

TABLED UPDATE FOR ITEM 2.1
18/506328/OUT– Land Lying To the South of Dunlin Walk

Questions received from Councillors

From Cllr Benjamin Martin;

Q: On the above, it would be useful to know why we are not holding this one until after the result of the Barton Hill Drive appeal? If the appeal is allowed then the issue of the Grovehurst Roundabout holding notice will be back on, and capacity exceeded. Can I seek clarification.

A: The capacity on the strategic road network including the A249 (including the Grovehurst Junction) and M2 J5 was addressed by Highways England and KCC Highways consultation comments, as set out in the report (consultation comments para 7.3 and 7.10 and in the appraisal section para 9.8 and 9.9, and in the conclusion in para 10.1). The committee report outlines that the development can come forward prior to the M2 J5 contract being let. With regard to the Grovehurst Junction, the development is providing a contribution towards upgrading the junction (see paragraph 9.28) and KCC Highways and Highways England are satisfied with this.

Notwithstanding this, the Barton Hill Drive application did not relate to capacity at the Grovehurst junction but rather J5 of the M2. Highways England advised that the spare J5 capacity could be re-allocated to other development prior to the J5 contract being let, or works being undertaken.

Since the Cllrs question, the Barton Hill Drive appeal has now been issued. The appeal decision for Barton Hill Drive included this condition (17); *“No part of the development hereby permitted shall be occupied prior to the letting of a contract for the M2 Junction 5 Road Investment Strategy Scheme. Thereafter, no more than 100 dwellings shall be occupied until the M2 Junction 5 Road Investment Strategy Scheme has been certified as being practically complete.”* - As such, due to the Grampian condition attached to the Barton Hill Drive appeal which restricts occupation of dwellings prior to the J5 contract being let, the re-allocated capacity to sites in Iwade and elsewhere along the A249 corridor are not affected. As such, the appeal decision does not affect the Dunlin Walk application.

From Cllr James Hunt:

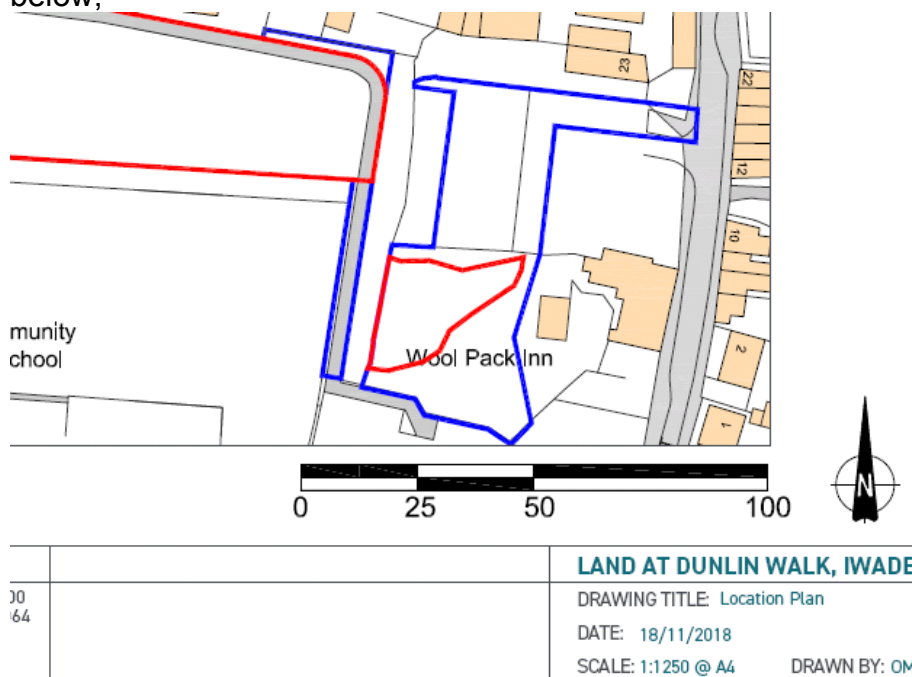
Q: Asked questions regarding the proposed Great Crested Newt (GCN) Mitigation Area;

- a) does the developer have a right of access to the proposed mitigation land
- b) how will the proposed mitigation area be protected from public access.

