

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
22 December 2021
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

21/0156/FUL

**Land To The West Of St Martins Way, Kirklevington,
Erection of 97no dwellings to include landscaping, drainage infrastructure and
associated works and access from St Martins Way**

1. Members will recall that the above application was deferred at the 24 November 2021 Committed to allow further information to be obtained as to the evidence that the parish council referred to in their comments when discussing the construction access.
2. The Case officer contacted the Parish Council and the Land Owner and correspondence has been received from the Land Owner Mr Tate, to confirm the owners are "to open to the idea of accessing the site via an alternative route e.g. the existing Jomast/Storey approved construction route".
3. The Applicant has also reviewed their position and a letter from Walker Morris is attached for reference at Appendix A. Whilst this letter states a CTMP will be agreed this is been superseded by the submission of a plan.
4. Whilst the Applicant cannot be forced to rely on third party land for access, they are open to discussions and have amended the Construction traffic management plan (CTMP) to include the following reference with regards to the construction access.

TWNY will use reasonable endeavours to seek to agree an alternative construction access (currently through St Martins Way) in a timely manner with Mr Tate and/or Story Homes, on terms which are commercially acceptable to TW acting reasonably. However, in the event that negotiations aren't successful or until the point that any agreement is reached, the site will be accessed from the single access on St Martins Way to the East of the site. TWNY will update the local planning authority on progress of the alternative construction access every 28 days or sooner. The existing field gate will be incorporated into this access so no other temporary access will be required. The proposed traffic route for all construction traffic (including vehicles exceeding 7.5T) will utilise this access.

5. Whilst this indicates that the Developer will explore the possibility of an alternative route, it is still the opinion of the Local Planning Authority that the construction access from St Martins Way is acceptable as detailed in the main report. The Planning Inspector has found this route acceptable for the previous scheme of upto 90 dwellings (although traffic modelling was based on 100 dwellings) and nothing has fundamentally changed since this decision to warrant refusal of the application.
6. Should the negotiations with the land owner fail, the CTMP will ensure that the Development can proceed in such a way to avoid HGV deliveries passing St Martin's Way or Forest Lane within the School drop off and pick up times. i.e. No Deliveries Monday – Friday (during term time) between 0830 – 0910 & 1440 – 1510. It is therefore recommended that Condition 4 is amended to the following;

Condition 4 – Construction Traffic Management Plan

The development shall be undertaken in accordance with the submitted Construction Management Plan dated December 2021. The approved Construction Management Plan shall be adhered to throughout the construction period.

7. As noted at the previous Committee, the Heads of Terms State in the attached officer report state that the developer will enter into a Highways Agreement to contribute to the delivery of the Crathorne Interchange Works roundabout, however developer will provide a proportionate contribution to the development which will be secured by the Section 106.
8. In addition, paragraph 46 of the report states a condition has been recommended to ensure the final CTMP is agreed prior to commencement of development should the application be approved, however this is superseded by the submission of the plan which is secured by the condition recommended by Paragraph 6.

CONCLUSION

9. It is the opinion of the Local Planning Authority that the construction access from St Martins Way is acceptable as detailed in the main report. The Planning Inspector has found this route acceptable for the previous scheme of upto 90 dwellings (although traffic modelling was based on 100 dwellings) and nothing has fundamentally changed since this decision to warrant refusal of the application.
10. The application is therefore recommended for approval with the conditions in the main report and the revised condition as detailed above.