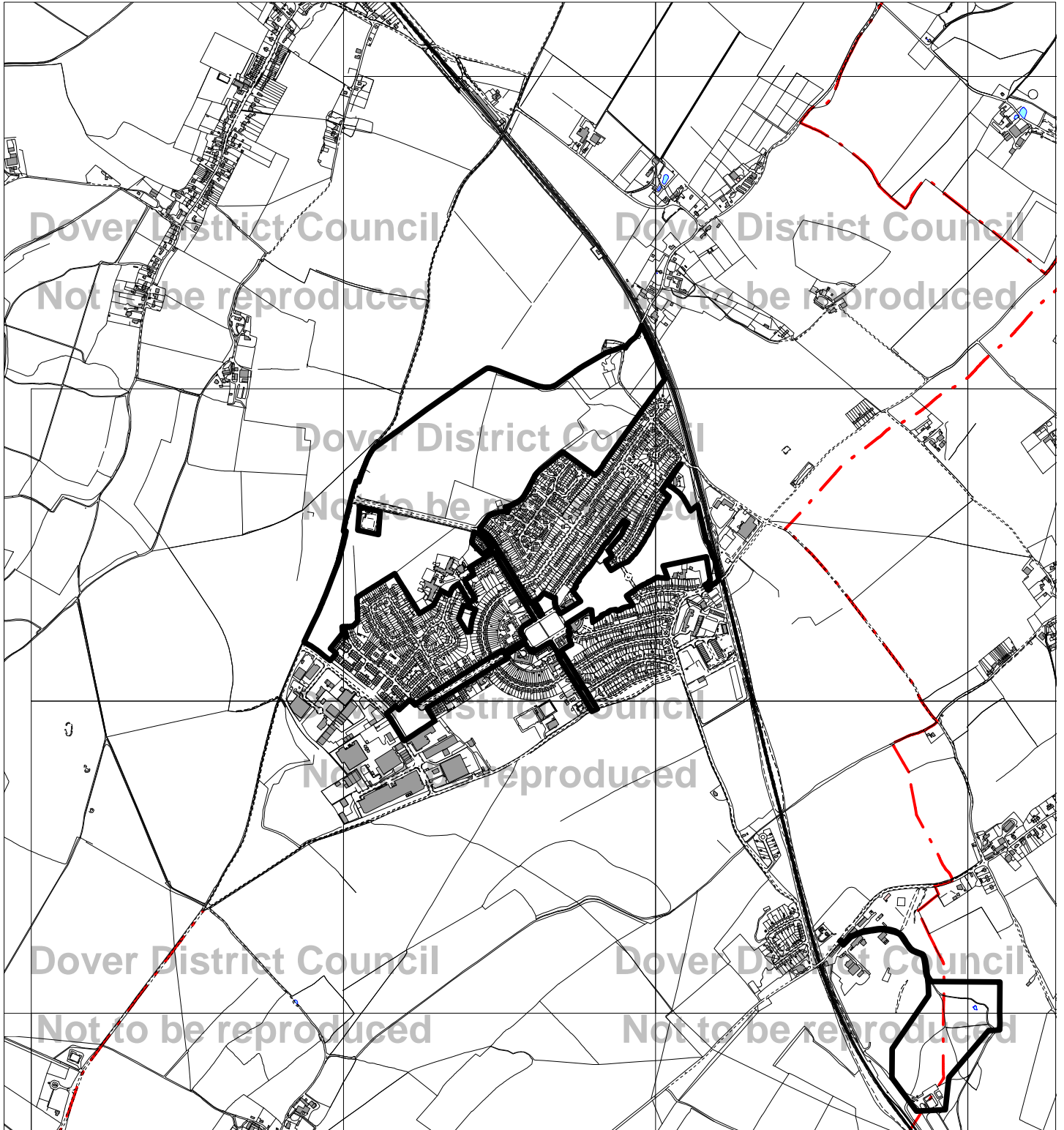


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Application: DOV/15/00952

Aylesham Village Expansion

Aylesham

TR23045253



- a) **DOV/15/00952 - Variation of Condition 14 of planning permission DOV/14/1206 to introduce a new form of layout for junction 21: application under Section 73 (amended description/further details) – Aylesham Village Expansion**

Reason for the Report - called in by Councillor Linda Keen on the grounds of significant public concern in her ward of Aylesham about a very radical change to existing plans

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

NPPF

- Para 115. Great weight should be given to conserving landscape and scenic beauty in ...Areas of Outstanding Beauty.
- 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
DOV/15/0444	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 – deferred by Committee on 23 July and reported elsewhere on this agenda

e) **Consultee and Third Party Responses**

Kent Highways and Transportation – no objection in respect of highway matters and technical approval has been given under the S.278 process for the proposed signal junction.