A: The agent has provided the following response to a) “The ecological mitigation area is part of a larger, irregular parcel of land owned by BDW as shown on the attached Location Plan and outlined in blue. As noted by the councillor, there is a gap between the footpath and the ecological mitigation owned by third parties. We

do not intend to cross third party land to access the ecological mitigation area and access for construction/maintenance will be via land owned by BDW. We are aware that a desire line has been carved by existing residents across the land owned by BDW, this was factored into the design of the GCN mitigation area to ensure this informal route could still be utilised.”

Officer note: please refer to the submitted location plan in the application which demonstrates land in the ownership of the applicant, and an extract is included below;



The agent has provided the following response to b) “the current proposal is for a post and rail fence. This is because it provides the best solution both in terms of GCN protection from pedestrians and from a visual aspect due to the additional landscaping being planted within the mitigation area. It is worth noting that this could change/develop as part of the Reserved Matters application.”

Furthermore, condition 14 requires details of an Ecological Mitigation and Enhancement Strategy and Management Plan (EMES & MP) to be submitted which will address maintenance and boundary treatments for the GCN mitigation area.

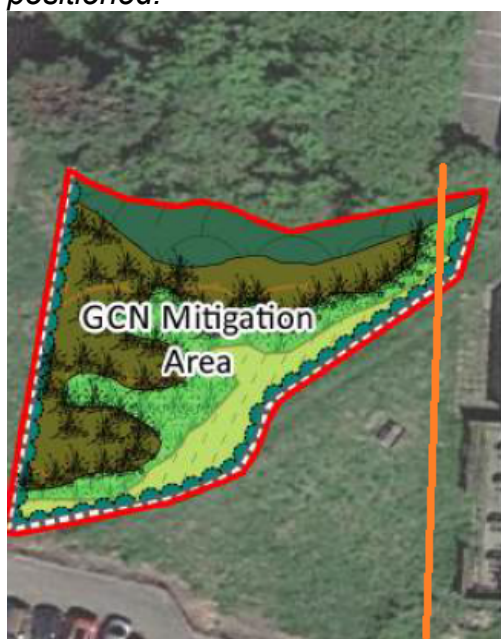
Cllr Hunt has drawn officer’s attention to a fence which appears to have been erected on the land within the ownership of BDW. Part of this fence appears to be located in the eastern section of proposed GCN mitigation area. It is considered that there is sufficient land within the remainder of the parcel 2 to provide a sufficient GCN mitigation area and further details will be sought via condition 14 as set out above.

Furthermore, the agent has provided the following response (04/03/2020); “I visited site yesterday and from my initial inspection it appears that the landlord of the pub has erected a fence within our land ownership boundary.

Below is our ecological mitigation area red line compared to the extent of the land owned and leased to the pub (Title Plan attached). I have also attached an overlay of our layout (based on an OS map) onto a satellite image and a photo to show the fence location albeit there will be discrepancies overlaying onto a satellite image.

It terms of the ecological mitigation area, it appears that the fence is installed across a small part in the top right corner of this area albeit we can still access this area. I have highlighted where I think the fence has been installed with an orange line below.

We are arranging to get some co-ordinated taken of the fence boundary and will overlay this against our redline boundary. If it is confirmed that the fence encroaches onto our land, we will seek legal advice with a view of getting the fence re-positioned.”



Taking into account the above, it is considered that the erected fence can be adequately dealt with by further details sought by condition, and/or discussions between the landowner and neighbouring site.

Other Matters

1. A further representation has been received from a neighbouring property objecting to the application. Many of the concerns raised have been included in para 6.1 (where a summary of all the objections is provided). Two additional concerns have been raised as follows;
 - There is a potential safeguarding issue between the proposed houses and the school.
 - The neighbour was advised by a solicitor that this green space would not be developed.

These are not material planning considerations that should be given weight in the determination of this application.

2. The table in Paragraph 3 on page 44 of the agenda should be amended to read as follows;

No. of Affordable Units	Two affordable units (on-site)
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3. Recommendation: planning permission to be granted subject to conditions as set out in report, and to the signing of a suitably-worded section 106 agreement to secure developer contributions as itemised at Paragraph 9.28 to 9.30 of the report (on Pages 55 and 56).