



Dover District Council
White Cliffs Business Park
Dover
Kent
CT16 3PJ

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 25 November 2019

Application - DOV/19/00669

Location - Land Between NOs 107 and 127, Capel Street, Capel Le Ferne
Proposal - Outline application for the erection of 34 dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved)

I refer to the amended plans submitted for the above on 12th November, including the indicative site layout.

The site is allocated in the adopted Local Plan under policy LA26 for an estimated 40 dwellings and therefore the principle of development has been accepted. I also note the appeal Inspector's conclusion on the previous application DOV/16/01316 that the proposed similar access arrangements were satisfactory.

The proposals are likely to generate approximately 19 two-way vehicle movements across the morning and evening network peak hours. Whilst the existing level of traffic in Capel Street is generally of a low level, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. There are some existing accesses which prevent parking and therefore provide passing places/give way points but some of these are of insufficient length and make manoeuvring more difficult. Over time there may be a few places at the school taken by pupils in the new development, reducing the number of pupils being driven to the school from further afield and therefore the number of vehicle trips in Capel Street. However, the development is still likely to lead to an increase in vehicle movements overall, particularly in the combined morning peak half-hour/school drop-off period. As such the development proposals include improvement of passing places in the section of Capel Street near the school, to assist with the flow of traffic particularly during the morning peak period. These improvements take the form of parking restrictions in the following locations:

- i) Between (and encompassing) the accesses to numbers 82 and 84 Capel Street
- ii) Across the accesses to numbers 96 and 98 Capel Street, but extended sufficiently to provide sufficient room for a car to readily manoeuvre in/out of the passing place.

These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.

The site access arrangements include minor widening of Capel Street where necessary along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to

maintain appropriate visibility at the proposed pedestrian crossing point and site accesses in Capel Street.

The above highway works and access arrangements will remove some 15 current on-street parking spaces. However, some 11 additional unallocated spaces can be made available within the new site as shown on the indicative plan. The reallocation over time of some school places to children living on the new development should also help to reduce the demand for on-street parking at school drop-off and pick-up times. Additional parking can also be accommodated on other roads in the vicinity.

A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

All the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s.278 agreement with the highway authority.

Construction traffic and timing/routing of the same, associated parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of vehicle parking and turning facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the carriageway and footway improvements in Capel Street shown on the submitted plans or amended as agreed with the Local Planning Authority prior to the use of the site commencing.
- No occupations until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting street parking in Capel Street as shown on the approved plans or amended as agreed with the Local Planning Authority.
- Gradient of each private access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within driver splays and 0.6 metres above footway level within pedestrian splays, prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a

turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

- Construction Management Plan to include the following:
 - (a) Routing of construction and delivery vehicles to/from the B2011 New Dover Road;
 - (b) Timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
 - (c) Parking and turning facilities for delivery and site personnel vehicles;
 - (d) Wheel washing facilities;
 - (e) Temporary traffic management (this will need to be agreed with our Streetworks Team and may need to include temporary parking restrictions, signage, etc.),
 - (f) Access arrangements.

Whilst not currently a policy requirement I would request that all curtilage parking spaces are fitted out to allow the charging of electric vehicles.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Richard Smith

Senior Development Planner