Highways England – do not raise objection as follows - Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). Our interest in this respect is the A2 Trunk Road. On the understanding that the proposal to vary the Condition 14 highway trigger from 25 vehicles to 135 vehicles has been

withdrawn from this application (as advised 14/12/2015), Highways England have concluded to recommend no objection to the varied application

Ward Councillor: requests application referred to Planning Committee in view of the need to consult local communities before the application is considered. Land ownership issues do not justify the proposed change. The real problems appear to relate to cost and ease of construction rather than road safety- this is not acceptable. Traffic lights have a higher accident record than roundabouts and the latter would reduce jams regularly going back down Spinney Lane now. In response to further information from the applicants, comments that it simply reiterates the original problem for the developers building a roundabout – nothing about traffic efficacy or safety. She repeats there has been no consultation certainly with Aylesham – or other PCs as far as she knows – on the specific questions of replacement of roundabout by traffic lights – and Aylesham PC anyway have always been against traffic lights, so why, if they are claiming consultation, have they not listened?

Aylesham PC: unanimous objection to traffic lights - stop/start flow less effective than on a roundabout as originally planned. Traffic lights removed over 20 years as major accident black spot. Back flow from the interchange has been a contributory cause to 2 fatal accidents in past 5 years (plus several serious and minor ones) traffic lights will compound problems.

Nonington PC: object to removal of roundabout and installation of traffic signals at the A260 junction. Traffic jams currently appalling and roundabout would improve flows especially with traffic from Aylesham expansion. Traffic signals would create stop/start flow as now which does not work.

Womenswold PC: although we are in Canterbury District, we are surrounded by Dover parishes. Object to the change in the highway trigger from 25 to 135 dwellings as there is already serious congestion and construction traffic will exacerbate this. Object to the slip road improvement being shelved (*this relates to DOV/15/0444 and will be reported separately*). Have seen no rationale to replace roundabout with traffic signals (*at the time of writing, this is being followed up with the PC*)

44 private individuals object as

- Approach over bridge should be two lanes so traffic can filter left towards Denton/ Folkestone from one dedicated lane avoiding current backlog behind traffic waiting to turn towards London/Canterbury
- Roundabout required, not traffic lights which were there many years ago and were a danger and therefore removed
- Roundabouts are safer than traffic signals – also make special provision for cyclists
- Salvatori traffic will add to existing problems – roundabout would enable traffic to flow more easily
- Traffic lights will be jumped by impatient motorists, causing accidents as in past
- This is a cheap fix - filter lanes in each direction are needed and should have been costed in

- Why install traffic lights with costs to taxpayers - not needed and consider the carbon footprint
- Location unsafe with traffic moving at speed over the brow of a hill within 100-220m of a slip road and junction
- As a retained fireman, believe traffic lights will cost many lives. Please build the roundabout
- Roundabouts slow traffic which is good. Better to redesign the other side of the bridge and change priorities as Canterbury bound traffic can't move owing to high volumes of A260 traffic
- 20 minute queue today past cemetery to A2 – need a free flowing roundabout and will be worse with new housing
- Please listen to local people/road users
- Unfair on people of Aylesham
- Roundabout is working fine (*believe this comment refers to the roundabout on other side of A2 but by inference would be preferable here*)
- This is a cost cutting exercise not taking into account the safety aspects of current and expanding traffic from Aylesham
- This is a change to the original Aylesham Master Plan without consultation with the stakeholders and local communities; it is purely a cost cutting exercise; the former Barham traffic lights had a poor accident record and the interchange will be best served by the originally proposed roundabout
- As Womenswold residents, use junction daily and agree with Councillor Keen's comments – there is severe traffic disruption now and traffic lights would make this worse. Developers should meet their obligations including improving the slip road
- Why adopt a less safe solution?
- Woolage Green residents support objections from Womenswold residents

. All of these representations will also be available for inspection at your meeting.

- f) 1. **The Site and the Proposal**
- 1.1 The site of the application comprises the junction of the A260 with the bridge over the A2 at the Aylesham/Barham junction which also carries traffic from the B.2046.
- 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 originally sought to vary it by amending the figure "25" to "135" and revising the words relating to junction 21 to read*"works to the A2/A260 junction shown on drawing number 0038-1505-101B or subsequent revisions (junction 21) ..."*. The drawing quoted proposes to substitute a junction using traffic signals for the previous design in the condition which was a roundabout. As noted above, on 30 November, the applicants withdrew their proposal to amend the dwelling threshold. In consequence, the application now relates only to the proposed change in junction design.
- 1.4 This junction is currently a T junction with priority given to the A 260. It appears to be well used. Visibility in the vicinity is good and traffic on the A260 moves at relatively high speeds. Plan 0038-1505-101B shows the introduction of a small build out incorporating pedestrian crossing points into the carriageway of the A.260 together with high friction surfaces on the approaches to the traffic signals
- 1.5 The applicants justify this proposal to change the junction design by explaining that the roundabout design was drawn in 2007. They say that following extensive consultation during the S.278 process with Parish Councils, Highways England and KCC Highways and Transportation, the design has evolved and the signalised junction has been found to be the technical solution to improving the design effectiveness and safety of the junction. **The Plan 0038-1505-101B will be on display at your meeting.**
- 1.6 In light of the controversial nature of this proposal, the representations were sent to the applicants so they may respond. A further letter and 3 explanatory plans have now been received and re-advertised. The plans show that a roundabout solution would use land outside current highway limits and would need to go even further to meet current standards. The letter confirms that the consultations previously mentioned with Parish Councils were as part of discussions relating to village traffic management schemes. It goes on to advise that the proposed change in approach arose through land ownership and design effectiveness considerations. Additional land outside KCC ownership would be needed and even so would not permit HGVs from the Barham direction to stay in lane. In consequence, the condition as written is unfit for purpose. However the signalised junction would overcome these issues and **Plan 613399/J21/101G** has been approved by KCC Highways and Transportation. A loop system will allow better and more adaptable traffic control.

