

**TABLED UPDATE FOR DEFERRED ITEM 1
19/503810/OUT– Land on the South East Side of Bartletts Close**

1. Further to the deferred item report at Pages 1 to 9 of the Agenda, KCC Highways have provided comments on the additional technical report submitted by the applicant (Appendix 3 at Pages 37 to 41 of the Agenda):

- *Private streets are very rarely made up, we have no figures.*
- *Advance Payment Codes (APC's) were all returned (approx. 20-30 years ago), these cover the S38 process but leave additional costs to residents which prove too burdensome.*
- *Occasional requests are made to adopt existing private roads but residents usually change their minds once costs are explained.*
- *Indicative cost is circa £1,000 per linear meter, dependant on width.*

As such further to the appraisal in the report and KCC Highways comments above, residents along the Bartletts Close have the option to approach KCC Highways to make up the road to form an adopted road outside of the planning system. KCC Highways have outlined that the majority of the cost would be borne by the residents in relation to the road frontage sought to be made up.

2. Questions received from Councillors

From Cllr Benjamin Martin;

Q: Whilst I accept that KCC do not wish to accept adopting the road way and it now looks difficult for us to ask the developer to pay for the road way up to an adoptable standard. Is there another option where for example a multilateral agreement be drawn up between the current frontage owners and the new dwelling occupants to maintain the roadway in perpetuity. If this was acceptable to the frontage owners, this multilateral agreement be established prior to the application coming before us to reassure the members prior to making their final decision. If I'm a mile off that which is possible is there another way to bridge the issue between the applicant and the residents as I believe this is the issue that is the fundamental sticking point for members.

A: Further to the appraisal set out in the deferred item report at Pages 1 to 9 of the Agenda, The KCC consultation response deals with the impact on the existing highways network but does not comment on the suitability of the access road itself. As the statutory consultee has not expressed an opinion on the suitability of the access road, the planning officer can express their professional view on the suitability of the access road. The Planning Officer is of the view that the access to the development, while not ideal, is suitable. Condition 12 has been revised to ensure that the road is not deteriorated by the construction phase of the development.

A multilateral agreement as suggested, or agreement between the developer and existing residents would be a civil matter outside of the planning process. As noted in the KCC Highways comments, the costs of making up the road would largely fall on the residents.

From Cllr Cameron Beart;

Q: Neighbouring properties have asked if the following conditions would be considered fair and reasonable and could be applied if permission is granted;

- 1) That the applicant pay for any remedial works necessary for the maintenance of the road and for any incidental damage to property throughout construction.
- 2) That future maintenance costs of this developments roads and communal areas be shared by the new dwellings, via a management agreement implemented by the applicant.
- 3) That the applicant compensate any dwellings for the loss of their section of the road, where they have invested in its upkeep, as this will be impacted during and after construction.

A: As outlined in para 2.4 of the report, the maintenance of unmade road along Bartletts Close would be a civil matter. This is also applicable to questions 1 and 3; these would be civil matters between the developer and existing residents. The revised condition 12 deals with deterioration to the access road during construction.

With regard to question 2, the development's road falls wholly within the red site outline, and there are currently no communal areas as the application is at outline stage with details of layout, design and appearance reserved for a future stage. Notwithstanding this, any small communal areas would be provided wholly within red site outline. As either the development roads and any potential communal areas within the site fall wholly within the red site the maintenance costs of these would not affect existing residents. Furthermore, the ongoing management would be a matter the developer would address as standard. Generally, this would be dealt with using a management company. It is not considered that this requirement would meet the conditions tests.

From Cllr James Hunt:

Q: Asked what measures have been undertaken to promote cycling.

A: The submitted design and access statement outlines that "*Bartletts Close, Uplands Way, The Rise and Belgrave Road are quiet residential roads suitable for cyclists and are subject to a 20 mph speed restriction. Queenborough Road is subject to a 30 mph speed restriction (east of Belgrave Road) and is also considered suitable for cyclists.*" The submitted information outlines that cycling is a suitable option to access nearby services and facilities. As the application is at outline stage, details of cycling parking and storage have not been provided and will be sought at the reserved matter stage.

Notwithstanding this, an additional condition (no. 24) could be applied;

24; The details submitted pursuant to condition (1) above shall demonstrate how measures to promote cycling and cycle parking/storage facilities have been incorporated in the layout, landscaping and design.

Reason: In the interests of highway safety and to encourage the use of sustainable travel modes.

3. As outlined above, condition 12 seeking details of Construction Method Statement has been amended to address the deterioration to the access road during construction;

12: No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Routing of construction and delivery vehicles to / from site*
- b) Parking and turning areas for construction and delivery vehicles and site personnel*
- c) Timing of deliveries*
- d) Provision of wheel washing facilities*
- e) Temporary traffic management / signage*
- f) Details (including photographic survey) of the condition of the road along Bartletts Close*
- g) Details of measures for maintenance of the road and/or to make good any damage caused during the construction period, to restore the road to the condition in (f)*

Reason: In the interests of the amenities of the area and highway safety and convenience

4. Recommendation: planning permission to be granted subject to conditions as set out in report (with the revised condition 12 and the additional condition), and to the signing of a suitably-worded section 106 agreement to secure developer contributions as itemised at Paragraph 9.40 to 9.43 of the 27th January committee report (attached at Appendix 1 on Pages 11 to 35).