- 1.7 This letter is **appended** to this report and the **plans will be displayed** at your meeting. Committee should note that the Plan **613399/J21/101G** is additional to that quoted when the application on was submitted and is intended to show the proposals in more detail but without changing the proposals.

2. **Main Issues**

- 2.1 The main issues are

- Principle
- Highway safety and efficient operation
- 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. Committee will also be aware of DOV/15/0444 which is elsewhere in this agenda and also relates to condition 14.

- 3.4 Committee will need to judge whether the proposal to substitute a different form of junction for that approved as identified 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.

- 3.5 It will be noted that the revised design is acceptable to Highways England. 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 and Transportation have offered no objection and the design now proposed has received technical approval. In consequence both official agencies in relation to Highways issues do not object.
- 3.6 However, Committee will note the strong concerns of the Ward Member, Parish Councils and the high volume of public objections. There is clearly a deep local belief that for various reasons, a roundabout as originally approved would be a safer option. However the technical evidence for that does not exist and as noted at 1.6 above, the original design for the roundabout as listed in the condition would not meet current standards. The applicants have sought to address the local concerns in the appended letter. In addition to issues relating to the layout of the junction, Committee will have understood that queueing across the bridge over the A.2 is a particular local concern. It will be realised that priority is currently given to the traffic on the A.260 at this junction. The applicants suggest the introduction of traffic signals would allow priorities to be altered and related to traffic flows, thus reducing the length of queues and making turning a safer manoeuvre.
- 3.7 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
- 3.8 In assessing such impacts, the existence of an approved scheme for a roundabout is regarded as a material basis for comparison. There are very few dwellings nearby, the nearest being some 400m away as the crow flies, so noise and disturbance are not important issues in this case. However visual impact needs to be weighed. It is clear that the traffic signals now proposed will require less land for their implementation than the roundabout as originally approved. Indeed a roundabout solution cannot be implemented within current Highways ownership and would in effect need further land offline from the existing A260 to meet current standards. To that extent, traffic signals would have a lower environmental impact. It is noted that to carry out the works as previously approved and updated to meet current standards may well involve substantial earth moving and incursion into the adjoining field. This would create an urban intrusion into the countryside which lies within the Kent Downs Area of Outstanding Natural Beauty and which the NPPF gives great weight to conserving. In contrast, the traffic signals may be installed essentially within the existing Highway curtilage. Installation of traffic signals would require the introduction of lighting where there is currently none and this would have a notable effect on the character of the locality, together with the impact from the illumination of the actual signals themselves, although such effects would be largely subsumed by the A2/A260 activity in the area. Clearly the roundabout would not have impact arising from traffic signals but such a benefit may well be offset as it

would be a larger structure and would also require lighting. It is concluded that there is little to choose between either design of junction on that account. Air quality is not a determining issue given the proximity of the A2 but it is pertinent to the question of queueing traffic on the bridge over the A2 as mentioned in many representations. The applicants suggest that traffic signals will allow better management of traffic alleviating that issue. Committee will no doubt form a view on that.

- 3.9 In this case highways safety and the effective functioning of the junction are regarded as the factors to be given most weight when assessing proposals. Some environmental impacts are unavoidable. The introduction of traffic lights would have some environmental impacts. However, those impacts may well be of a lower order than those from the approved roundabout design or indeed the revised form of roundabout which would be necessary to meet current standards. As such they are acceptable in this location. Granting the variation of the condition to introduce a different form of junction as proposed may be seen as a benefit and indeed conserving the AoNB from incursion.
- 3.10 It is also relevant to consider whether changing condition 14 as proposed would affect its ability to satisfy the "6 tests." It will be noted that the directed wording does not set the junction arrangements in stone but allows for the alternative approval of "*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*". Neither Highways England nor Kent County Council Highways and Transportation object to this alternative scheme. In consequence the proposed change would be consistent with the wording and the condition would meet the tests. Under the circumstances, the variation may safely be approved.
- 3.11 This will necessitate reissuing the permission with other conditions reiterated but updated where some may have been varied or discharged already.
- 3.12 Committee will no doubt give careful consideration to the strong local concerns as they relate to the discussion above and note that they include concerns that "cost savings" may affect safety. The issue of whether the traffic signal junction may be cheaper than the roundabout solution is not relevant and has not been pursued. The vital issues are safety and effectiveness of traffic flow which expert advice confirms are satisfactory. Similarly, concerns over insufficient land ownership seem in part to have prompted this alternative design. However, an alternative solution not requiring further land acquisition but which satisfies the safety and design issues must be acceptable.
- 3.13 The views of the Ward Member, Parish Councils and private representations 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 3.11 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